



## BOARD OF COMMISSIONERS

### BOARD OF COUNTY COMMISSIONERS MEETING

9:00 AM, WEDNESDAY, SEPTEMBER 10, 2025

Barnes Sawyer Rooms - Deschutes Services Building - 1300 NW Wall Street – Bend

(541) 388-6570 | [www.deschutes.org](http://www.deschutes.org)

### AGENDA

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

Members of the public may view the meeting in real time via YouTube using this link:

<http://bit.ly/3mmlnzy>. **To attend the meeting virtually via Zoom, see below.**

**Citizen Input:** The public may comment on any topic that is not on the current agenda. Alternatively, comments may be submitted on any topic at any time by emailing [citizeninput@deschutes.org](mailto:citizeninput@deschutes.org) or leaving a voice message at 541-385-1734.

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

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

- To join the meeting via Zoom from a computer, use this link: <http://bit.ly/3h3oqdD>.
- To join by phone, call 253-215-8782 and enter webinar ID # 899 4635 9970 followed by the passcode 013510.
- If joining by a browser, use the raise hand icon to indicate you would like to provide public comment, if and when allowed. If using a phone, press \*9 to indicate you would like to speak and \*6 to unmute yourself when you are called on.
- When it is your turn to provide testimony, you will be promoted from an attendee to a panelist. You may experience a brief pause as your meeting status changes. Once you have joined as a panelist, you will be able to turn on your camera, if you would like to.



Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, call (541) 388-6572 or email [brenda.fritsvold@deschutes.org](mailto:brenda.fritsvold@deschutes.org).

**Time estimates:** The times listed on agenda items are estimates only. Generally, items will be heard in sequential order and items, including public hearings, may be heard before or after their listed times.

## CALL TO ORDER

## PLEDGE OF ALLEGIANCE

## CITIZEN INPUT

The Board of Commissioners provides time during its public meetings for citizen input. This is an opportunity for citizens to communicate to the Commissioners on matters that are not otherwise on the agenda. Time is limited to 3 minutes.

The Citizen Input platform is not available for and may not be utilized to communicate obscene or defamatory material.

**Note:** In addition to the option of providing in-person comments at the meeting, citizen input comments may be emailed to [citizeninput@deschutes.org](mailto:citizeninput@deschutes.org) or you may leave a brief voicemail at 541.385.1734.

## COMMISSIONER ANNOUNCEMENTS

## CONSENT AGENDA

- [1.](#) Victims of Crime Act (VOCA) / Criminal Fines Account (CFA) Grant
- [2.](#) Approval to accept a grant from the Oregon Health Authority for Generation Parent Management Training
- [3.](#) Approval of a Notice of Intent to Award a contract to ORW Architecture for design services of the Behavioral Health South County Remodel Project
4. Consideration of Board Signature on letters appointing Elizabeth Johnson, Heather Laird, and Claudia Sarabia, for service on the Public Health Advisory Board
5. Consideration of Board Signature on letter thanking Duncan Atwood, for service on the Four Rivers Vector Control District Board
6. Consideration of Board Signature on letters reappointing Hunter Neubauer, Matt Hurt and Andrew Aasen, and appointing Detective Anthony Ramos, for service on the Cannabis Advisory Panel
7. Consideration of Board Signature on letter appointing Grant Solich, for service on the Project Wildfire Steering Committee

## ACTION ITEMS

- [8.](#) **9:10 AM** Emergency Management Performance Grant
- [9.](#) **9:25 AM** Public Hearing: Property Line Adjustment / Minor Variance Text Amendments
- [10.](#) **9:50 AM** Public Hearing: Farm and Forest Housekeeping Text Amendments
- [11.](#) **10:15 AM** Consideration of first reading of Ordinance No. 2025-018: Dark Skies text Amendments
- [12.](#) **10:25 AM** Eastern Oregon Solar Siting Rules / Options for Consideration for Exclusive Farm Use and Forest Use Zones

## OTHER ITEMS

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

## EXECUTIVE SESSION

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

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

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

## ADJOURN



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 10, 2025

**SUBJECT:** Victims of Crime Act (VOCA) / Criminal Fines Account (CFA) Grant

**RECOMMENDED MOTION:**

Move to authorize the submittal of an application for the Victims of Crime Act (VOCA) / Criminal Fines Account (CFA) grant from the Oregon Department of Justice.

**BACKGROUND AND POLICY IMPLICATIONS:**

VOCA/CFA is a non-competitive formula grant provided to assist in funding Victims Assistance Programs. This funding will renew existing funding already established in the Victims Assistance Program and already budgeted for in FY26.

This funding will extend two limited duration employees within the Victims Assistance Program: Position #'s 1981 (1.0FTE), and 2153 (0.7 FTE) due to term on 9/30/2025.

**BUDGET IMPACTS:**

FTE funding was included in our FY26 budget. Total expected revenue for the duration of the one-year grant cycle (10/1/2025-9/30/2026) will be:

- VOCA: \$106,562
- CFA: \$112,198

There is no requirement for matching funds.

It's anticipated that the grant will be formally approved by 9/30/2025. If it is not, the District Attorney's office will seek an extension for the limited duration FTEs for up to three months pending approval, expiring on 12/31/2025.

**ATTENDANCE:**

Jessica Chandler, DA Business Manager

# **OREGON DEPARTMENT OF JUSTICE**



## **2025 - 2026 Victims of Crime Act (VOCA) Criminal Fine Account (CFA)**

### **Non-Competitive Program Grant Request for Application (RFA)**

**Applications Due: August 25<sup>th</sup>, 2025**

Attorney General Dan Rayfield  
Oregon Department of Justice  
Crime Victim and Survivor Services Division  
1162 Court Street NE  
Salem, OR 97301-4096

GRANT OPPORTUNITY SUMMARY

Opportunity Type:	Victim of Crime Act (VOCA) Non-Competitive and Criminal Fines Act (CFA) funds. For the purpose of this RFA, this grant opportunity will be referred to as the <b>VOCA CFA GRANT</b> .
RFA Release Date:	July 21, 2025
RFA Deadline:	APPLICATIONS DUE: August 25 <sup>th</sup> , 2025, by <u>4:59pm</u> PDT.
Award Period:	October 1, 2025 – September 30, 2026
Number of Grants:	38
Matching Requirement:	The required 25% match will be waived through September 30, 2026. CFA award does not require matching funds
E-Grants Initiation:	Applications will be <i>initiated, completed, and submitted</i> by the applicant.
Application Teleconference Calls:	July 24 & July 30. See page 6 for details
ODOJ CVSSD Contact Information	Oregon Department of Justice Crime Victim and Survivor Services Division 1162 Court Street NE Salem, Oregon 97301-4096 Main Office: 503-378-5348 CVSSD Email: <a href="mailto:cvssd@doj.oregon.gov">cvssd@doj.oregon.gov</a> Webpage: <a href="https://www.doj.state.or.us/crime-victims/">https://www.doj.state.or.us/crime-victims/</a>

TABLE OF CONTENTS

NOTE: Instructions for the application form may be found in E-Grants on the  
View Forms Menu Page of the VOCA-CFA Application.

**SECTION I: RESOURCES FOR THIS APPLICATION**

1

Resources for Request for Applications (RFA)

1

Amendments to the Application

1

VOCA CFA Application Teleconference Schedule

2

Timetable for Application Review and Grant Awards

3

Contact Information

3

**SECTION II: REQUIREMENTS FOR ALL ODOJ CVSSD FUNDS**

**4**

A. Eligibility

4

B. Common Requirements

4

C. Possible Outcomes of Non-Compliance

5

**SECTION III: OVERVIEW OF VOCA CFA FUNDS**

**6**

A. Introduction

6

B. Purpose

6

C. Priority Areas

7

D. Direct Services

7

E. Specific Requirements for the VOCA CFA

7

F. VOCA Eligibility Requirements

8

G. Criminal Fines Act (CFA) Eligibility Requirements

10

H. ODOJ CVSSD State Funding Requirements

10

I. Match Requirements (Not Applicable for Tribal Nations)

12

J. Availability and Duration of Funding

12

K. 2025-2026 Grant Award Allocations

12

L. Award Conditions

12

**SECTION IV: GENERAL APPLICATION & E-GRANTS GUIDELINES**

**14**

**SECTION V: MONITORING, REPORTING, AND financial REQUIREMENTS**

**16**

A. Grant Monitoring

16

B. Default

17

C. Performance Measures

17

D. Progress Reporting Requirements

18

E. Financial Reporting Requirements

19

**SECTION VI: SUBMISSION INFORMATION**

**19**

**SECTION VII: Review of APPLICATION AND AWARD DECISIONS**

**20**

A. Application Review Process

20

B. Reservations of Rights

20

C. Review of ODOJ CVSSD Award Decisions

20

**APPENDIX A: GLOSSARY OF TERMS**

**22**

## SECTION I: RESOURCES FOR THIS APPLICATION

### **Resources for Request for Applications (RFA)**

Throughout this document, the Oregon Department of Justice Crime Victim and Survivor Services Division is referred to as ODOJ CVSSD. The 2025-2026 VOCA Criminal Fine Act Grant Funds Request for Applications is referred to as the 'VOCA CFA' or the 'RFA'.

**The ODOJ CVSSD E-Grant Application Instructions** provide guidance for each line item in the application. The Instructions can be found on the landing page or the Forms Menu in the E-Grants VOCA CFA Application Menu.

**The ODOJ CVSSD E-Grant Applicant User Guide** answers questions about navigating the system. The Guide can be found at [doj.state.or.us/wp-content/uploads/2022/08/E-Grants\\_Applicant\\_User\\_Guide.pdf](https://doj.state.or.us/wp-content/uploads/2022/08/E-Grants_Applicant_User_Guide.pdf)

**New to E-Grants?** Watch a recorded training webinar about E-Grants.

- <https://youtu.be/zwWWrjk7ND8> (E-Grants Training with ASL)
- <https://youtu.be/wimmAQyzUMw> (E-Grants Training without ASL)

**VOCA Guidelines** are posted in the top section of "View Forms" in the VOCA-CFA Application Menu.

**VOCA Allowable & Unallowable Costs** are referenced in the VOCA Handbook and ODOJ CVSSD Website. They are also located on the application menu.

### **Amendments to the Application**

ODOJ CVSSD may amend this 2025-2026 VOCA CFA Request for Applications. Amendment(s) are on the Application Menu, directly below "Request for Applications".

Applicants are responsible to enter and save all application information in the ODOJ CVSSD E-Grants system. ODOJ CVSSD accepts no responsibility for applicants who miss or fail to provide information in the VOCA-CFA Application and the E-Grants system.

Applicants may submit formal requests for clarification of a provision in this RFA. Requests must be submitted by email or telephone to one of the Fund Coordinators listed above. Requests must be received by **August 4<sup>th</sup>, 2025**, to be considered. ODOJ CVSSD will promptly respond to each formal request for clarification. Formal requests for clarifications received after this date may or may not receive a response based on the sole discretion of ODOJ CVSSD. ODOJ CVSSD may also informally respond to applicants' questions with responses that do not affect the provisions of the 2025-2026 VOCA-CFA Application.



### **VOCA CFA Application Teleconference Schedule**

Applicants are strongly encouraged to attend one of the two teleconference/on-line sessions listed below. Applicants may choose either date. No registration is necessary.

<b>Date</b>	<b>Time</b>	<b>Link</b>
<b>July 24, 2025 Thursday</b>	<b>10:00am – 11:30am</b>	<b>Join ZoomGov Meeting #1</b> <a href="https://www.zoomgov.com/j/1602215329?pwd=UiHoJ0nnmEC2xaUVea9LSvatitDLio.1">https://www.zoomgov.com/j/1602215329?pwd=UiHoJ0nnmEC2xaUVea9LSvatitDLio.1</a>  Meeting ID: 160 221 5329 Passcode: 735862 --- One tap mobile +16692545252,,1602215329#,,,,*735862# US (San Jose) +16692161590,,1602215329#,,,,*735862# US (San Jose)
<b>July 30, 2025 Wednesday</b>	<b>1:30pm – 3:00pm</b>	<b>Join ZoomGov Meeting #2</b> <a href="https://www.zoomgov.com/j/1600015777?pwd=SDVOb9jzD29W6lUmZ0jByyVlqhu8VT.1">https://www.zoomgov.com/j/1600015777?pwd=SDVOb9jzD29W6lUmZ0jByyVlqhu8VT.1</a>  Meeting ID: 160 001 5777 Passcode: 096561 --- One tap mobile +16692545252,,1600015777#,,,,*096561# US (San Jose) +16692161590,,1600015777#,,,,*096561# US (San Jose)

ODOJ CVSSD is committed to providing universal access to all grant applicants. **If you require an accommodation to participate in a virtual session**, please contact **Maria Ruiz Ceja** by phone at 503-378-8435 or email [maria.ruizceja@doj.oregon.gov](mailto:maria.ruizceja@doj.oregon.gov). Identify the session you will attend and the accommodation you require. Closed Captioning, ASL Interpreters, and Spoken Language Interpreters are examples of accommodations that will be provided upon request. We will make reasonable efforts to accommodate requests. As much advance notice as possible will help us provide seamless access.

### **Timetable for Application Review and Grant Awards**

2025 Dates	Application Activity
<b>July 21</b>	VOCA /CFA application released
<b>July 24 &amp; 30</b>	RFA informational teleconferences.
<b>August 4</b>	Final changes/amendments to the application POSTED
<b>August 25</b>	Application DUE no later than 4:59pm PDT
<b>September 17</b>	Award recommendations to ODOJ CVSSD Director
<b>October 1</b>	2025-2027 VOCA/CFA grant award period begins

### **Contact Information**

Fund Coordinator	Phone	E-mail
Ben Bradshaw	(971) 301-0241	<a href="mailto:Benjamin.Bradshaw@doj.oregon.gov">Benjamin.Bradshaw@doj.oregon.gov</a>
Eleana Chase	(503) 428-3711	<a href="mailto:Eleana.Chase@doj.oregon.gov">Eleana.Chase@doj.oregon.gov</a>
Diana Fleming	(503) 884-5548	<a href="mailto:Diana.L.Fleming@doj.oregon.gov">Diana.L.Fleming@doj.oregon.gov</a>
Marjorie Glick	(971) 239-8338	<a href="mailto:Marjorie.Glick@doj.oregon.gov">Marjorie.Glick@doj.oregon.gov</a>
Mackenzie Gray	(503) 378-5647	<a href="mailto:Mackenzie.E.Gray@doj.oregon.gov">Mackenzie.E.Gray@doj.oregon.gov</a>
Christine Heyen	(503) 884-5737	<a href="mailto:Christine.P.Heyen@doj.oregon.gov">Christine.P.Heyen@doj.oregon.gov</a>
Mike Maryanov	(503) 269-9628	<a href="mailto:Mike.V.Maryanov@doj.oregon.gov">Mike.V.Maryanov@doj.oregon.gov</a>
Twila Rosenberg	(503) 884-6799	<a href="mailto:Twila.Rosenberg@doj.oregon.gov">Twila.Rosenberg@doj.oregon.gov</a>
Shawna Smith	(503) 378-6773	<a href="mailto:Shawna.Smith@doj.oregon.gov">Shawna.Smith@doj.oregon.gov</a>
Libby Villa	(503) 798-3253	<a href="mailto:Libby.Villa@doj.oregon.gov">Libby.Villa@doj.oregon.gov</a>
Letetia Wilson	(503) 931-1775	<a href="mailto:Letetia.Wilson@doj.oregon.gov">Letetia.Wilson@doj.oregon.gov</a>
Grant Unit Manager	Phone	E-mail
Kim Kennedy	(503) 378-5178	<a href="mailto:Kim.Kennedy@doj.oregon.gov">Kim.Kennedy@doj.oregon.gov</a>
Grant Specialists	Phone	E-mail
Terri Johnson	(503) 378-4548	<a href="mailto:Terri.Johnson@doj.oregon.gov">Terri.Johnson@doj.oregon.gov</a>
Maria Ruiz Ceja	(503) 378-8435	<a href="mailto:Maria.RuizCeja@doj.oregon.gov">Maria.RuizCeja@doj.oregon.gov</a>
Amanda Shinkle	(503) 378-6870	<a href="mailto:Amanda.L.Shinkle@doj.oregon.gov">Amanda.L.Shinkle@doj.oregon.gov</a>
Amanda Vidaña	(971) 433-9344	<a href="mailto:Amanda.Vidana@doj.oregon.gov">Amanda.Vidana@doj.oregon.gov</a>

## SECTION II: REQUIREMENTS FOR ALL ODOJ CVSSD FUNDS

ODOJ CVSSD has established universal requirements for any application for state and federal grant funds administered by ODOJ CVSSD. These requirements include:

### A. Eligibility

To be eligible for this funding through ODOJ CVSSD, applicants must meet all eligibility criteria listed in Section III of this RFA.

### B. Common Requirements

#### 1. Provide meaningful access to effective services supported by ODOJ CVSSD funds

All applicants must have written plans or other materials to describe how they provide meaningful access to effective services. At minimum, plans must describe how the applicant will:

- a. Provide timely information to victims/survivors for them to make informed decisions about their situation.
- b. Provide timely information to victims/survivors on how to apply for Crime Victim Compensation.
- c. Provide services at no cost to victims/survivors, and guarantee that services are voluntary for victims/survivors.
- d. Design and deliver services that are victim/survivor-centered and trauma-informed and will create safe and welcoming environments.
- e. Engage in planning and coordination of services with other providers in advance of working together to assist victims/survivors.
- f. Follow a referral process that cares for and serves the best interest of victims/survivors. Referrals must ensure that victims/survivors feel supported while being connected to other services. Referrals are “warm hand-offs” not “drop-offs”.
- g. Establish policies and procedures that create a solid foundation for providing effective victim services.

#### 2. Engage people and communities to build awareness, trust, and understanding, and to strengthen relationships.

All applicants must have written plans or other materials to describe how they engage the people they serve and their surrounding communities to build awareness, trust, and understanding, and to strengthen relationships. At minimum, plans must describe how the applicant will:

- a. Gather insights from and learn about the people and communities who have the most needs.
- b. Get community input from all kinds of people who might seek victim/survivor services.
- c. Tap into local networks and engage in peer-to-peer dialogue to share knowledge and resources.

- d. Involve leadership and staff in developing and implementing plans for engagement and community feedback.
- e. Build awareness within the community about victim/survivor rights, protections, and services.

### **3. Confidentiality and Advocate-Victim Privilege**

Such requirements are mandated by state and federal law and required by ODOJ CVSSD. The laws are considered best practice to protect victim privacy and are consistent with other confidentiality provisions. See also specific sections of this RFA regarding state and federal funds and ODOJ CVSSD's Advocate Privilege and Confidentiality Requirements.

### **4. Effective Services and Sound Administrative and Financial Management**

Applicants must demonstrate that the program is effectively delivering services that are meaningfully accessible to all survivors and effectively managing the administrative and financial resources of the organization. This includes:

- a. Plans that describe how the applicant provides meaningful access to effective services per Section II.B.
- b. Administrative and financial risk assessments are completed and submitted with this application.
- c. Financial and progress reports are true, accurate, timely, and complete financial and progress reports.
- d. Participation in ODOJ CVSSD conducts regular monitoring (Financial Report Verifications, Administrative & Financial Desk Reviews, and Site Visits).
- e. True and accurate financial records kept in accordance with Generally Accepted Accounting Principles (GAAP) and federal Uniform Guidance.

### **5. Training**

All grant-funded staff, volunteers/interns, and board/governing body members are trained as appropriate as outlined in this RFA.

### **6. Compliance with Relevant State and Federal Laws**

Applicants must comply with relevant federal and state laws. These include civil rights laws and regulations prohibiting discrimination in federally assisted programs or activities (i.e., Civil Rights Act of 1964, Equal Employment Opportunity Act of 1972, Americans with Disabilities Act of 1990, Limited English Proficiency guidelines), state insurance requirements, and Uniform Guidance 2 CFR Part 200.

### **7. Compliance with Fund Specific Guidance in this RFA**

## **C. Possible Outcomes of Non-Compliance**

ODOJ CVSSD is responsible for ensuring that a subrecipient is in compliance with the general or specific terms and conditions of an award. If a determination of non-compliance is made, ODOJ CVSSD will take one or more of the following actions in accordance with 2 CFR Part 200 and the ODOJ CVSSD grant agreement.

- 1. Perform additional project monitoring.
- 2. Establish corrective action plan(s) to address areas of concern.

3. Require the subrecipient to obtain technical or management assistance.
4. Place special conditions on subrecipient with moderate to high risk assessment scores.
5. Require payments as reimbursements rather than advance payments.
6. Perform monthly check-ins with fund coordinator.
7. Require monthly financial or progress reporting, or supplemental reports as requested by the fund coordinator.
8. Temporarily withhold cash payments pending correction of a deficiency.
9. Disallow all or part of the cost of an activity or action not in compliance.
10. Wholly or partially suspend or terminate the award.
11. Withhold further awards for the project or program.
12. Take other remedies that may be legally available.

## SECTION III: OVERVIEW OF VOCA CFA FUNDS

### A. Introduction

The Oregon Department of Justice Crime Victim and Survivor Services Division (ODOJ CVSSD) is the State Administrative Agency (SAA) for the Victims of Crime Act (VOCA) grant programs as authorized by ORS 147.231. Created as part of VOCA, the Crime Victims Fund is made up entirely of fines, fees and other monetary penalties paid by federal criminal offenders.

The Crime Victims Fund established by the VOCA is a major funding source for victim services throughout Oregon. VOCA was passed by Congress and signed into law by President Reagan on October 12, 1984. This Act serves as the central source of federal support providing direct services to victims of all types of crimes. VOCA funds are granted annually to each state by the U.S. Department of Justice, Office for Victims of Crime (OVC). As the SAA, ODOJ CVSSD sub-grants funds to victim service organizations throughout the state.

Since 2015 when Congress first took an unprecedented step forward to meet the critical needs of our nation's crime victims by increasing the VOCA cap, Oregon began to address the gaps and needs of victims throughout the state. Traditionally, funding has been sufficient to support FTE for core services, however, with that increase in VOCA funding, the state was able to: (1) Build the field's capacity to better serve victims; (2) Begin to address long standing issues in the field; and (3) Identify emerging issues across the state.

**This 2025-2026 VOCA CFA Grant opportunity is a request for eligible applicants to address service delivery issues in Oregon and increase access to services for victims of crime.**

### B. Purpose

The primary purpose of the VOCA victim assistance grant program is to extend and enhance services to victims of crime. The VOCA Federal Guidelines define services as those efforts that:

1. Respond to the emotional and physical needs of crime victims.
2. Assist primary and secondary victims of crime to stabilize their lives after victimization.
3. Assist victims to understand and participate in the criminal justice system.
4. Provide victims of crime with a measure of safety and security (e.g., boarding-up broken windows, replacing or repairing locks).

For the purposes of this program, a crime victim is “a person who has suffered physical, sexual, financial or emotional harm as a result of the commission of a crime.” This includes victims of city, county, state, federal and tribal crimes.

### **C. Priority Areas**

To comply with the conditions of the Victims of Crime Act of 1984, Office for Victims of Crime (OVC) requires states to allocate at least 10% of its annual VOCA assistance grant to go to victim services in the following priority categories: domestic violence, child abuse, sexual assault, and previously underserved victims of violent crime. An additional 10% of VOCA funds are allocated to general victim services as determined by the ODOJ CVSSD Advisory Committee.

An underserved crime victim is a victim of a violent or other traumatic act that is criminal in nature, as defined by state, tribal, military, or federal statute, who does not receive adequate services and support or who lacks understanding of, or access to, statutorily or constitutionally defined legal rights. Victims may be considered underserved by the type of crime they have experienced (e.g., victims of elder abuse) or geographical location. Victim services may be available in a community but may not be accessible or may be complicated by overlapping or complex jurisdictional issues.

### **D. Direct Services**

VOCA funds are intended to provide direct services to victims and survivors of crime; direct services are those activities that directly benefit individual crime victims and survivors. Services include, but are not limited to, crisis intervention services; emergency services such as temporary shelter for crime victims and survivors; support services that may include mental health therapy; criminal justice related services; assisting crime victims and survivors with managing practical problems created by the victimization such as acting on behalf of the victim/survivor with creditors and employers; assisting crime victims and survivors with applying for compensation benefits, and providing opportunities for victims and survivors to meet with perpetrators, if so requested by the victim/survivor. VOCA funds may also be used for salary, fringe benefits, and training for staff positions that provide direct services, and operating expenses essential to providing direct services.

Please note that VOCA funds cannot be used to raise the public's consciousness or to educate regarding victim issues. Funds can be used to promote public awareness for matters of describing services available, how to access program assistance and to identify and refer crime victims and survivors to needed services.

### **E. Specific Requirements for the VOCA CFA**

By submitting an application, the applicant signifies its intent to comply with the requirements

described here in Section III.B. of this RFA which are, 1) to provide meaningful access to effective services, and 2) to engage people and communities to build awareness, trust, and understanding, and to strengthen relationships.

### **1. Meaningful Access to Effective Services**

Meaningful access to effective services for all victims and survivors is a longstanding value of the VOCA CFA Grant funds. ODOJ CVSSD recognizes effective services as victim and survivor centered, trauma-informed, and responsive to a victim's unique needs. Victims & survivors have the right to self-determination and to make informed decisions about the services they receive. This can only happen when organizations and programs respect survivors' unique needs and assist them in obtaining and providing services that meet these unique needs.

Victims and survivors must be able to express themselves in their preferred language and to receive the necessary accommodations for them to fully participate in services.

Referrals should always be "warm hand offs" not "cold drop offs" and made with the consent of the victim or survivor. More importantly, organizations and programs must continue its services with a victim or survivor while it works with another provider to serve that person. This is especially true when working in partnership with population specific organizations and Tribal Nations programs.

Services to victims and survivors must be voluntary and provided at no charge to the survivor. Each source of funding within the VOCA CFA Grant identifies its own requirements for allowable services. Refer to fund-specific information and guidelines to learn more.

### **2. Effective and Responsive Services**

All applicants are expected to provide services that are respectful of, and relevant to, the unique needs and characteristics of all victim and survivor populations within communities. ODOJ CVSSD expects that applicants provide training for staff, and volunteers about the unique impact of Interpersonal Violence, Hate and Bias, and other criminal victimization on various populations and to improve capacity for responsive services for all populations in the community.

## **F. VOCA Eligibility Requirements**

Eligibility is limited to applicants that are currently receiving VOCA CFA Grant funds.

Subrecipients of VOCA funds must:

1. Demonstrate a documented history of providing effective services to victims of crime;
2. Contribute a match of the total project cost from non-federal funds. Match is 25% of the federal amount received and can be in-kind or cash. Exceptions to this project match requirement are federally recognized American Indian or Alaska native tribes, or projects that operate on tribal lands;
3. Show substantial financial support from sources other than the Crime Victims Fund. A subrecipient has substantial financial support from sources other than the Crime

Victims Fund when at least 25% of the program's funding in the year of or the year preceding the award comes from such sources, which may include other federal funding programs;

4. Use volunteers within the organization/program, unless waived by ODOJ CVSSD;
5. Promote a collaborative coordinated approach for serving crime victims and survivors within the community;
6. Assist crime victim survivors in applying for crime victim compensation benefits;
7. Provide services to victims of federal crimes on the same basis as to victims of crimes under State or local law;
8. Provide VOCA funded services for victims and survivors at no cost to the victim/survivor;
9. Maintain the confidentiality of client-counselor information, as required by state and federal law; and
10. Reasonably protect the confidentiality and privacy of persons receiving services under the project to the extent permitted by law.

**In addition to the requirements listed above, all VOCA subrecipients are expected to:**

1. **Comply with Federal Rules Regulating Grants.** Subrecipients must comply with the applicable provisions of VOCA, the Program Guidelines, and the requirements of the [OJP Financial Guide](#) which includes maintaining appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA funds received. This includes financial documentation for disbursements; daily time and attendance records specifying time devoted to allowable VOCA victim services; client files; the portion of the project supplied by other sources of revenue; job descriptions; contracts for services; and other records which facilitate an effective audit.
2. **Maintain Civil Rights Requirements.** The ODOJ [CVSSD Civil Rights Requirements](#) webpage, provides information and links that will assist subrecipients in complying with three mandatory federal processes. These include:
  - Civil rights laws and regulations prohibiting discrimination in federally assisted programs or activities;
  - Limited English Proficiency (LEP) guidelines; and,
  - Equal Employment Opportunity Plans (EEOP). Non-profit organizations and Tribal Nations are exempt from the EEOP requirements but must complete the EEOP form included as a Grant Agreement Exhibit and submit a Certification Form using the EEO Reporting System found at [EEOP Notice | Office of Justice Programs](#).

These processes include notification of nondiscrimination policy, responding to discrimination complaints, and civil rights training and are required of subrecipients of VOCA funding through ODOJ CVSSD. Civil Rights Training Certification is required to be updated every two years and uploaded in E-Grants before the grant agreement is signed.

3. **Comply with the [VOCA Grant Management Handbook](#)** and with VOCA rules, 28 CFR Part 94: Victims of Crime Act Victim Assistance Program as written in the [Federal Register, Vol. 81, No 131](#).



4. **Comply with the Assurances and Certifications.** Subrecipients must meet the terms of the Certified Assurances and other federal rules regulating grants, including non-supplanting and the Certifications regarding lobbying, debarment, suspension and other responsibility matters, and drug-free workplace requirements.
5. **Comply with the Federal Funding Accountability and Transparency Act (FFATA) of 2006.** As of January 1, 2009, all recipients of Federal VOCA funds, and their sub-contractors, must comply with the Federal Funding Accountability and Transparency Act (FFATA) of 2006. All applicants are required to register with the System for Award Management (SAM), if you have not already done so. Information about SAM registration procedures can be accessed at: [www.sam.gov](http://www.sam.gov).

#### G. Criminal Fines Act (CFA) Eligibility Requirements

##### Statutory Requirements for PROSECUTION-BASED Victim Assistance Programs

Under the Oregon Revised Statute (ORS) Chapter 147.227, programs are to provide comprehensive services to victims of all types of crime in order to meet the eligibility criteria of these funds. The requirements under the Statute give service priority to serious crimes against persons, and calls on victims' assistance programs to collaborate with community-based and government agencies to benefit victims. Victim service professionals are required to provide the Core Services listed below. Each eligible applicant will be required to submit a signed **Certificate of District/City Attorney and Program Director** form certifying that their county/city program meets all of the requirements cited in ORS 147.227. The certification form can be downloaded from E-Grants, signed and must be uploaded as directed in E-Grants on Form H: Other Attachments.

1. Inform victims, as soon as practicable, of their rights under Oregon law;
2. Advocate for victims of serious person crimes as they move through the criminal justice system and advocate, when requested, for all other victims of crime;
3. Involve victims, when practicable or legally required, in the decision-making process in the criminal justice system;
4. Ensure that victims are informed, upon request, of the status of the criminal case involving the victim;
5. Assist victims in preparing and submitting crime victims' compensation program claims to the Department of Justice under ORS 147.005 to 147.367;
6. Assist victims in preparing and submitting restitution documentation for purposes of obtaining a restitution order;
7. Prepare victims for court hearings by informing them of the procedures involved;
8. Assist victims with the logistics related to court appearances when practicable and requested;
9. Accompany victims to court hearings when practicable and requested;
10. Encourage and facilitate victims' testimony; and
11. Inform victims of the processes to request the return of property held as evidence.

#### H. ODOJ CVSSD State Funding Requirements

Applicants eligible for these funds must fulfill the following ODOJ CVSSD requirements:

1. **Access to Effective Services:** Ensure meaningful access to services for all victims of crime across the State by responding appropriately to requests for assistance (ie: completion of compensation claims, child abuse medical assessments, etc.). In addition, those agencies whose primary services are focused on a specific area of victim assistance must be able to describe how they directly link victims whose needs may be beyond their expertise to the appropriate community partner agency.
2. **Good Fiscal Management:** Maintain adequate funding, keep financial records and comply with grant reporting requirements. Applicants with deficiencies in timely and accurate reporting in previous grants may receive conditional grants and be required to submit additional information addressing those deficiencies before a grant is awarded.
3. **Financial, Data and Outcome Reporting:** Submit quarterly financial, statistical and outcome measures reports and narrative reports on services provided specific to the staff positions supported by those funds.
4. **Confidentiality Policies and/or Procedures:** Maintain and enforce policies and procedures that protect the confidentiality and privacy of persons receiving services and that prohibit disclosure of Personally Identifying Information (PII) or individual information collected in connection with services requested, used, or denied without the informed, written, reasonably time-limited consent of the person whose information will be disclosed. Non-personally identifying information may be shared in the aggregate for reporting purposes. Policies will be reviewed during site visits. You must become familiar with and adhere to the **PII Breach policy**; policy and forms are located on the [ODOJ CVSSD Website](#).
5. **Compliance with Relevant Federal and State Laws (Civil Rights, ADA, etc.):** By submitting the 2025-2026 VOCA/CFA Grant application, applicants signify it is their intent to comply with all relevant federal and state laws.
6. **Insurance Requirements:** Maintain Worker's Compensation and General Liability insurance and other insurance as specified in the Grant Agreement. ODOJ CVSSD does not collect Certificates of Insurance, but they may request verification during a site visit.
7. **Training Requirements:** Provide training to all grant-funded staff, volunteers/interns and board/governing body members, as appropriate and outlined by ODOJ CVSSD. Prior to victim contact, staff and volunteers must be assessed by a supervisor for their readiness to provide direct advocacy services. Applicants will demonstrate their methodology for evaluation of staff and volunteer compliance with training requirements during site visits. The Staff Roster and the Board/Governing Body Roster in the E-Grants system both require information on completion of training requirements for each staff person and board/governing body member. Training requirements are posted on the ODOJ CVSSD website at [Grant Guidance Documents - Oregon Department of Justice](#).

## **I. Match Requirements (Not Applicable for Tribal Nations)**

OVC requires VOCA funded projects include a matching contribution of 25% of the awarded VOCA grant funds. Match contribution may be cash or in-kind and must be derived from nonfederal sources/funds. VOCA match may include state or local funds, foundation grants, private donations of cash, services or goods, etc.

ODOJ CVSSD will continue offering a blanket match waiver for 100% of applicants match requirement on this VOCA 2025-2026 Award. This blanket waiver is incorporated into your E-Grants application and does not require you to complete an ODOJ CVSSD Match Waiver request.

## **J. Availability and Duration of Funding**

The grant cycle of the 2025-2026 VOCA CFA Grant will be twelve (12) months. The grant period is October 1, 2025, through September 30, 2026. Awards are contingent upon the availability of appropriated funds through the US Department of Justice, Office for Victims of Crime.

## **K. 2025-2026 Grant Award Allocations**

When allocations are determined, an allocation chart will be uploaded to the application menu is E-grants.

## **L. Award Conditions**

### **Timely Completion of Grant Award Documents**

All grant awards are made conditional upon the subrecipient's timely completion of grant award documents. Funds are not considered obligated and will not be transferred until all required grant award documents have been signed by the organization's/program's Authorized Signer and/or the Board and Financial Officer. If all required grant award documents are not completed by an applicant within three months of the notice to the applicant of the intended award, ODOJ CVSSD may withdraw the award and has the authority to reallocate the conditionally awarded funds.

Before the ODOJ CVSSD will issue an award or release a payment, required reports for all existing awards issued by ODOJ CVSSD must be completed. The schedule for reporting requirements across all funds is located on the ODOJ CVSSD website: [Important Grant Reporting Dates](#)

### **Incomplete or Nonconforming Applications**

The State of Oregon reserves the right to reject any or all grant proposals, to waive informalities and minor irregularities in proposals received, and to accept any portion of the proposal or all items proposed, if deemed in the best interest of the State of Oregon to do so. Failure of the applicant to provide information requested in the application shall be the responsibility of the applicant agency/program and may result in disqualification of the applicant. NOTE: The fact that an applicant meets eligibility requirements and applies for eligible services does not guarantee grant funding.

### **Conditional Awards**

All grant agreements issued by ODOJ CVSSD include requirements that must be satisfied by both parties to the agreement. In addition, ODOJ CVSSD may include additional conditions when circumstances exist that require a further showing of applicant's ability to successfully manage an

award. Examples of such additional conditions include, but are not limited to, a requirement of more frequent reporting to assure timeliness and accuracy, or additional reports to document that the subrecipient is successfully addressing an area of concern. When additional conditions are included in a grant agreement, the subrecipient's failure to satisfy those conditions shall be governed by the default and termination provisions included in the agreement.

The applicant will be notified that the applicant's award will be finalized, and the sub-award documents are executed only if the additional conditions are satisfied in a timely manner. The notice shall specify the conditions to be satisfied by the applicant and the date by which each condition must be satisfied. If the conditions are satisfied within the prescribed time frame, the award will then be finalized, and award documents can be executed. Applicants who do not satisfy award conditions by the date specified shall be notified in writing that the conditions have not been satisfied and the conditional award has been withdrawn.

### **Payment of Awards**

All payments are contingent upon funds being appropriated and available for distribution.

**VOCA** sub-award payments are quarterly and made on a reimbursement basis, meaning that grant funds are paid to the subrecipient agency/program after expenditures have been made. Payments to subrecipients are made when ODOJ CVSSD approves submitted quarterly Financial Reports, accompanied by all required progress and statistical reports due for that reporting period. Sample language as to the payment of VOCA awards and the conditions precedent to payment are included in the sample ODOJ CVSSD VOCA Grant Agreement which can be viewed on the ODOJ CVSSD website.

**CFA** grant award payments are made prospectively on a quarterly basis and not on a reimbursement basis. During a 12-month grant award, the first of 4 equal quarterly payments will be made upon the completion of all required grant documents, including execution of the ODOJ CVSSD CFA Grant Agreement. Subsequent quarterly payments are made when ODOJ CVSSD approves submitted quarterly Financial Reports accompanied by all required progress and statistical reports due for that reporting period.

### **Unexpended Funds & De-obligation of Funds**

Grant awards for the period October 1, 2025 – September 30, 2026, will not be extended beyond the one (1) year award period.

VOCA: The VOCA Grant Agreement provides that grant funds not expended within the grant term shall be deobligated and returned to ODOJ CVSSD. To the extent practicable and within its discretion, ODOJ CVSSD may re-obligate such funds based on the allocation formula, taking into consideration factors including: the amount of funds deobligated; the timing of the deobligation; and the alternatives for reobligating the funds. To avoid deobligation of grant funds, a grantee is encouraged to redirect funds in a timely manner as directed in the most recent version of the VOCA Grant Management Handbook.

CFA: If a CFA funded Program does not expend all its allocated CFA funds for the period of time described in the grant, the Administrator may permit an agency/program to retain a portion or all the funds for use in a subsequent grant. The agency/program will be required to demonstrate how those monies will be incorporated into the next year's program budget. (OAR 137-078-0015 (7)).

## SECTION IV: GENERAL APPLICATION & E-GRANTS GUIDELINES

The following information is to assist you in completing the 2025-2027 VOCA CFA Grant Application for all eligible programs for the period **October 1, 2025 – September 30, 2026**. For more specific support, please refer to the Application Instruction document.

Technical assistance can be obtained by:

- Accessing **Application Form Instructions** in the Request for Application section;
- Using the E-Grants Applicant User Guide;
- Contacting a ODOJ CVSSD Grant Fund Coordinators regarding application contents;
- Contacting E-Grants Help Desk at 1-866-449-1425 or [azhelpdesk@agatesoftware.com](mailto:azhelpdesk@agatesoftware.com).

### KEY THINGS TO REMEMBER WHEN WORKING IN THE E-GRANTS SYSTEM:

The E-Grants system will not allow an application to be submitted with error messages on any form within the application.

Remember to click “**SAVE**” frequently to save information you have entered. Do not wait to complete the page before saving. There is no way to retrieve lost information.

For radial button selections, click once to mark or change your selection, double-click to remove the selection completely.

Consider completing narrative sections in a word program and pasting it into the appropriate section. E-Grants does not have a spell check feature and most text boxes have limited character counts. Using these tools in Word may be helpful.

If the system is idle for an hour, it will time out. All unsaved information will be lost.

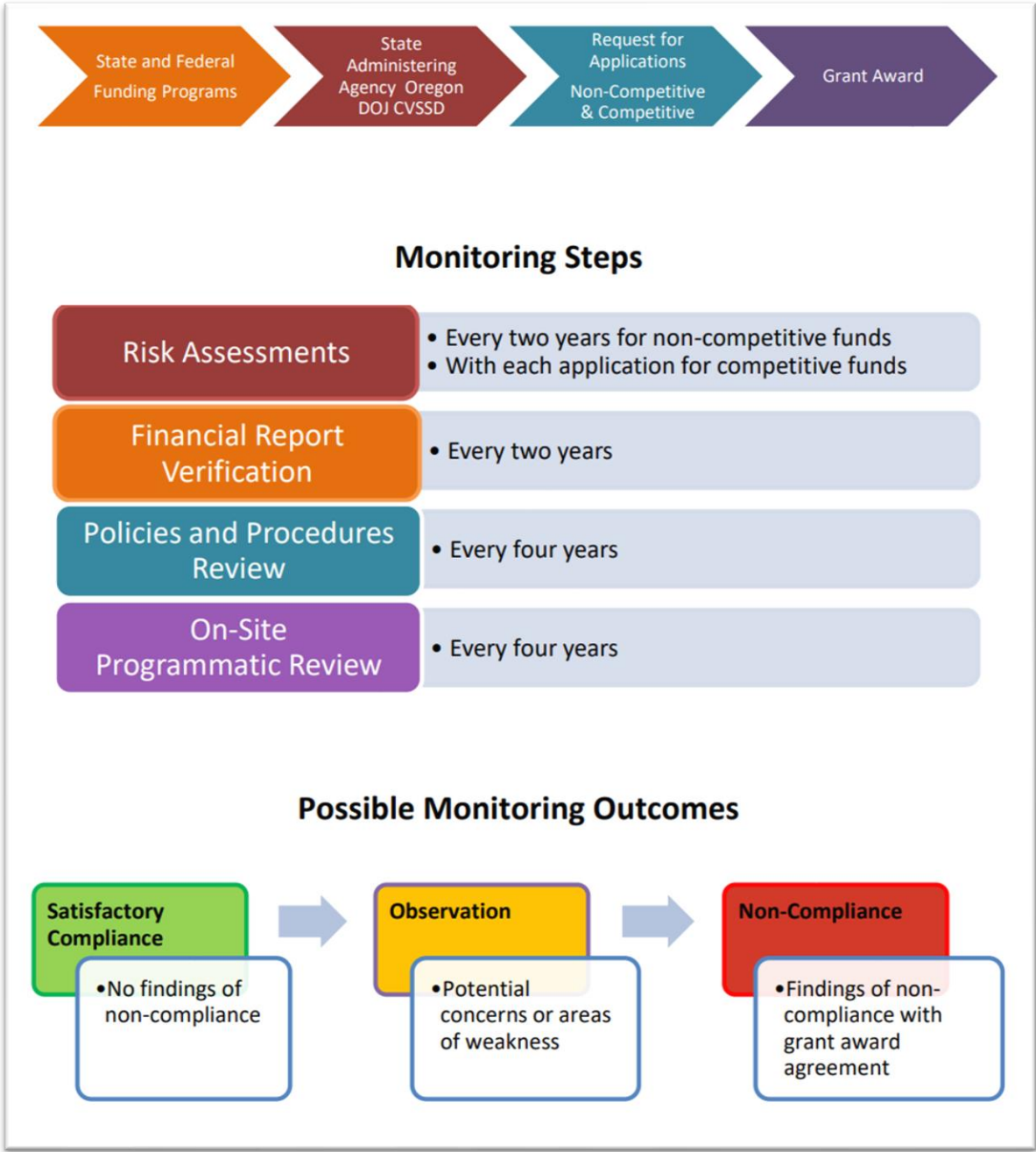
CVSSD recommends submitting the application at least 1-2 days prior to the DUE date to avoid any unanticipated technical problems. LATE applications WILL NOT be accepted.

Applications must be electronically submitted through the ODOJ CVSSD E-Grants system. Once an application is submitted it will become a “READ ONLY” document and cannot be changed. Late applications will NOT be accepted. For information on ‘Submitting Your Application,’ see the [CVSSD E-Grants Applicant User Guide](#).

**Applications are due August 25<sup>th</sup>, 2025 by 4:59 p.m. PDT.**

SECTION V: MONITORING, REPORTING, AND FINANCIAL REQUIREMENTS

Grant Monitoring Process



A. Grant Monitoring

ODOJ CVSSD monitors VOCA funding. ODOJ CVSSD monitors awards for compliance with applicable federal and state guidelines, the [ODOJ CVSSD Grant Monitoring Policy](#), the [VOCA Subaward Handbook](#), and the ODOJ CVSSD Grant Agreement. ODOJ CVSSD also monitors awards



to determine if subrecipients are 1) providing the services outlined in their grant applications and awards, and 2) following their own established program policies and procedures. ODOJ CVSSD accomplishes monitoring objectives through a variety of techniques including:

- Application reviews and modifications
- Special conditions of the ODOJ CVSSD grant agreement
- Financial and administrative risk assessments
- Financial and progress reports
- Financial report verifications
- Reviews of policies and procedures governing organizations' financial and administrative management
- Conducting virtual interviews with and in-person visits to subrecipient organizations and programs to evaluate program effectiveness

Monitoring may also include technical assistance and support for organizations seeking to improve services and to develop fiscal, operational and programmatic capacity.

## **B. Default**

All ODOJ CVSSD grant agreements provide that grantees who fail to meet any of the financial or progress reporting requirements included in this section shall be considered in default under the agreement. In such case, ODOJ CVSSD has the right to pursue remedies outlined in [Section II.C. of this RFA](#), the ODOJ CVSSD Grant Monitoring Policy, and in the ODOJ CVSSD grant agreement.

## **C. Performance Measures**

All VOCA grant subrecipients are required to collect feedback on services provided using the currently prescribed Common Outcome Measures listed below. The client feedback is not tied to a specific VOCA funded project, but rather to ALL victim services provided by the program. Programs are asked to collect client feedback from at least 10% of appropriate clients with the goal of a 90% positive response.

Grantees are only obligated to survey appropriate clients and should specify which clients will be surveyed via an internal, agency/program policy. Example: no clients in crisis would be appropriate, whereas clients receiving follow-up services may be more appropriate to complete the survey. Programs may use client feedback forms already in use in their agency.

### For programs serving all victims of crime:

All applicants will conduct surveys to measure common outcomes across all services. Surveys must ask survivors if they:

- a. Provided me with services that helped me make informed choices about my situation.
- b. As a result of the information that I received from the Victim Assistance Program, I better understand my rights as a victim of crime.
- c. The information given to me by the Victim Assistance Program helped me better understand the criminal justice system process as it related to my case.



VOCA & CFA Statistical Reporting Requirement: ODOJ CVSSD Grant Agreement requires a Grantee to report statistical data on a quarterly basis in the OVC-PMT and E-Grants. VOCA ONLY stats are reported in PMT. CFA and ALL VAP stats are reported in E-Grants. Additional information will be provided once there is an award. All statistical data must be as accurate as possible. Therefore, grantees must be able to distinguish between new and ongoing clients. It is essential that the proper data be collected and reported. If requested by ODOJ CVSSD, all grantees must be able to verify their reported statistical data.

#### **D. Progress Reporting Requirements**

Applicants will submit progress reports every quarter through the ODOJ CVSSD E-Grants system. Progress reports will include one or more of the following depending on the quarter schedule:

- Progress updates and descriptions of grant funded project activities
- ODOJ CVSSD Common Outcome Measures
- [Office for Victims of Crime \(OVC\) Performance Measurement Tool \(PMT\)](#)

Read about specific [ODOJ CVSSD report requirements](#) for 2025-2027 Non-Competitive VOCA Funds.

#### **NARRATIVE REPORTING:**

Federal regulations require that each subrecipient must submit an annual narrative summary. Narrative reports are not a substitute for other specifically required report information (i.e., reporting staff turnover, approval of specific expenditures, etc.). The narrative will be completed in ODOJ CVSSD E-Grants and will include the following information.

- Information pertinent to the annual reporting period ending September 30th of each year;
- Any new issues that hinder victim assistance programs in assisting crime victims in applying for crime victim compensation;
- Efforts to promote coordinated services;
- Efforts to serve federal crime victims;
- Notable activities to improve the delivery of services (i.e., needs assessments, training, etc.);
- At least one anecdote or case history illustrating ways in which VOCA funds have been used to assist crime victims; and
- Emerging issues or trends.

In addition to the questions above, grantees must respond to annual narrative questions that will be submitted directly in the OVC PMT online system.

Federal Report Outcome Questions in the OVC PMT: The following questions will appear in the OVC PMT due annually on OCTOBER 31<sup>st</sup>.

- Number of requests for services that were unmet because of organizational capacity issues; please explain.
- Does your program/agency formally survey clients for feedback on services received? All VOCA subrecipients must say 'yes'.

- Number of surveys distributed (includes, but is not limited to, those distributed by hand, mail or other method). Simply add up your quarterly numbers.
- Number of surveys completed. Simply add up your quarterly numbers.
- Please discuss some of the challenges your victim assistance program faced during the Federal fiscal year. Be explicit as ODOJ CVSSD is aware that all agency/programs have some challenges. Do not enter “no challenges.”

#### **E. Financial Reporting Requirements**

Grantees must submit a quarterly Financial Report in E-grants. All required quarterly progress reports must be submitted and accompany the financial report before the financial report will be approved and processed for payment. In addition to any specified conditions, grantees must adhere to the financial guidelines set forth in the fund specific ODOJ CVSSD Grant Agreement.

## **SECTION VI: SUBMISSION INFORMATION**

**VOCA CFA grant applications MUST be submitted through the ODOJ CVSSD E-Grants system.** For instructions on how to submit your application, please review the “Submitting your Application” section of the ODOJ CVSSD *E-Grants Applicant User Guide*.

### **THE VOCA/CFA GRANT APPLICATION IS DUE:**

**August 25<sup>th</sup>, 2025 (Monday) by 4:59 pm, PDT**

***WHEN APPLICATIONS ARE SUBMITTED, THEY ARE ENTERED INTO A “READ-ONLY” STATUS & CANNOT BE CHANGED.***

***AT THE DEADLINE TIME, E-GRANTS WILL LOCK THE SYSTEM AND WILL NO LONGER ACCEPT APPLICATIONS.***

## SECTION VII: REVIEW OF APPLICATION AND AWARD DECISIONS

### A. Application Review Process

Applications are reviewed by ODOJ CVSSD staff and are evaluated using the criteria set forth in this RFA. ODOJ CVSSD may seek clarification about or ask for additional information regarding an application. ODOJ CVSSD may also require changes to an application prior to awarding grant funds and within a stated time frame as instructed by the ODOJ CVSSD fund coordinator. In conjunction with the review of applications for the 2025-2026 VOCA/CFA Funds, ODOJ CVSSD staff will factor in the applicant's level of risk, previous performance, and compliance history with ODOJ CVSSD grant funds. This includes timeliness, accuracy and truthfulness of progress and financial reports, and information gathered during desk reviews and site visits. ODOJ CVSSD may consult their advisory committees regarding applicants with a history of poor performance and non-compliance, or applications that do not adequately meet the requirements outlined in this RFA. Applications are approved for funding once a determination is made that the application sufficiently meets the requirements outlined in this RFA.

### B. Reservations of Rights

ODOJ CVSSD reserves the right to:

- a. Seek further information, request clarifications about, or changes to applications, and to make an award without further discussion of the applications submitted;
- b. Reject any and all applications received by reason of this RFA, or to negotiate separately in any manner necessary to serve the best interest of the public;
- c. Determine, in their sole discretion, whether an application does or does not, substantially comply with the requirements of the RFA; and
- d. To waive any minor irregularity, informality, or non-conformance with the provisions or procedures of this RFA.

### C. Review of ODOJ CVSSD Award Decisions

#### Informal Review

Applicants may request informal feedback regarding their grant application within 90 days of receiving notification of the award decision. Contact the ODOJ CVSSD Fund Coordinator assigned to the application for additional information regarding this process.

#### Formal Review

An applicant has a right to review the award decision regarding its application. Each applicant is informed of the review procedure if a no-fund or partial-fund decision is made regarding its application. No applicant will be subject to reprisal for seeking a review of an award decision. The following steps are recommended:

- An applicant may make a written request to the ODOJ CVSSD fund coordinator for a review within 7 calendar days after receiving notification of the award decision.
- Upon receipt of a written request, ODOJ CVSSD will schedule a meeting with the applicant within 14 calendar days.

- ODOJ CVSSD will notify the applicant of the result of the meeting within 5 calendar days after the meeting is held.
- If the matter is not resolved through this process, the applicant may request a review of the issue by the Attorney General or her designee. The applicant must make a written request for further review within 7 calendar days following notification of the meeting results described in this paragraph.
- Every effort will be made to have a final decision to the applicant within 14 days of receipt of the final written request.

## APPENDIX A: GLOSSARY OF TERMS

### **Access To Services**

The degree to which a service is available.

### **Address Confidentiality Program (ACP)**

A program that helps protect the addresses of crime victims who need to stay safe by keeping their location private.

### **Advocate**

A victim advocate is a professional, whether paid or a volunteer, who provides support, information, and resources to individuals who have experienced crime or trauma. They help victims navigate the aftermath of a crime, including the criminal justice system, and assist them in accessing services that promote healing and recovery.

### **Advocacy Services**

Advocacy services are support systems that help individuals navigate the aftermath of crime and the criminal justice system. These services are designed to provide emotional support, information, and practical assistance to crime victims, ensuring their rights are understood and protected.

### **Assistance in Filing Compensation Claims**

Includes making victims aware of the availability of crime victim compensation and assisting the victim in completing the required forms and in gathering the needed documentation. It may also include follow-up contact with the victim compensation agency on behalf of the victim.

### **Bias Crime**

A hate crime, known as Bias Crime under Oregon law, is a crime motivated in part or whole by bias against another person's actual or perceived protected.

### **Bias Incident**

A bias incident is any hostile expression that may be motivated by another person's actual or perceived protected class. The act does not need to be a federal, state, tribal, or local crime.

### **Crime Victims Fund**

A federal fund made up of fines and penalties paid by people who commit federal crimes. It is used to help pay for services for crime victims.

### **Collaboration**

Means a mutually beneficial and well-defined relationship entered into by two or more organizations to achieve common goals. This relationship includes a commitment to mutual relationships and goals, a jointly developed structure and shared responsibility; mutual authority and accountability for success; and sharing of resources and rewards

**Crime Victim**

For the purposes of this program, a crime victim is “a person who has suffered physical, sexual, financial or emotional harm as a result of the commission of a crime.”

**Criminal Justice Support/Advocacy**

Refers to law enforcement and prosecution investigation support, assistance during investigation, and explanation of procedures, etc. Included in this definition are: court-related support, i.e., court orientation, court escort, case appearance notification, case status and disposition information, victim impact reports, assistance with restitution, witness fees, intimidation or protection services, transportation, child care, property return, etc.; and post-sentencing services following the disposition of a criminal court proceeding, including offender release notification at the probation, parole, and pardon stages of the criminal justice system, etc.

**Dating Violence**

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship. Partners that are married, living together, and have made other commitments would not be considered dating violence. Teens who are dating and live apart are an example of dating relationships.

**Direct Services or Services to Victims of Crime:**

Those services described in 42 U.S.C. 10603(d)(2), and efforts that— (1) Respond to the emotional, psychological, or physical needs of crime victims; (2) Assist victims to stabilize their lives after victimization; (3) Assist victims to understand and participate in the criminal justice system; or (4) Restore a measure of security and safety for the victim.

**Domestic Violence**

Domestic violence is the willful intimidation, physical assault, battery, sexual assault, and/or other abusive behavior as part of a systematic pattern of power and control perpetrated by one intimate partner against another. It includes physical violence, sexual violence, psychological violence, and emotional abuse. The frequency and severity of domestic violence can vary dramatically; however, the one constant component of domestic violence is one partner’s consistent efforts to maintain power and control over the other.

**Emergency Housing or Shelter**

Refers to safe, confidential, and temporary housing or shelter provided to survivors and their family members because of domestic violence, sexual assault, dating violence, or stalking. Emergency housing or shelter is subject to capacity, availability, and suitability of available resources. Emergency housing or shelter may be provided in shelter facilities and safe houses, or through motel stays, rapid re-housing, housing stabilization, etc.

**Emergency Assistance**

Services provided to survivors to meet basic needs and provide immediate safety, like confidential housing, transportation, medical/legal advocacy, food.

**Federal Victim of Crime**

Refers to a victim of an offense in violation of a federal criminal statute or regulation, including, but not limited to, offenses that occur in an area where the federal government has jurisdiction, whether in the United States or abroad, such as Indian reservations, national parks, federal buildings, and military installations.

**Follow Up Advocacy Services**

Follow up advocacy services are those requested by the survivor after the initial contact with an advocate.

**Information and Referral**

Information and referral is a response to requests for information and/or referral regarding community services with the provision of current and appropriate referrals to meet these needs. Referrals shall include available culturally specific services and specialized services for historically underserved populations. Whenever possible, referral information given to the survivor shall include a contact name at the referral agency and specific service information.

**Legal Advocacy**

Legal advocacy means civil legal assistance provided by an advocate, not an attorney. Each funding source has its own guidelines for civil legal assistance in matters of housing, family law, public benefits, divorce, child custody and support, dependency, etc. as related to the victimization and safety of the survivor. System Based Advocates provide criminal legal advocacy and provide different services than Civil Legal Advocates.

**Legal Services**

Legal services are civil legal assistance provided by an attorney licensed to practice law or certified to appear in court under the supervision of a licensed attorney. Each funding source has its own guidelines for civil legal assistance in matters of housing, family law, public benefits, divorce, child custody and support, dependency, etc. as related to the victimization and safety of the survivor.

**Non-Supplanting**

A rule that says federal grant money must be used for new or expanded services, not to replace existing state and/or local funding.

**Outcome Measures**

Ways to track if a programs services are making a difference for the clients they serve. ODOJ CVSSD grant recipients do this through client feedback surveys.

**Outreach**

Outreach is a set of activities including community engagement, collaborative projects, speaking

engagements, public service ads, printed materials, social media, and web sites designed to reach potential users of services. The purpose of outreach is to engage people and communities to build trust, understanding, and relationships. Outreach is especially important when engaging people and communities from populations who typically do not access services.

**Peer Support**

Peer support means interactions, either through phone contact, peer-to-peer individual meetings, and/or group sessions, that validate the experiences of survivors and do not blame them, explore their options, build on strengths and respect their right to make their own decisions.

**Personally Identifiable Information (PII)**

Personally Identifiable information means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. PII for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking.

**Safety Planning**

Any formal or informal, written or oral, conversation or process with a survivor through which an advocate works with the survivor to identify and address risks, barriers or concerns regarding the survivor's ability to be safe from domestic violence, sexual assault, dating violence and/or stalking. The philosophy is to have decisions made in advance so if an emergency arises, there are concrete plans in place to achieve, eliminate, or manage a safety threat. Safety planning is offered as a direct service, over a crisis line, in shelter, and in conjunction with other services.

**Secure And Stable Housing**

Housing that does not jeopardize the health, safety, or welfare of survivors and that permits access to electricity, heat, and running water. Specifically, housing that is confidential if necessary and within the survivor's ability to maintain long term.

**Sexual Assault**

Sexual assault is any type of unwanted or nonconsensual sexual activity or contact. A sexual act is non-consensual in the absence of ongoing affirmative consent, freely given without coercion. Sexual assault can include rape, attempted rape, sexual coercion, voyeurism, exhibitionism, sexual harassment, or threats, forcing someone to pose for sexual pictures, sending unwanted texts or "sexts", etc.

**Survivor Centered**

A survivor-centered advocacy approach seeks to empower survivors by prioritizing their rights, safety, well-being, needs, and wishes. Voluntary participation in services is necessary to be survivor centered.

**Stalking**

Stalking means a course of conduct directed at a specific person that would cause a reasonable



person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

**Transportation**

Transportation assistance is available to help survivors find safety and access services, which might include transportation to and from the courthouse for hearings. Transportation can be provided directly by staff and volunteers or by paying for a survivor's gas, bus tickets or taxi fare.

**Trauma Informed**

An approach, based on knowledge of the impact of trauma, aimed at ensuring environments and services are welcoming and engaging for service recipients and staff.

**Tribal Organization**

A recognized governing body of any Indian tribe, to include any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and that includes the maximum participation of Indians in all phases of its activities.

**Warm Hand-Off**

A personal introduction or connection to another service provider, instead of just giving contact information.



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 10, 2025

**SUBJECT:** Approval to accept a grant from the Oregon Health Authority for Generation Parent Management Training

**RECOMMENDED MOTION:**

Move approval of Document No. 2025-847, an intergovernmental agreement with Oregon Health Authority to accept a grant for Generation Parent Management Training.

**BACKGROUND AND POLICY IMPLICATIONS:**

Intergovernmental Agreement (IGA) #PO-44300-00049629 provides funding for Behavioral Health Clinicians to attend and be certified in Generation Parent Management Training – Oregon Model (GenPMTO). The IGA provides funding of \$100,000 for the period of July 1, 2025 through June 30, 2027.

GenPMTO is a family-based intervention program with over 50 years of research demonstrating its effectiveness for families with children aged 2-17 who are experiencing significant social, emotional, or behavioral problems. GenPMTO recognizes the vital role parents play as the primary change agents with their families. GenPMTO offers interventions, which may include in-home services, individual family services and group interventions, to meet specific family needs.

GenPMTO training instructs in the development of knowledge and tools to assist families with social, emotional and behavioral regulation as well as mental health and wellness. Research has demonstrated additional benefits such as improved academic functioning and reduction of barriers to parental employment. Goals and objectives of the program are to:

- Facilitate positive child, youth and family outcomes to reduce negative child/youth externalizing behaviors and increase positive family communication.
- Demonstrate improvements in parent-adolescent relationships to prevent and reduce social, emotional, and behavioral problems including depression, anxiety, academic difficulties, alcohol and drug abuse, delinquency and poor social skills.
- Build GenPMTO and Parenting Through Change (PTC) training infrastructure to ensure sustainability of the model in Oregon.

Funding from this grant will be used as follows:

- 50% for personnel costs
- 10% for supplies
- 25% for training expenses
- 15% for indirect costs

**BUDGET IMPACTS:**

\$100,000 funding to be expended between July 1, 2025 and June 30, 2027.

**ATTENDANCE:**

Christina De Benedetti, Interim Behavioral Health Program Manager

Shannon Brister, Interim Behavioral Health Director



**Grant Agreement Number PO-44300-00049629**

**STATE OF OREGON  
INTERGOVERNMENTAL GRANT AGREEMENT**

You can get this document in other languages, large print, braille, or a format you prefer free of charge. Contact the Agreement Administrator at the contact information found below. We accept all relay calls.

This Agreement is between the State of Oregon, acting by and through its Oregon Health Authority, hereinafter referred to as “OHA,” and

**Deschutes County, Acting by and through its Health Services**  
**2577 NE Courtney Drive**  
**Bend, OR 97701**  
**Attention: Janice Garceau**  
**Telephone: 541-322-7664**  
**E-mail address: [janice.garceau@deschutes.org](mailto:janice.garceau@deschutes.org)**

hereinafter referred to as “**Recipient.**”

The program to be supported under this Agreement relates principally to OHA’s

**BH - Child and Family**  
**500 Summer Street N.E.**  
**Salem, Oregon 97301**  
**Agreement Administrator: Amy Chandler or delegate**  
**Telephone: 503-551-3897**  
**E-mail address: [amy.b.chandler@oha.oregon.gov](mailto:amy.b.chandler@oha.oregon.gov)**

1. **Effective Date and Duration.** This Agreement shall become effective on the last date all required signatures in Section 6 ., below have been obtained. Recipient's performance of the program described in Exhibit A, Part 1, "Program Description" may start on **July 1, 2025**, shall be governed by the terms and conditions herein, and for such expenses incurred by Recipient may be reimbursed once the Agreement is effective in accordance with the schedule of payments in Exhibit A, Part 2, "Disbursement and Financial Reporting". Unless extended or terminated earlier in accordance with its terms, this Agreement shall expire on **June 30, 2027**. Agreement termination shall not extinguish or prejudice ODHS' right to enforce this Agreement with respect to any default by Recipient that has not been cured.
2. **Agreement Documents.**
  - a. This Agreement consists of this document and includes the following listed exhibits which are incorporated into this Agreement:
    - (1) Exhibit A, Part 1: Program Description
    - (2) Exhibit A, Part 2: Disbursement and Financial Reporting
    - (3) Exhibit B: Standard Terms and Conditions
    - (4) Exhibit C: Subcontractor Insurance Requirements
    - (5)

There are no other Agreement documents unless specifically referenced and incorporated into this Agreement.
  - b. In the event of a conflict between two or more of the documents comprising this Agreement, the language in the document with the highest precedence shall control. The documents comprising this Agreement shall be in the following descending order of precedence: this Agreement less all exhibits, Exhibits D, B, A, C, F, and E.
3. **Grant Disbursement Generally.** The maximum not-to-exceed amount payable to Recipient under this Agreement, which includes any allowable expenses, is **\$100,000.00**. OHA will not disburse grant to Recipient in excess of the not-to-exceed amount and will not disburse grant until this Agreement has been signed by all parties. OHA will disburse the grant to Recipient as described in Exhibit A.
4. **Subrecipient Determination.** In accordance with the State Controller's Oregon Accounting Manual, policy 30.40.00.104, OHA's determination is that:
 

☐ Recipient is a subrecipient ☒ Not applicable

Assistance Listings number(s) of federal funds to be paid through this Agreement: N/A

**5. Recipient Information and Certification.**

- a. Recipient Information.** Recipient shall provide the information set forth below.

**PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION**

**Recipient Name (exactly as filed with the IRS):** Deschutes County, a political  
subdivision of the State of Oregon

Street address: 1300 NW Wall Street

City, state, zip code: Bend, OR 97703

Email address: deschutes.org

Telephone: 541-322-7500 Fax: 541-322-7565

**Recipient Proof of Insurance.** Recipient shall provide the following information upon submission of the signed Agreement. All insurance listed herein must be in effect prior to Agreement execution.

Workers' Compensation Insurance Company: Self Insured

Policy #: N/A Expiration Date: N/A

- b. Certification.** Without limiting the generality of the foregoing, by signature on this Agreement, the undersigned hereby certifies under penalty of perjury that:
- (1) Recipient acknowledges that the Oregon False Claims Act, ORS 180.750 to 180.785, applies to any "claim" (as defined by ORS 180.750) that is made by (or caused by) the Recipient and that pertains to this Agreement or to the project for which the grant activities are being performed. Recipient certifies that no claim described in the previous sentence is or will be a "false claim" (as defined by ORS 180.750) or an act prohibited by ORS 180.755. The Oregon Attorney General may enforce the liabilities and penalties provided by the Oregon False Claims Act against the Recipient, in addition to any remedies that may be available to OHA under this Agreement;
  - (2) The information shown in Section 5.a. "Recipient Information", is Recipient's true, accurate and correct information;
  - (3) To the best of the undersigned's knowledge, Recipient has not discriminated against and will not discriminate against minority, women or emerging small business enterprises certified under ORS 200.055 in obtaining any required subcontracts;
  - (4) Recipient and Recipient's employees and agents are not included on the list titled "Specially Designated Nationals" maintained by the Office of Foreign Assets Control of the United States Department of the Treasury and currently found at: <https://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx>;

- (5) Recipient is not listed on the non-procurement portion of the General Service Administration's "List of Parties Excluded from Federal procurement or Non-procurement Programs" found at:  
<https://www.sam.gov/SAM>;
- (6) Recipient is not subject to backup withholding because:
  - (a) Recipient is exempt from backup withholding;
  - (b) Recipient has not been notified by the IRS that Recipient is subject to backup withholding as a result of a failure to report all interest or dividends; or
  - (c) The IRS has notified Recipient that Recipient is no longer subject to backup withholding.
- (7) Recipient's Federal Employer Identification Number (FEIN) or Social Security Number (SSN) provided to OHA is true and accurate. If this information changes, Recipient is required to provide OHA with the new FEIN or SSN within 10 days.

**RECIPIENT, BY EXECUTION OF THIS AGREEMENT, HEREBY ACKNOWLEDGES THAT RECIPIENT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.**

**6. Signatures.** This Agreement and any subsequent amendments may be executed in several counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of the Agreement and any amendments so executed shall constitute an original.

**Deschutes County, Acting by and through its Health Services**  
**By:**

_____	Anthony DeBone
Authorized Signature	Printed Name
_____	_____
Chair, Board of County Commissioners	Date
Title	

**State of Oregon acting by and through its Oregon Health Authority**  
**By:**

_____	_____
Authorized Signature	Printed Name
_____	_____
Title	Date

**Approved by: Director, OHA Behavioral Health Division**  
**By:**

_____	_____
Authorized Signature	Printed Name
_____	_____
Title	Date

**Approved for Legal Sufficiency:**

Not Required per OAR 137-045-0030(1)(b)	_____
Oregon Department of Justice	Date



## EXHIBIT A

### Part 1 Program Description

#### 1. Project Overview and Background.

There is a need for effective treatment for children of all ages in Oregon, particularly for school age children and their caregivers who are being seen in outpatient care, to prevent their symptoms from reaching a severity requiring higher levels of care.

- a. Generation Parent Management Training - Oregon (GenPMTO) is a High-Fidelity family- based, trauma informed intervention with over 50 years of research demonstrating its effectiveness. It is effective for families with children ages 2-17 years who are experiencing significant social, emotional, or behavioral problems such as depression, hyperactivity, non- compliance, substance use, lying and stealing, or other maladaptive behaviors. Benefits for parents' mental health and economic and social functioning have also been demonstrated.
- b. GenPMTO recognizes the vital role parents play as the primary change agents within their families. GenPMTO offers interventions to meet specific family needs such as for families reunifying after a foster placement, those with a history of substance use disorders, in-home services, individual family services, and group intervention.

In the 2019 legislative session, the Oregon Legislature awarded funding to the Oregon Health Authority (OHA) to increase access to effective children's Behavioral Health Services. These funds made it possible for OHA to launch training and High-Fidelity program implementation projects with two providers serving nine counties of the evidence-based practice of GenPMTO. This Program will expand the number of GenPMTO Teams beyond the original sites.

The funds associated with this Grant Agreement will be used by Recipient to obtain training and certification through the GenPMTO program. Recipient will be required to meet the requirements of the training program, further identified in Section 6 "Program Activities". Ongoing client services are not covered under this Grant Award, but compensation for services may be submitted as an insurance claim through the appropriate third-party insurance company, such as the Oregon Health Plan (OHP).

OHA's obligation to make Grant disbursements to Recipient is subject to OHA receiving funding, appropriations, limitations, allotments, or other expenditure

authority sufficient to allow OHA, in the exercise of its reasonable administrative discretion, to make the disbursement.

**2. Mission.**

The mission of GenPMTO training is to provide master's level Qualified Mental Health Professional (QMHP) and Qualified Mental Health Associate (QMHA) skills builders with the training and tools to assist families with children ages 2-17 years develop or re-establish social, emotional, and behavioral regulation; safety; and mental health and wellness. Research has demonstrated additional benefits such as academic functioning and reduction of barriers to parental employment.

**3. Purpose.**

The purpose of this Grant is to provide funding for GenPMTO training and certification to expand the number of organizations in Oregon providing High- Fidelity GenPMTO services to children and their caregivers. Recipient will:

- a. Support implementation of GenPMTO in accordance with the guidelines and protocols developed through research to maximize OHA's investment in this evidence-based intervention; and
- b. Increase access to therapy to Oregon families in need of two-generation behavioral health services.

**4. Standards.**

OHA requires that Recipient meet the highest standards prevalent in the industry or business most closely involved in providing the appropriate goods or services.

**5. Definitions.**

For purposes of this Agreement, the terms below shall have the following meanings:

- a. **Eyberg Child Behavior Inventory (ECBI)** is a comprehensive, behaviorally specific, parent-rating scale that assesses the current frequency and severity of disruptive behaviors. This is a requirement of Fidelity GenPMTO implementation.  
<https://www.parinc.com/Products/Pkey/97>
- b. **Fidelity** is the extent to which delivery of an intervention adheres to the protocol or program model originally developed and supported by research.
- c. **Generation PMTO (GenPMTO)** also referred to as the Parent Management Training - Oregon Model, is an evidence-based intervention that helps parents strengthen families at all levels (children, youth, parents, and couples). Delivery options include in-person with each individual family, including in-home delivery or telehealth, and multi- family group delivery.

- d. **Implementation Sciences International, Inc. (ISII)** is a non-profit organization located in Eugene, Oregon that trains clinicians in GenPMTO through active training programs. Website url: [www.generationpmt.org](http://www.generationpmt.org)
- e. **ISII Portal** is the web-based software tool used in training clinicians. The ISII Portal can be found at: <https://isii.pmtportal.org/> The Portal will be used for:
  - (1) Clinicians or organization's staff to enter family demographic information about each family (e.g., ages, number of family members, members' relationship to child/children);
  - (2) Clinicians to complete session forms and upload videos of family sessions;
  - (3) ISII coaches to review video recordings and provide feedback for clinicians;
  - (4) Fidelity scores to be recorded; and
  - (5) Data used to track clinicians' progress toward certification
- f. **Parenting Through Change (PTC)** is the group parent training version of GenPMTO. PTC requires additional training.
- g. **Qualified Mental Health Associate (QMHA)** means a person delivering services under the direct supervision of a QMHP who meets the minimum qualifications as authorized by the LMHA, or designee, and specified in OAR 309-019-0125 (9).
- h. **Qualified Mental Health Professional (QMHP)** means a Licensed Medical Professional or any other person meeting the minimum qualifications as authorized by the LMHA, or designee, and specified in 309-019-0125 (10).
- i. **Strengths and Difficulties Questionnaire (SDQ)** is a standardized and validated behavioral health screening questionnaire to be used with children 2 through 17 years. The SDQ can be used for screening, clinical assessment, and outcome evaluation. SDQ is available through <https://youthinmind.com/>
- j. **Treatment Completion in GenPMTO** is a minimum of 6 sessions (through introduction to limit setting) completed and a reduction of symptoms or problem behaviors on standardized measures from first session to consider a GenPMTO family as having "completed treatment".

## 6. Goals and Objectives.

As a result of clinicians receiving this training and certification, the Goals and Objectives of this Agreement are to:

- a. Demonstrate positive child, youth, and family outcomes of GenPMTO through data on reductions of child/youth externalizing behaviors at home and school or daycare, reduced symptoms of depression, and increased positive family communication;
- b. Demonstrate improvements in parent-adolescent relationships to prevent and reduce social, emotional, and behavioral problems including depression, anxiety, academic difficulties, alcohol and drug abuse, delinquency, and poor social skills; and
- c. Strengthen parenting skills to prevent and slow problems which can develop throughout childhood and adolescence and carry into adulthood.
- d. Build GenPMTO and Parenting Through Change (PTC) training infrastructure to ensure sustainability of this evidence based model in Oregon.

## 7. **Program Activities.**

Recipient must provide the Program Activities of QMHPs and QMHAs, to fulfill the duties as specified in this section. Recipient must be licensed, certified, or under the supervision of a Licensed Mental Health Professional, as required in Oregon, to provide Activities as outlined below. Recipient must employ or subcontract three or more staff who will be engaged in GenPMTO training and provision of direct GenPMTO services, and a supervisor or manager, which together will form a “Team”. Each Team must include (a) one or more QMHP staff members; must be engaged in GenPMTO training and direct service provision at each physical location; and (b) a supervisor or manager to participate in planning and ensure referrals and oversight of the project to support the clinicians in training. Other members of GenPMTO Teams may consist of additional QMHP, or QMHA staff members; the ratio of QMHP staff to QMHA staff on a Team must remain 1:4 or lower. Recipient may have more than one Team if Recipient has additional locations within Oregon. Each Team will:

- a. Subcontract with ISII for ten days of face-to-face trainings for staff members whose primary employment duties are direct client behavioral health services and who are currently serving five or more clients who would benefit from GenPMTO or PTC services. Recipients will be expected to:
  - (1) Collaborate with ISII trainers at least monthly during the planning period to identify and prepare clinicians who are likely to succeed in GenPMTO or PTC training. Identification of well-suited trainees will include submission of a) Clinician Characteristics Assessment tools completed by each proposed trainee and by clinical supervisor of proposed trainee; and b) a brief video (3-5 minutes) of each proposed trainee teaching a parenting skill or role-playing teaching a parenting skill.

- (2) Adhere to the sequence of training sessions, recruitment of parents, and start of GenPMTO or PTC sessions according to the schedule specified by the ISII Director of Implementation and Training to ensure the full benefit of trainings and adherence to the model.
  - (3) Begin training sessions within four months of executed Grant Agreement.
  - (4) Begin GenPMTO or PTC Services within one week of first training date. (Further outlined in Exhibit A, Part 1, Attachment 1: Certification Requirements Information for GenPMTO Candidates).
  - (5) Provide clinicians adequate time to prepare and debrief cases, upload videos weekly for trainer observation, and review feedback by ISII coaches on a regular basis to support upcoming sessions.
  - (6) Attend trainings which will consist of one 4-day workshop; two 3-day workshops or the equivalent hours in synchronous virtual training; and 24 consultation sessions via teleconferencing technology or live, for one hour, twice a month, for 12 months.
  - (7) Provide clinicians attending workshops with adequate support and coverage of their caseload and related duties to minimize distractions (e.g., texting, email, phone calls, etc.) during training activities.
  - (8) Provide clinicians with enough case referrals for trainees to consistently maintain minimum of 3-5 GenPMTO or PTC families on their caseloads, despite some clients discontinuing before completing treatment. Supervisors will monitor trainee caseloads and interface with their intake staff and referral sources to ensure enough clients for trainees to complete training.
  - (9) Strive to maintain a target number, per full time clinician, of ten or more GenPMTO or PTC families, who attend four or more GenPMTO or PTC specific sessions, over the course of 20 months.
- b. Purchase and provide all equipment necessary to record and upload practice and live sessions of GenPMTO or PTC skills by the first week of GenPMTO or PTC training, and for on-going certification documentation. (Exhibit A, Part 1, Attachment 2: Minimum Required Equipment List GenPMTO)
  - c. Purchase and distribute to trainees, all training manuals, clinician notebooks, and parent manuals required by ISII training protocols if

not supplied by the trainers.

- d. Purchase and make readily available, ECBI assessment and SDQ tools in quantities needed to gather data at the start of treatment, mid-treatment, and at the end of treatment or when family leaves GenPMTO services.
- e. Provide appropriate teleconferencing equipment, maintenance of equipment, and advice as needed or as requested to each site regarding set up, internet requirements, and how to make use of the teleconferencing equipment to facilitate on-going consultation sessions for 12 or more months.
- f. Ensure that trainees complete Certification Requirements within 20 months after the first week of GenPMTO or PTC training. At least 75% of trainees who start the training must become certified; trainees are required to include the pre/post treatment outcomes using the model in the required reports to OHA. (Exhibit A, Part 1, Attachment 1) Certification Requirements Information for GenPMTO Candidates).
- g. Ensure access to enough clients that trainers can review videos monthly for each trainee to confirm the use of the core competency skills toward meeting certification requirements.
- h. Submit quarterly project status update “Reports” via email within 45 calendar days following the end of each calendar quarter. Once clinicians participate in the first workshop, these quarterly reports will include intake and outcomes data in a format provided by OHA.
- i. Establish and maintain information pertinent to Fidelity reviews including:
  - (1) Evidence documented in the Electronic Health Records (EHR) of individuals and in reports to OHA of data-driven treatment decisions and the development of performance expectations using the ECBI, the age-appropriate versions of the SDQ, and documentation of session-by-session adherence to GenPMTO protocols.
  - (2) Reports to OHA from ISII regarding participation in training and consultation participation and progress towards certification as follows:
    - (a) Clinician workshop attendance;
    - (b) Number of GenPMTO families receiving services during training (i.e., families entered into ISII portal);
    - (c) Number of GenPMTO families who completed services (i.e., as reported in the ISII portal);
    - (d) Compliance with uploading video recordings and completing session forms;

- (e) Number of consultation sessions provided to each OHA funded GenPMTO site and number of clinicians in attendance; and
- (f) Fidelity summary for each clinician.

**8. Reporting Requirements.**

- a. Prepare and electronically submit to OHA at: [bhd.contracts@oha.oregon.gov](mailto:bhd.contracts@oha.oregon.gov) written quarterly reports on the delivery of GenPMTO training, certification, and implementation, no later than 45 calendar days following the end of each subject quarter for which payment is made through this Agreement.
- b. Reports must be prepared using forms and procedures prescribed by OHA.
- c. Report forms, which will be provided by OHA, include the following:
  - (1) GenPMTO\_or PTC Data Form
  - (2) Excel Report Template
  - (3) GenPMTO or PTC Quarterly Report Face Sheet
- d. Upon OHA's request, Recipient will revise their quarterly report(s) and resubmit to OHA's satisfaction.

**Attachment 1: Certification Requirements Information for GenPMTO Candidates**

1. Advancement to GenPMTO Certification Candidacy is based on:
  - a. Obtaining timely feedback (from ISII mentors and coaches) and effective incorporation of feedback;
  - b. Having at least three PMTO training families with feedback;
  - c. Receiving approximately 12 feedbacks from sessions with the three training families;
  - d. Completing a self-assessment interview; and
  - e. ISII inviting and informing candidates when they are advanced to certification candidacy.
2. Certification sessions must be comprised of a minimum of two or more new families (not the families from training sessions).
3. GenPMTO Candidates are to send four full certification sessions to ISII. Sessions are likely to contain material other than topics under review. The topics are:
  - a. Introducing Encouragement (introduce/present incentive chart or token system)
  - b. Introducing Discipline (introduce/present time out or work chores)
  - c. Troubleshooting Encouragement
  - d. Troubleshooting Discipline
4. Consider the following criteria when submitting certification sessions:
  - a. Candidates can troubleshoot the same or different encouragement topic and the same or different discipline topic. For example, if introducing an incentive chart for one session, one may troubleshoot a token system in the other session.
  - b. The two sessions on Encouragement must be from different families. The two sessions on Discipline must be from different families. (E.g., if Introducing Encouragement is from the D family, Troubleshooting Encouragement must be from the E family).
  - c. It is acceptable to submit Introducing sessions for the same family (e.g., Introducing Encouragement and Introducing Discipline both from the D family).
  - d. Certification sessions will be viewed for a maximum of 60 minutes, beginning with the start of the session. (If translation is required,



sessions will be translated for a maximum of 60 minutes.)

- e. Session information forms must accompany each certification session, and case introduction forms must be submitted for each certification family, as applicable.
  - f. Informed consent must be obtained for each person who appears in the session.
5. Session information forms will be rated for a candidate's ability to succinctly evaluate:
- a. The plan for the session;
  - b. What went well and why;
  - c. What the challenges were;
  - d. What the candidate would do differently if they could do the session over; and
  - e. Context for the session that may/may not be related to resistance issues.
6. If a certification session does not receive a passing score (mean of 6.0 on Fidelity of Implementation Rating System (FIMP) dimensions or a score of 3.0 or lower on any FIMP dimension; i.e., no score in the "Needs Work" range), the candidate will be invited to submit an additional certification session of the same content. Candidates will receive a summary of strengths and areas to improve for each session that does not receive a passing score.
7. Candidates will receive a summary of strengths and considerations for each of the certification sessions receiving a passing score.
8. Certifiers take the following into consideration when making ratings:
- a. **Introducing Encouragement Systems**

Token System

    - Include raps with the concept of teaching new behavior through encouragement.
    - Identify as a system of encouragement.
    - Identify and demonstrate specific behavior(s) that earn tokens.
    - Practice through Role-Play (RP).
    - Identify incentives that may back up tokens.
    - Explanation to the child (if parents will start using the system that week).
    - Home Practice Assignment (HPA) is related to the system.

Incentive Chart

    - Include raps with the concept of teaching new behavior through encouragement.
    - Identify as a system of encouragement.

- Goal behaviors for a daily IC are identified and one selected.
- Goal behavior is broken into small steps.
- Daily rewards are identified.
- Explanation to the child (if parents will start using the system that week).
- HPA is related to the system.

**b. Introducing Limit Setting (Time Out, Work Chores)**

Limit

- Include raps about the concept of decreasing negative behavior with negative consequences.
- Qualities included in a negative consequence:
  - Mild
  - Short
  - Immediate
  - Unemotional
  - Do-able
  - Other
- Provide transition from encouragement to limit setting.
- Include raps regarding balancing negative consequences with encouragement.
- Identify behaviors that warrant negative consequence.
- Practice applying the consequence.
- Follow correct procedural steps for Time Out (TO) or Work Chores (see manual provided by GenPMTO trainer).
- Identify privileges to remove.
- Explanation to the child (if parents plan to start using limit setting that week).
- Include as many steps as possible, or as time allows.
- HPA assignment is related to progress (i.e., never give to start TO or Work Chores until parents are ready).

**c. Troubleshooting**

- Represents a return to the topic, reviewing its use, and adjusting as necessary.
- RP, eliciting goal behavior, brainstorming, and questioning process are integral parts of troubleshooting.

- Review of content is integral.
- Includes activity to assess skills.
- Includes practice to refine skills.
- HPA includes trying out new revision(s).

d. **General**

- Certification session content needs to be covered in at least half the session (30 minutes).
- Structure of a session (e.g., beginning, middle, and end) should include:
  - Debriefing HPA and its relevance to forward movement;
  - Introducing topic;
  - Assessing skill level and filling in the gaps with RP and/or other active teaching methods;
  - Rationales' underlying principles;
  - Assigning clear HPA suitable to family's progress; and
  - Other relevant strategies to successfully teach the content identified for certification session.
- Refer to Workshop Manual (e.g., *A Course in the Basic PMTO Model*)

**Attachment 2: Minimum Required Equipment List GenPMTO****One bundle per GenPMTO trainee:****Recording Equipment**

- Small digital camcorder (black)
- High-capacity intelligent battery
- 6' HDMI male to mini-HDMI male cable (Ver. 1.3)
- Compact AC power adapter and charger
- IFC-300PC interface cable

**Accessories**

- 128GB SDXC memory card (UHS-I / Class-10)
- Extended life BP727 replacement battery (3000mAh / 12.6Wh)
- 6.5" tabletop / pistol grip tripod
- 57" lightweight aluminum alloy tripod
- Water resistant carrying case
- Mini HDMI to HDMI cable (A-C)
- High speed memory card reader
- Equipment maintenance kit

**It is recommended that all clinicians on the Team have the same equipment to facilitate technical assistance and problem solving if needed within the Team.**

**EXHIBIT A****Part 2****Disbursement and Financial Reporting****1. Disbursement of Grant Funds.****1. Grant Funding Disbursement.**

- a. OHA will review and confirm throughout the term of the Grant Agreement that Recipient has either completed the appropriate Program Activities as described in Exhibit A, Part 1 “Program Description” or that timely progress has been made toward their completion. If an Activity has not been completed timely, OHA will provide written notice to Recipient, so that Recipient may satisfy the required Program Activities.
- b. Payment for all Activities performed under this Grant are subject to the provisions of ORS 293.462 and will not exceed the total maximum not-to-exceed amount specified in Section 3. “Grant Disbursement Generally”.
- c. Following execution of this Grant Agreement, OHA will make Quarterly payments upon receipt of Reports and Invoices:

<b>Quarter</b>	<b>Due Date</b>
July 1 – September 30	November 14, 2025
October 1 – December 31	February 13, 2026
January 1 – March 31	May 15, 2026
April 1 – June 30	August 14, 2026
July 1 – September 30	November 13, 2026
October 1 – December 31	February 12, 2027
January 1 – March 31	May 14, 2027
April 1 – June 30	August 13, 2027

- d. Payments are conditioned upon OHA’s review and approval of Recipient’s invoices and timely completion of the Activities detailed in Exhibit A, Part 1, Program Activities.
- e. OHA is not obligated to provide payment for any invoice received more than 60 days after the date of the expiration or termination of this Agreement, whichever is earlier.
- f. Travel and other expenses of the Recipient shall not be invoiced or paid separately. Travel and other expenses of the Recipient are all inclusive and are included in the maximum not-to-exceed amount of this Grant.
- g. Funding provided through this Agreement is subject to Legislative approval of

the Oregon Health Authority's 2025-2027 Budget, at the level proposed in the Governor's Balanced Budget or higher.

- h. Funding provided through this Agreement may only be used for the project in the manner prescribed herein. Funding may not be used to reimburse any expenses incurred prior to the effective date of this Agreement.

## EXHIBIT B

### Standard Terms and Conditions

1. **Governing Law, Consent to Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, “Claim”) between OHA or any other agency or department of the State of Oregon, or both, and Recipient that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon; provided, however, if a Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this Section be construed as a waiver by the State of Oregon of the jurisdiction of any court or of any form of defense to or immunity from any Claim, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise. Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum. This Section shall survive expiration or termination of this Agreement.
2. **Compliance with Law.** Recipient shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the Recipient and this Agreement. This Section shall survive expiration or termination of this Agreement.
3. **Independent Parties.** The parties agree and acknowledge that their relationship is that of independent parties and that Recipient is not an officer, employee, or agent of the State of Oregon as those terms are used in ORS 30.265 or otherwise.
4. **Grant Funds; Disbursements.**
  - a. Recipient is not entitled to compensation under this Agreement by any other agency or department of the State of Oregon. Recipient understands and agrees that OHA’s participation in this Agreement is contingent on OHA receiving appropriations, limitations, allotments or other expenditure authority sufficient to allow OHA, in the exercise of its reasonable administrative discretion, to participate in this Agreement.
  - b. **Disbursement Method.** Disbursements under this Agreement will be made by Electronic Funds Transfer (EFT). Upon request, Recipient shall provide its taxpayer identification number (TIN) and other necessary banking information to receive EFT disbursement. Recipient shall maintain at its own expense a single financial institution or authorized disbursement agent capable of receiving and processing EFT using the Automated Clearing House (ACH) transfer method. The most current designation and EFT information will be used for all disbursements under this Agreement. Recipient shall provide this designation and information on a form provided by OHA. In the event that EFT information changes or the Recipient elects to designate a different financial institution for the receipt of any disbursement made using EFT procedures, the Recipient shall provide the changed information or designation to OHA on an OHA-approved form. OHA is not required to make any disbursement under this Agreement until receipt of the correct EFT designation and disbursement information from the Recipient.

5. **Recovery of Overpayments.** Any funds disbursed to Recipient under this Agreement that are expended in violation or contravention of one or more of the provisions of this Agreement “Misexpended Funds” or that remain unexpended on the earlier of termination or expiration of this Agreement “Unexpended Funds” must be returned to OHA. Recipient shall return all Misexpended Funds to OHA promptly after OHA’s written demand and no later than 15 days after OHA’s written demand. Recipient shall return all Unexpended Funds to OHA within 14 days after the earlier of termination or expiration of this Agreement. OHA, in its sole discretion, may recover Misexpended or Unexpended Funds by withholding from payments due to Recipient such amounts, over such periods of time, as are necessary to recover the amount of the overpayment. Prior to withholding, if Recipient objects to the withholding or the amount proposed to be withheld, Recipient shall notify OHA that it wishes to engage in dispute resolution in accordance with Section 14 of this Exhibit.
6. **Ownership of Work Product.** Reserved.
7. **Contribution.**
- a. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 (“Third Party Claim”) against a party (the “Notified Party”) with respect to which the other party (“Other Party”) may have liability, the Notified Party must promptly notify the Other Party in writing of the Third Party Claim and deliver to the Other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Either party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this paragraph and meaningful opportunity for the Other Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to the Other Party’s liability with respect to the Third Party Claim.
  - b. With respect to a Third Party Claim for which the State is jointly liable with the Recipient (or would be if joined in the Third Party Claim), the State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the Recipient in such proportion as is appropriate to reflect the relative fault of the State on the one hand and of the Recipient on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the State on the one hand and of the Recipient on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. The State’s contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if the State had sole liability in the proceeding.
  - c. With respect to a Third Party Claim for which the Recipient is jointly liable with the State (or would be if joined in the Third Party Claim), the Recipient shall contribute to the amount of expenses (including attorneys' fees), judgments, fines



and amounts paid in settlement actually and reasonably incurred and paid or payable by the State in such proportion as is appropriate to reflect the relative fault of the Recipient on the one hand and of the State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the Recipient on the one hand and of the State on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. The Recipient's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if it had sole liability in the proceeding.

This Section shall survive expiration or termination of this Agreement.

- 8. Indemnification by Subcontractors.** Recipient shall take all reasonable steps to require its contractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon and its officers, employees and agents ("Indemnatee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys' fees) arising from a tort (as now or hereafter defined in ORS 30.260) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Recipient's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the parties that the Indemnatee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnatee, be indemnified by the contractor from and against any and all Claims. This Section shall survive expiration or termination of this Agreement.

**9. Default; Remedies; Termination.**

- a. Default by Recipient.** Recipient shall be in default under this Agreement if:

- (1) Recipient fails to perform, observe or discharge any of its covenants, agreements or obligations set forth herein;
- (2) Any representation, warranty or statement made by Recipient herein or in any documents or reports relied upon by OHA to measure compliance with this Agreement, the expenditure of disbursements or the desired outcomes by Recipient is untrue in any material respect when made;
- (3) Recipient (1) applies for or consents to the appointment of, or taking of possession by, a receiver, custodian, trustee, or liquidator of itself or all of its property, (2) admits in writing its inability, or is generally unable, to pay its debts as they become due, (3) makes a general assignment for the benefit of its creditors, (4) is adjudicated a bankrupt or insolvent, (5) commences a voluntary case under the Federal Bankruptcy Code (as now or hereafter in effect), (6) files a petition seeking to take advantage of any other law relating to bankruptcy, insolvency, reorganization, winding-up, or composition or adjustment of debts, (7) fails to controvert in a timely and appropriate manner, or acquiesces in writing to, any petition filed against it in an involuntary case under the Bankruptcy Code, or (8) takes any action for the purpose of effecting any of the foregoing; or

- (4) A proceeding or case is commenced, without the application or consent of Recipient, in any court of competent jurisdiction, seeking (1) the liquidation, dissolution or winding-up, or the composition or readjustment of debts, of Recipient, (2) the appointment of a trustee, receiver, custodian, liquidator, or the like of Recipient or of all or any substantial part of its assets, or (3) similar relief in respect to Recipient under any law relating to bankruptcy, insolvency, reorganization, winding-up, or composition or adjustment of debts, and such proceeding or case continues undismissed, or an order, judgment, or decree approving or ordering any of the foregoing is entered and continues unstayed and in effect for a period of sixty consecutive days, or an order for relief against Recipient is entered in an involuntary case under the Federal Bankruptcy Code (as now or hereafter in effect).
- b.** OHA's Remedies for Recipient's Default. In the event Recipient is in default under Section 9.a., OHA may, at its option, pursue any or all of the remedies available to it under this Agreement and at law or in equity, including, but not limited to:
- (1) termination of this Agreement under Section 9.c.(2);
  - (2) withholding all or part of monies not yet disbursed by OHA to Recipient;
  - (3) initiation of an action or proceeding for damages, specific performance, or declaratory or injunctive relief; or
  - (4) exercise of its right of recovery of overpayments under Section 5. of this Exhibit B.

These remedies are cumulative to the extent the remedies are not inconsistent, and OHA may pursue any remedy or remedies singly, collectively, successively or in any order whatsoever. If a court determines that Recipient was not in default under Section 9.a., then Recipient shall be entitled to the same remedies as if this Agreement was terminated pursuant to Section 9.c.(1).

**c.** Termination.

- (1) OHA's Right to Terminate at its Discretion. At its sole discretion, OHA may terminate this Agreement:
  - (a) For its convenience upon 30 days' prior written notice by OHA to Recipient;
  - (b) Immediately upon written notice if OHA fails to receive funding, appropriations, limitations, allotments or other expenditure authority at levels sufficient to continue supporting the program; or
  - (c) Immediately upon written notice if federal or state laws, regulations, or guidelines are modified or interpreted in such a way that OHA's support of the program under this Agreement is prohibited or OHA is prohibited from paying for such support from the planned funding source.
  - (d) Immediately upon written notice to Recipient if there is a threat to the health, safety, or welfare of any person receiving funds or

benefitting from services under this Agreement “OHA Client”, including any Medicaid Eligible Individual, under its care.

- (2) OHA’s Right to Terminate for Cause. In addition to any other rights and remedies OHA may have under this Agreement, OHA may terminate this Agreement immediately upon written notice to Recipient, or at such later date as OHA may establish in such notice if Recipient is in default under Section 9.a.
- (3) Mutual Termination. The Agreement may be terminated immediately upon mutual written consent of the parties or at such other time as the parties may agree in the written consent.
- (4) Return of Property. Upon termination of this Agreement for any reason whatsoever, Recipient shall immediately deliver to OHA all of OHA’s property that is in the possession or under the control of Recipient at that time. This Section 9.c.(4) survives the expiration or termination of this Agreement.
- (5) Effect of Termination. Upon receiving a notice of termination of this Agreement or upon issuing a notice of termination to OHA, Recipient shall immediately cease all activities under this Agreement unless, in a notice issued by OHA, OHA expressly directs otherwise.

**10. Insurance.** All employers, including Recipient, that employ subject workers, as defined in ORS 656.027, shall comply with ORS 656.017 and shall provide workers' compensation insurance coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). Recipient shall require subcontractors to maintain insurance as set forth in Exhibit C, which is attached hereto.

**11. Records Maintenance, Access.** Recipient shall maintain all financial records relating to this Agreement in accordance with generally accepted accounting principles. In addition, Recipient shall maintain any other records, books, documents, papers, plans, records of shipments and payments and writings of Recipient, whether in paper, electronic or other form, that are pertinent to this Agreement, in such a manner as to clearly document Recipient’s performance. All financial records, other records, books, documents, papers, plans, records of shipments and payments and writings of Recipient whether in paper, electronic or other form, that are pertinent to this Agreement, are collectively referred to as “Records.” Recipient acknowledges and agrees that OHA and the Oregon Secretary of State’s Office and the federal government and their duly authorized representatives shall have access to all Records to perform examinations and audits and make excerpts and transcripts. Recipient shall retain and keep accessible all Records for the longest of:

- a. Six years following final disbursement and termination of this Agreement;
- b. The period as may be required by applicable law, including the records retention schedules set forth in OAR Chapter 166; or
- c. Until the conclusion of any audit, controversy or litigation arising out of or related to this Agreement.

**12. Information Privacy/Security/Access.** If this Agreement requires or allows Recipient or, when allowed, its subcontractor(s), to access or otherwise use any OHA Information Asset or Network and Information System in which security or privacy requirements

apply, and OHA grants Recipient, its subcontractor(s), or both access to such OHA Information Assets or Network and Information Systems, Recipient shall comply and require its subcontractor(s) to which such access has been granted to comply with the terms and conditions applicable to such access or use, including OAR 943-014-0300 through OAR 943-014-0320, as such rules may be revised from time to time. For purposes of this Section, “Information Asset” and “Network and Information System” have the meaning set forth in OAR 943-014-0305, as such rule may be revised from time to time.

**13. Assignment of Agreement, Successors in Interest.**

- a.** Recipient shall not assign or transfer its interest in this Agreement without prior written consent of OHA. Any such assignment or transfer, if approved, is subject to such conditions and provisions required by OHA. No approval by OHA of any assignment or transfer of interest shall be deemed to create any obligation of OHA in addition to those set forth in this Agreement.
- b.** The provisions of this Agreement shall be binding upon and inure to the benefit of the parties, their respective successors, and permitted assigns.

**14. Resolution of Disputes.** The parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation. This Section shall survive expiration or termination of this Agreement.

**15. Subcontracts.** Recipient shall not enter into any subcontracts for any part of the program supported by this Agreement without OHA’s prior written consent. In addition to any other provisions OHA may require, Recipient shall include in any permitted subcontract under this Agreement provisions to ensure that OHA will receive the benefit of subcontractor activity(ies) as if the subcontractor were the Recipient with respect to Sections 1, 2, 3, 6, 7, 8, 10, 11, 12, 13, 15, 16, and 17 of this Exhibit B. OHA’s consent to any subcontract shall not relieve Recipient of any of its duties or obligations under this Agreement.

**16. No Third Party Beneficiaries.** OHA and Recipient are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons any greater than the rights and benefits enjoyed by the general public unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement. This Section shall survive expiration or termination of this Agreement.

**17. Severability.** The parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid. This Section shall survive expiration or termination of this Agreement.

**18. Notice.** Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile, e-mail, or mailing the same, postage prepaid to Recipient or

PO-44300-00049629-0/lob

OHA at the address or number set forth in this Agreement, or to such other addresses or numbers as either party may indicate pursuant to this Section. Any communication or notice so addressed and mailed by regular mail shall be deemed received and effective five days after the date of mailing. Any communication or notice delivered by e-mail shall be deemed received and effective five days after the date of e-mailing. Any communication or notice delivered by facsimile shall be deemed received and effective on the day the transmitting machine generates a receipt of the successful transmission, if transmission was during normal business hours of the Recipient, or on the next business day if transmission was outside normal business hours of the Recipient. Notwithstanding the foregoing, to be effective against the other party, any notice transmitted by facsimile must be confirmed by telephone notice to the other party. Any communication or notice given by personal delivery shall be deemed effective when actually delivered to the addressee.

**OHA:** Office of Contracts & Procurement  
500 Summer Street NE, E-03  
Salem, OR 97301  
Telephone: 503-945-5818  
Fax: 503-378-4324

This Section shall survive expiration or termination of this Agreement.

19. **Headings.** The headings and captions to sections of this Agreement have been inserted for identification and reference purposes only and shall not be used to construe the meaning or to interpret this Agreement.
20. **Amendments; Waiver; Consent.** OHA may amend this Agreement to the extent provided herein, the solicitation document, if any from which this Agreement arose, and to the extent permitted by applicable statutes and administrative rules. No amendment, waiver, or other consent under this Agreement shall bind either party unless it is in writing and signed by both parties and when required, approved by the Oregon Department of Justice. Such amendment, waiver, or consent shall be effective only in the specific instance and for the specific purpose given. The failure of either party to enforce any provision of this Agreement shall not constitute a waiver by that party of that or any other provision. This Section shall survive the expiration or termination of this Agreement.
21. **Merger Clause.** This Agreement constitutes the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein, regarding this Agreement.
22. **Limitation of Liabilities.** NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES ARISING OUT OF OR RELATED TO THIS AGREEMENT. NEITHER PARTY SHALL BE LIABLE FOR ANY DAMAGES OF ANY SORT ARISING SOLELY FROM THE TERMINATION OF THIS AGREEMENT OR ANY PART HEREOF IN ACCORDANCE WITH ITS TERMS.

## **EXHIBIT C**

### **Subcontractor Insurance Requirements**

Local Government shall require its first-tier Contractor(s) (Contractor) that are not units of local government as defined in ORS 190.003, if any, to:

- i) obtain the insurance specified under TYPES AND AMOUNTS and meet the requirements under ADDITIONAL INSURED, CONTINUOUS CLAIMS MADE COVERAGE, NOTICE OF CANCELLATION OR CHANGE, and CERTIFICATES OF INSURANCE before the Contractor(s) perform under contracts between Local Government and the Contractors (the "Subcontracts"), and
- ii) maintain the insurance in full force throughout the duration of the Subcontracts. The insurance must be provided by insurance companies or entities authorized to transact the business of insurance and issue coverage in the State of Oregon and that are acceptable to Agency.

Local Government shall not authorize Contractors to begin work under the Subcontracts until the insurance is in full force. Thereafter, Local Government shall monitor continued compliance with the insurance requirements on an annual or more frequent basis. Local Government shall incorporate appropriate provisions in the Subcontracts permitting it to enforce Contractor compliance with the insurance requirements and shall take all reasonable steps to enforce such compliance. Examples of "reasonable steps" include issuing stop work orders (or the equivalent) until the insurance is in full force, terminating the Subcontracts as permitted by the Subcontracts, or pursuing legal action to enforce the insurance requirements. In no event, shall Local Government permit a Contractor to work under a Subcontract when the Local Government is aware that the Contractor is not in compliance with the insurance requirements. As used in this section, a "first-tier" Contractor is a Contractor with which the Local Government directly enters into a contract. It does not include a subcontractor with which the Contractor enters into a contract.

If Contractor maintains broader coverage and/or higher limits than the minimums shown in this insurance requirement exhibit, Agency requires and shall be entitled to the broader coverage and/or higher limits maintained by Contractor.

### **INSURANCE TYPES AND AMOUNTS**

#### **WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY:**

All employers, including Contractor, that employ subject workers, as defined in ORS 656.027, shall comply with ORS 656.017 and shall provide Workers' Compensation Insurance coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). Contractor shall require and ensure that each of its subcontractors complies with these requirements. If Contractor is a subject employer, as defined in ORS 656.023, Contractor shall also obtain Employers' Liability Insurance coverage with limits not less than \$500,000 each accident.

If Contractor is an employer subject to any other state's workers' compensation law, Contractor shall provide Workers' compensation Insurance coverage for its employees as required by applicable workers' compensation laws including Employers' Liability Insurance coverage with limits not less than \$500,000 and shall require and ensure that each of its out-of-state subcontractors complies with these requirements.

As applicable, Contractor shall obtain coverage to discharge all responsibilities and liabilities that arise out of or relate to the Jones Act with limits of no less than \$5,000,000 and/or the Longshoremen's and Harbor Workers' Compensation Act.

**COMMERCIAL GENERAL LIABILITY:**

Contractor shall provide Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverage that are satisfactory to the State of Oregon. This insurance must include personal and advertising injury liability, products and completed operations, contractual liability coverage for the indemnity provided under this Contract, and have no limitation of coverage to designated premises, project, or operation. Coverage must be written on an occurrence basis in an amount of not less than \$1,000,000.00 per occurrence and not less than \$2,000,000.00 annual aggregate limit.

**AUTOMOBILE LIABILITY:**

☐ Required ☒ Not required

Contractor shall provide Automobile Liability Insurance covering Contractor's business use including coverage for all owned, non-owned, or hired vehicles with a combined single limit of not less than \$\_\_\_\_\_ for bodily injury and property damage. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for Commercial General Liability and Automobile Liability). Use of personal Automobile Liability Insurance coverage may be acceptable if evidence that the policy includes a business use endorsement is provided.

**PROFESSIONAL LIABILITY:**

☐ Required ☒ Not required

Contractor shall provide Professional Liability Insurance covering any damages caused by an error, omission or any negligent acts related to the services to be provided under the Contract/Subcontract by the Contractor and Contractor's subcontractors, agents, officers or employees in an amount not less than \$\_\_\_\_\_ per claim and not less than \$\_\_\_\_\_ annual aggregate limit.

If coverage is provided on a claims made basis, then either an extended reporting period of not less than 24 months shall be included in the Professional Liability Insurance coverage, or the Contractor and subcontractors shall provide continuous claims made coverage as stated below.

**NETWORK SECURITY AND PRIVACY LIABILITY:**

☐ Required ☒ Not required

Contractor shall provide Network Security and Privacy Liability Insurance for the duration of the sub/contract and for the period of time in which Contractor (or its business associates or subcontractor(s)) maintains, possesses, stores or has access to agency, State of Oregon or client data, whichever is longer, with a combined single limit of no less than \$\_\_\_\_\_ per claim or incident. This insurance must include coverage for third party claims and for losses, thefts, unauthorized disclosures, access or use of agency or client data (which may include, but is not limited to, Personally Identifiable Information ("PII"), payment card data and Protected Health Information ("PHI")) in any format, including coverage for accidental loss, theft, unauthorized disclosure access or use of agency, State of Oregon data.

**POLLUTION LIABILITY:**☐ Required ☒ Not required

Contractor shall provide Pollution Liability Insurance covering Contractor's or appropriate subcontractor's liability for bodily injury, property damage and environmental damage resulting from sudden accidental and gradual pollution and related cleanup costs incurred by Contractor, all arising out of the goods delivered or Services (including transportation risk) performed under this Contract/Subcontract is required. Combined single limit per occurrence shall not be less than \$\_\_\_\_\_ and not be less than \$\_\_\_\_\_ annual aggregate limit.

An endorsement to the Commercial General Liability or Automobile Liability policy, covering Contractor's or subcontractor's liability for bodily injury, property damage and environmental damage resulting from sudden accidental and gradual pollution and related clean-up cost incurred by the Contractor that arise from the goods delivered or Services (including transportation risk) performed by Contractor under this Contract/Subcontract is also acceptable.

**EXCESS/UMBRELLA INSURANCE:**

A combination of primary and Excess/Umbrella insurance may be used to meet the required limits of insurance. When used, all of the primary and Excess or Umbrella policies must provide all of the insurance coverages required herein, including, but not limited to, primary and non-contributory, additional insured, Self-Insured Retentions (SIRs), indemnity, and defense requirements. The Excess or Umbrella policies must be provided on a true "following form" or broader coverage basis, with coverage at least as broad as provided on the underlying insurance. No insurance policies maintained by the Additional Insureds, whether primary or Excess, and which also apply to a loss covered hereunder, are to be called upon to contribute to a loss until the Contractor's primary and Excess liability policies are exhausted.

If Excess/Umbrella insurance is used to meet the minimum insurance requirement, the Certificate of Insurance must include a list of all policies that fall under the Excess/Umbrella insurance.

**ADDITIONAL COVERAGE REQUIREMENTS:**

Contractor's insurance shall be primary and non-contributory with any other insurance. Contractor shall pay for all deductibles, self-insured retention (SIR), and self-insurance, if any.

**ADDITIONAL INSURED:**

All liability insurance, except for Workers' Compensation, Professional Liability, Directors and Officers Liability and Network Security and Privacy Liability (if applicable), required under the Subcontract must include an Additional Insured Endorsement specifying the State of Oregon, its officers, employees and agents as Additional Insureds, including additional insured status with respect to liability arising out of ongoing operations and completed operations, but only with respect to Contractor's services to be performed under the Subcontract. Coverage must be primary and non-contributory with any other insurance and self-insurance.

Regarding Additional Insured status under the General Liability policy, the State of Oregon requires Additional Insured status with respect to liability arising out of ongoing operations and completed operations. The Additional Insured Endorsement with respect to liability arising out of Contractor's ongoing operations must be on or at least as broad as ISO Form CG 20 10 and the Additional Insured endorsement with respect to completed operations must be on or at least as broad as ISO form CG 20 37.



**WAIVER OF SUBROGATION:**

Contractor shall waive rights of subrogation which Contractor or any insurer of Contractor may acquire against the Agency or State of Oregon by virtue of the payment of any loss. Contractor must obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the Agency or State of Oregon has received a waiver of subrogation endorsement from the Contractor or the Contractor's insurer(s).

**CONTINUOUS CLAIMS MADE COVERAGE:**

If any of the required liability insurance is on a claims made basis and does not include an extended reporting period of at least 24 months, then Contractor shall maintain Continuous Claims Made coverage, provided the effective date of the Continuous Claims Made coverage is on or before the effective date of the Contract, for a minimum of 24 months following the later of:

- (i) Contractor's completion and Agency/Local Government's acceptance of all Services required under the Contract, or
- (ii) Agency or Contractor's termination of this Contract, or
- (iii) The expiration of all warranty periods provided under this Contract.

**CERTIFICATE(S) AND PROOF OF INSURANCE:**

Local Government shall obtain from the Contractor a Certificate(s) of Insurance for all required insurance before Contractor delivers any goods and performs any Services required under this Contract. The Certificate(s) must list the State of Oregon, its officers, employees, and agents as a certificate holder and as an endorsed Additional Insured. The Certificate(s) of Insurance must also include all required endorsements or copies of the applicable policy language effecting coverage required by this Contract. If Excess/Umbrella Insurance is used to meet the minimum insurance requirement, the Certificate of Insurance must include a list of all policies that fall under the Excess/Umbrella Insurance. As proof of insurance, Agency/Local Government has the right to request copies of insurance policies and endorsements relating to the insurance requirements in this Contract.

**NOTICE OF CHANGE OR CANCELLATION:**

The Contractor or its insurer must provide at least 30 days' written notice to Local Government before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).

**INSURANCE REQUIREMENT REVIEW:**

Contractor agrees to periodic review of insurance requirements by Agency/Local Government under this agreement and to provide updated requirements as mutually agreed upon by Contractor and Agency/Local Government.

**STATE ACCEPTANCE:**

All insurance providers are subject to Agency/Local Government acceptance. If requested by Agency/Local Government, Contractor shall provide complete copies of insurance policies, endorsements, self-insurance documents and related insurance documents to Agency/Local Government's representatives responsible for verification of the insurance coverages required under this Exhibit.

Confidential

CONTRACTOR TAX IDENTIFICATION INFORMATION

For Accounting Purposes Only

The State of Oregon requires contractors to provide their Federal Employer Identification Number (FEIN) or Social Security Number (SSN). This information is requested pursuant to ORS 305.385 and OAR 125-246-0330(2). Social Security numbers provided pursuant to this section will be used for the administration of state, federal and local tax laws. The State of Oregon may report this information to the Internal Revenue Service (IRS). Contractors must keep this information current at all times. Contractors are required to notify the State of Oregon contract administrator within 10 business days if this information changes. The State of Oregon reserves the right to ask contractors to update this information at any time during the document term.

Document number:

-0-0 PO 44300-00049629-0

Legal name (tax filing):

Deschutes County, a political subdivision of the State of Oregon

DBA name (if applicable):

Deschutes County

Billing address:

2577 NE Courtney Drive

City:

Bend

OR

97701

Phone:

541-322-7500

FEIN:

93-6002292

- OR -

SSN:

## Certificate Of Completion

Envelope Id: ECCFB2E9-32C1-42A7-9973-DDEF04F6D6D8

Status: Sent

Subject: PO-44300-00049629-0 Deschutes County

Source Envelope:

Document Pages: 31

Signatures: 0

Envelope Originator:

Certificate Pages: 4

Initials: 0

Larry Briggs

AutoNav: Enabled

Larry.O.Briggs@odhsoha.oregon.gov

Envelopeld Stamping: Enabled

IP Address: 209.112.107.133

Time Zone: (UTC-08:00) Pacific Time (US &amp; Canada)

## Record Tracking

Status: Original

Holder: Larry Briggs

Location: DocuSign

8/6/2025 1:11:54 PM

Larry.O.Briggs@odhsoha.oregon.gov

Security Appliance Status: Connected

Pool: StateLocal

Storage Appliance Status: Connected

Pool: Carahsoft OBO Oregon Health Authority - CLMLocation: DocuSign

## Signer Events

### Signature

### Timestamp

Security Level: Email, Account Authentication  
(None)**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

Jon Collins

jon.c.collins@oha.oregon.gov

Security Level: Email, Account Authentication  
(None)**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

Ebony Clarke

ebony.s.clarke@oha.oregon.gov

Security Level: Email, Account Authentication  
(None)**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

## In Person Signer Events

### Signature

### Timestamp

## Editor Delivery Events

### Status

### Timestamp

## Agent Delivery Events

### Status

### Timestamp

Grace Evans

grace.evans@deschutes.org

Contract Specialist

Deschutes County Health Services

Security Level: Email, Account Authentication  
(None)**Electronic Record and Signature Disclosure:**  
Accepted: 11/21/2024 11:44:53 AM  
ID: 47b09fbc-4364-48ad-8181-06540ee27d46

Sent: 8/6/2025 1:14:55 PM

Viewed: 8/7/2025 11:06:40 AM

## Intermediary Delivery Events

### Status

### Timestamp

## Certified Delivery Events

### Status

### Timestamp

## Carbon Copy Events

### Status

### Timestamp

Carbon Copy Events	Status	Timestamp
Janice Garceau janice.garceau@deschutes.org Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign	COPIED	Sent: 8/6/2025 1:14:55 PM
Amy Chandler amy.b.chandler@oha.oregon.gov Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		
BHD.Contracts@oha.oregon.gov BHD.Contracts@oha.oregon.gov Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		
Theresa Naegeli theresa.a.naegeli@oha.oregon.gov Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	8/6/2025 1:14:55 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

**ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, Carahsoft OBO Oregon Health Authority - CLM (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

**Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

**Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

**Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

**All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

**How to contact Carahsoft OBO Oregon Health Authority - CLM:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [mick.j.kincaid@oha.oregon.gov](mailto:mick.j.kincaid@oha.oregon.gov)

**To advise Carahsoft OBO Oregon Health Authority - CLM of your new email address**

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [mick.j.kincaid@oha.oregon.gov](mailto:mick.j.kincaid@oha.oregon.gov) and in the body of such request you must state: your

previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

### **To request paper copies from Carahsoft OBO Oregon Health Authority - CLM**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [mick.j.kincaid@oha.oregon.gov](mailto:mick.j.kincaid@oha.oregon.gov) and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

### **To withdraw your consent with Carahsoft OBO Oregon Health Authority - CLM**

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to [mick.j.kincaid@oha.oregon.gov](mailto:mick.j.kincaid@oha.oregon.gov) and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

### **Acknowledging your access and consent to receive and sign documents electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Carahsoft OBO Oregon Health Authority - CLM as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Carahsoft OBO Oregon Health Authority - CLM during the course of your relationship with Carahsoft OBO Oregon Health Authority - CLM.



BOARD OF  
COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 10, 2025

**SUBJECT:** Approval of a Notice of Intent to Award a contract to ORW Architecture for design services of the Behavioral Health South County Remodel Project

**RECOMMENDED MOTION:**

Move approval of Document No. 2025-907, a Notice of Intent to Award a contract to ORW Architecture for design of the Behavioral Health South County Remodel Project.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Facilities Department issued a publicly advertised RFP for design services for the Behavioral Health South County Remodel project on July 30th, 2025, in accordance with ORS 279C. Five (5) firms submitted proposals: Pinnacle Architecture, Open Concept Architecture, Cole Architects, SĀJ Architecture, and ORW Architecture.

The proposals were reviewed by a selection committee with members of Health Services and the Facilities Department, with ORW Architecture determined to be the highest-scoring firm. The total points that each firm received are listed below. The selection committee recommends that a Notice of Intent to Award Contract be issued and that the County and ORW Architects proceed with contract negotiations.

<u>Firm Name</u>	<u>Total Points</u>
Pinnacle Architecture	428.5
Open Concept Architecture	378.5
Cole Architects	403
SĀJ Architecture	422.5
<b>ORW Architecture</b>	<b>432</b>

The anticipated scope of work for the comprehensive design services for improvements to the Behavioral Health spaces within the South County Services building includes space planning, programming, and tenant improvement design of approximately 4,625 square feet of existing office space, plus support spaces and related site improvements.

This action issues a Notice of Intent to Award Contract to the highest-scoring firm in the RFP interview round, ORW Architecture, and allows seven (7) days for concerned parties to

protest the award. If there is no protest within the seven-day period, the County will begin negotiations with ORW Architecture and subsequently enter into a services contract.

**BUDGET IMPACTS:**

Project costs for these design services are budgeted in Campus Improvement Fund 463 for Fiscal Year 2026.

**ATTENDANCE:**

Lee Randall, Facilities Director

Eric Nielsen, Capital Improvement Manager





## BOARD OF COUNTY COMMISSIONERS

September 10, 2025

**Sent via electronic mail & first class mail**

ORW Architecture, Inc.  
 Attn: David Wilkerson  
 920 NW Bond Street, Suite 208  
 Bend, Oregon 97703  
[david@orwarch.com](mailto:david@orwarch.com)

RE: Contract for Behavioral Health South County Remodel Project

### **NOTICE OF INTENT TO AWARD CONTRACT**

On September 10, 2025, the Board of County Commissioners of Deschutes County, Oregon, considered proposals for the above-referenced project. The Board of County Commissioners determined that the successful proposer for the project was ORW Architecture based in Bend, Oregon.

This Notice of Intent to Award Contract is issued pursuant to Oregon Revised Statute (ORS) 279B.135. Any entity which believes that they are adversely affected or aggrieved by the intended award of contract set forth in this Notice may submit a written protest within seven (7) calendar days after the issuance of this Notice of Intent to Award Contract to the Board of County Commissioners of Deschutes County, Oregon at Deschutes Services Building, 1300 NW Wall Street, Bend Oregon, 97703. **The seven (7) calendar day protest period will expire at 5:00 PM on Wednesday, September 17, 2025.**

Any protest must be in writing and specify any grounds upon which the protest is based. Please refer to Oregon Administrative Rules (OAR) 137-047-0740. If a protest is filed within the protest period, a hearing will be held at a regularly scheduled business meeting of the Board of County Commissioners of Deschutes County, Oregon, acting as the Contract Review Board, in the Deschutes Services Building, 1300 NW Wall Street, Bend, Oregon 97703 within two (2) weeks of the end of the protest period.

If no protest is filed within the protest period, this Notice of Intent to Award Contract becomes an Award of Contract without further action by the County unless the Board of County Commissioners, for good cause, rescinds this Notice before the expiration of the protest period.

If you have any questions regarding this Notice of Intent to Award Contract or the procedures under which the County is proceeding, please contact Deschutes County Legal Counsel: telephone (541) 388-6625, Fax (541) 383-0496; or email to [david.doyle@deschutes.org](mailto:david.doyle@deschutes.org).

Be advised that if no protest is received within the stated time-period, the County is authorized to process the contract administratively.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
DESCHUTES COUNTY, OREGON

---

Commissioner Anthony DeBone, Chair

Enclosure:  
OAR 137-047-0610

Cc w/ enclosure:

**Cole Architects**

Ian Schmidt  
1000 NW Wall Street, Suite 205  
Bend, Oregon 97703  
[ian@colearchitects.com](mailto:ian@colearchitects.com)

**SAJ Architecture**

Seth Anderson  
721 SW Industrial Way, Suite 130  
Bend, OR 97702  
[setha@saj-arch.com](mailto:setha@saj-arch.com)

**Pinnacle Architecture, Inc.**

Briana Manfrass  
1001 SW Disk Drive, Suite 105  
Bend, Oregon 97702  
[briana@parch.biz](mailto:briana@parch.biz)

**Open Concept Architecture**

Sarah Young  
208 NW 21<sup>st</sup> Avenue, Suite 201  
Portland, Oregon 97209  
[s.young@openconceptarchitecture.com](mailto:s.young@openconceptarchitecture.com)

**ORW Architecture, Inc.**

David Wilkerson  
920 NW Bond Street, Suite 208  
Bend, OR 97703  
[david@orwarch.com](mailto:david@orwarch.com)

**OAR 137-047-0610**

## Notice of Intent to Award

(1) Notice of Intent to Award. The Contracting Agency shall provide Written notice of its intent to Award to all Bidders and Proposers pursuant to ORS 279B.135 (Notice of intent to award) at least seven (7) Days before the Award of a Contract, unless the Contracting Agency determines that circumstances justify prompt execution of the Contract, in which case the Contracting Agency may provide a shorter notice period. The Contracting Agency shall document the specific reasons for the shorter notice period in the Procurement file.

(2) Finality. The Contracting Agency's Award shall not be final until the later of the following:

(a) The expiration of the protest period provided pursuant to OAR 137-047-0740 (Protests and Judicial Review of Contract Award); or

(b) The Contracting Agency provides Written responses to all timely-filed protests denying the protests and affirming the Award.

**Statutory/Other Authority:** ORS 279A.065 & 279B.135

**Statutes/Other Implemented:** ORS 279B.135



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 10, 2025

**SUBJECT:** Emergency Management Performance Grant

**RECOMMENDED MOTION:**

Move to authorize the Deschutes County Sheriff's Office to apply for and accept, if awarded, an Emergency Management Performance Grant to support the County's comprehensive emergency management program.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Sheriff's Office will utilize the Emergency Management Performance Grant (EMPG) to fund part of the county's emergency management program.

DCSO has been allocated funds pursuant to a successful grant application to the Oregon Department of Emergency Management. The rest of the program (no less than 50%) will come from Sheriff's Office funds and other local, state and federal funds. These funds will support personnel costs associated with Emergency Services Coordinators.

The Sheriff's Office Emergency Manager is delegated day-to-day operations of the County's Emergency Management Program and is responsible for all planning, coordination and oversight for the Emergency Services functions. These functions are mandated by Oregon Revised Statute and Deschutes County Code. Emergency Services Coordinators assist in the implementation of the program, primarily assisting in planning, public education and projects.

Emergency management includes preparedness, mitigation, response and recovery. Some of the activities required of the Emergency Services Manager include either creating or updating the county-wide Emergency Operations Plan (EOP), the Threats and Hazards Identification and Risk Assessment, and a Natural Hazard Mitigation Plan. Additionally, the Emergency Services Manager and Coordinators must participate in certain training requirements.

**BUDGET IMPACTS:**

The funding agency is Federal Emergency Management Agency (FEMA) through the Oregon Department of Emergency Management (ODEM).

Amount: \$81,252 (approximate)  
Matching funds: \$81,252 (match above amount)  
Duration: July 1, 2025 through June 30, 2026

**ATTENDANCE:**  
Lieutenant Nathan Garibay, DCSO  
Emergency Services Manager Ben Duda, DCSO



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 10, 2025

**SUBJECT:** Public Hearing: Property Line Adjustment / Minor Variance Text Amendments

**RECOMMENDED MOTION:**

At the conclusion of the public hearing, the Board can choose one of the following options:

- Continue the hearing to a date and time certain;
- Close the oral portion of the hearing and leave the written record open to a date and time certain;
- Close the hearing and commence deliberations; or
- Close the hearing and schedule deliberations for a date and time to be determined.

Draft Ordinance No. 2025-017 is included for consideration, if needed.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Board of Commissioners will conduct a public hearing on September 10, 2025 to consider amendments to Deschutes County Code (file no. 247-25-000399-TA) to remove local criteria for property line adjustments involving parcels smaller than the minimum lot size and instead directly apply state standards. The amendments also clarify that variances are not required for this type of property line adjustment.

All record materials can be found on the project website: [bit.ly/399TA](https://bit.ly/399TA).

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Nicole Mardell, AICP, Senior Planner  
Will Groves, Planning Manager



## COMMUNITY DEVELOPMENT

**MEMORANDUM**

**TO:** Deschutes County Board of Commissioners

**FROM:** Nicole Mardell, AICP, Senior Planner  
Will Groves, Planning Manager

**DATE:** September 3, 2025

**SUBJECT:** Public Hearing: Property Line Adjustment / Minor Variance Text Amendments

---

The Deschutes County Board of Commissioners (Board) will conduct a public hearing on September 10, 2025, to consider amendments to the Deschutes County Code (file no. 247-25-000399-TA). These amendments propose removing local criteria for property line adjustments involving parcels smaller than the minimum lot size and aim to directly apply state standards. The amendments also seek to clarify that variances are not required for this type of property line adjustment. The hearing will take place in the Barnes and Sawyer Rooms, 1300 NW Wall Street, Bend, and virtually via Zoom.

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: [bit.ly/399TA](https://bit.ly/399TA).

**I. BACKGROUND**

Requirements for property line adjustments involving substandard lots have historically been ambiguous under local code and state statute. No significant limitations on the use of property line adjustments existed in state or local code prior to 1991.

In 1991, County Code was amended (Ord. 91-038) to limit area reduction of lots smaller than the minimum lot size (to a maximum reduction of ten percent) without a more complicated variance review process. This minor variance process for line adjustments applied to all zones in Deschutes County.

In 2010, the Board of County Commissioners adopted Ordinance 2010-003, which created the current minor variance provisions to allow property line adjustments resulting in a reduction of more than 10 percent in all zones, except the farm and forest zones. This

provision was added to relieve an ongoing property line issue in the Dustan Road area of the county, although it was able to be applied to other historically platted subdivisions. The Board did not address issues in the EFU and Forest zone at that time, likely due to the narrow scope of the text amendment.

Beginning in 2008, state statute (ORS 92.192) has been repeatedly updated to increase protections for lot-area-based standards. Over time, these state statutory requirements have become more robust and nuanced than the County Code provision. Currently, both the state and county protections apply.

However, because the older County provisions are less nuanced when compared with newer state statute, the local code can cause unexpected problems for property owners. Specifically, the local 10% limitation can preclude beneficial property line adjustments that would otherwise comply with the modern, robust protections of 92.192. Staff added the proposed amendment to the department's work plan beginning in 2020, to explore deconflicting state and local property line adjustment provisions.

The Board directed that this text amendment be initiated during review of the Community Development Department's 2025-2026 work plan. An individual testified to the unintended consequences of this provision, noting its impact on large farm owners. Specifically, the minimum lot size for most farm-zoned properties is 80 acres. The transfer of sub-80-acre pieces between neighboring farm operations is unnecessarily complicated by the provisions of the County Code. Property line adjustments may be used to correct issues between property owners, such as a fence or building being located over a property line. For larger resource-zoned properties, the most efficient and streamlined process to correct this type of issue is unavailable due to the ten percent (10%) limitation.

The amendments seek to clarify otherwise ambiguous code provisions and reduce the risk of litigation by directly applying ORS 92.192.

## II. STATE REQUIREMENTS – ORS 92.192

Under ORS 92.192, a county **may** approve a property line adjustment on land outside of city limits under the following scenarios.

### ORS 92.192(3)(a)

One or both parcels are smaller than the minimum lot size for the applicable zone before the property line adjustment, and after the adjustment, one is as large or larger than the minimum parcel size.

Figure 1 demonstrates a situation under this scenario. Both parcels are in the MUA-10 zone with a minimum lot size of 10 acres. Before the adjustment, Parcel 1 is six (6) acres (below the minimum lot size), and Parcel 2 is 15 acres (greater than the minimum lot size). Following the adjustment, Parcel 1 is increased in size to 9 acres but remains below the minimum lot size, and Parcel 2 is decreased to 12 acres, but remains larger than the minimum lot size.



Figure 1

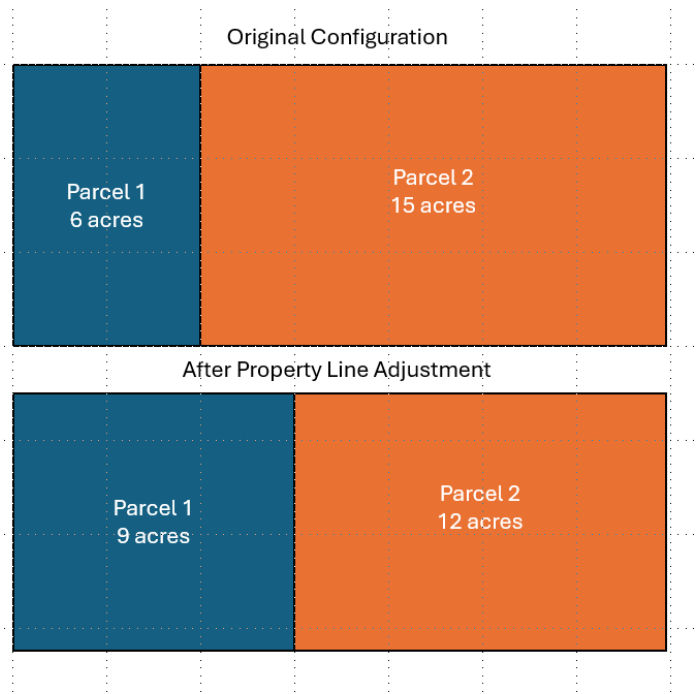


Figure 2 demonstrates another situation under this scenario. Both parcels are in the MUA-10 zone with a minimum lot size of 10 acres. Before the adjustment, each parcel is below the minimum lot size. Following the adjustment, Parcel 1 is decreased in size and remains below the minimum, while Parcel 2 is increased to meet the minimum lot size for the zone.

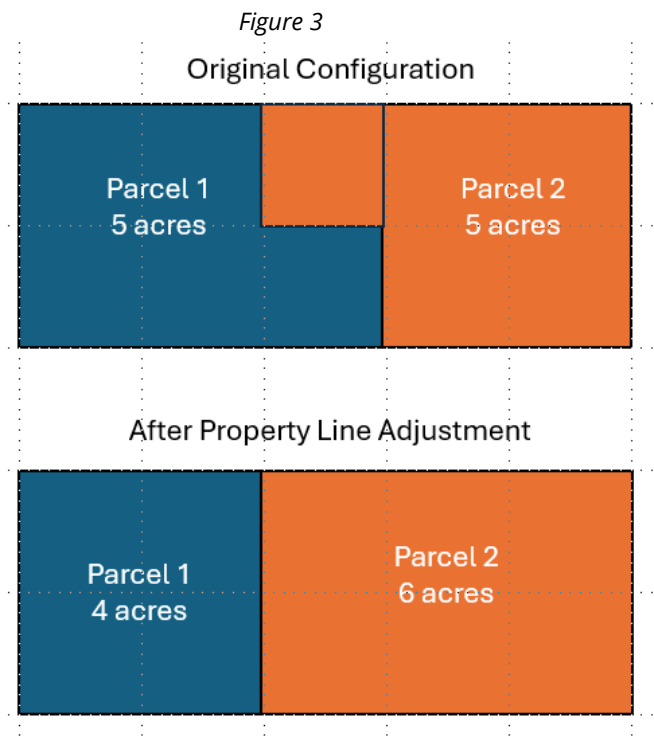
Figure 2



ORS 92.192(3)(b)

Both parcels are smaller than the minimum lot size before and after the property line adjustment.

Figure 3 demonstrates a situation under this scenario. Both parcels are in the MUA-10 zone with a minimum lot size of 10 acres. Before the adjustment, both parcels are below the minimum lot size. Following the adjustment, Parcel 1 is decreased in size and Parcel 2 is increased in size, with both parcels remaining smaller than the minimum lot size.



Farm and Forest Restrictions - ORS 92.192(4)(a)-(d)

In addition to the requirements above, the statute places additional restrictions on property line adjustments in the Exclusive Farm Use and Forest zones. Counties **may not** approve a property line adjustment involving properties smaller than the minimum lot size if:

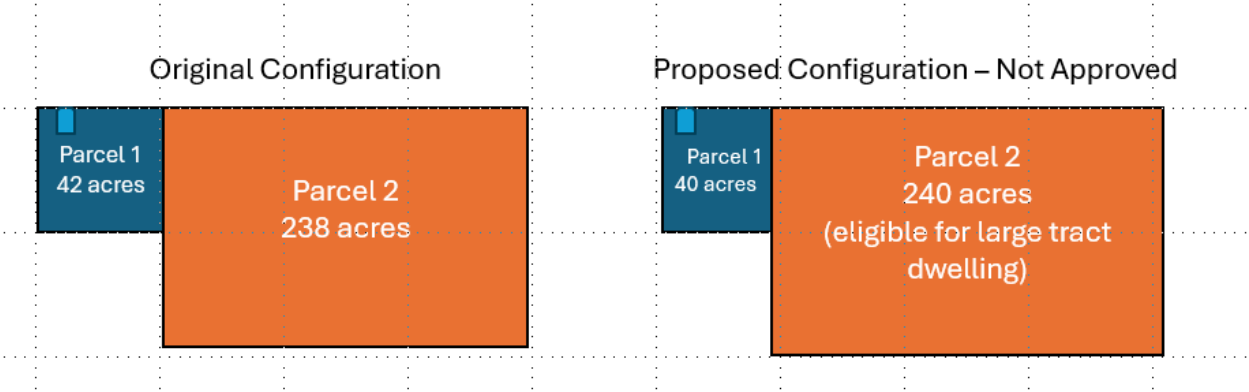
- a. The adjustment decreases the size of a parcel that is already smaller than the minimum lot size and contains an existing dwelling (or has received approval for the construction of a dwelling), while increasing the other parcel to at least the minimum lot size required to qualify for a dwelling.

In Deschutes County, minimum lot size requirements apply to farm-related dwellings in farm zones and large tract dwellings in forest zones.

Figure 4 provides an example under this scenario. Parcel 1 is below the minimum lot size and is developed with a dwelling. Parcel 2 is undeveloped and above the minimum lot size for the Forest Use 1 zone (80 acres), but does not meet the minimum lot size for a large tract dwelling, which is 240 acres. If property owners

proposed a property line adjustment to shift two acres from Parcel 1 to Parcel 2, it could not be approved. The effect of the property line adjustment would be to decrease the size of Parcel 1, already below the minimum lot size and containing a dwelling, and would increase Parcel 2, making it newly eligible for a large tract dwelling. This would trigger the restriction in ORS 192.192(4)(a).

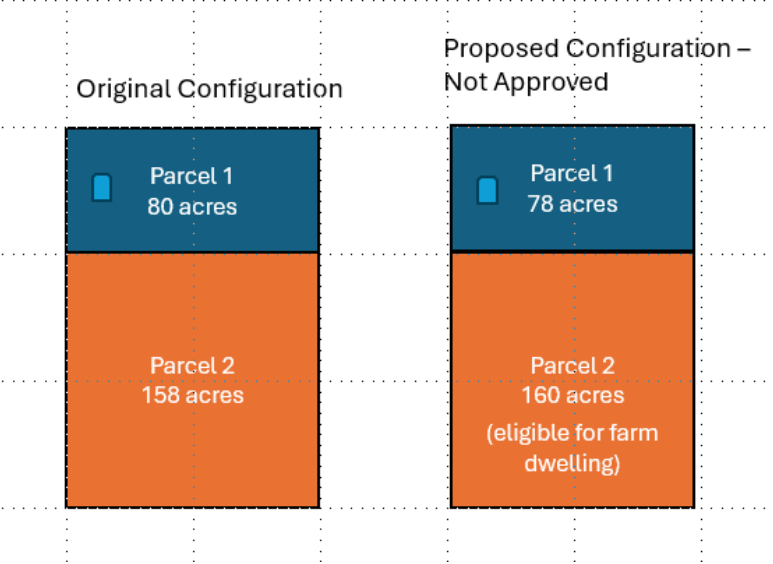
Figure 4



- b. The adjustment decreases the size of a parcel that currently meets or exceeds the minimum lot size and contains an existing dwelling (or is approved for the construction of a dwelling) to below the minimum lot size and increases the other parcel to or above the minimum lot size for a dwelling.

Figure 5 provides an example of this scenario. Each parcel is in the Exclusive Farm Use Zone with a minimum lot size of 80 acres. Parcel 1 was developed with a dwelling prior to the creation of the state land use system and meets the minimum lot size. Parcel 2 is undeveloped and meets the minimum lot size for the zone, but is just under the minimum lot size required to qualify for a farm dwelling (160 acres). The County could not approve the property line adjustment proposed, as it would decrease Parcel 1 to below the minimum lot size and increase Parcel 2 to the minimum lot size needed for a farm dwelling.

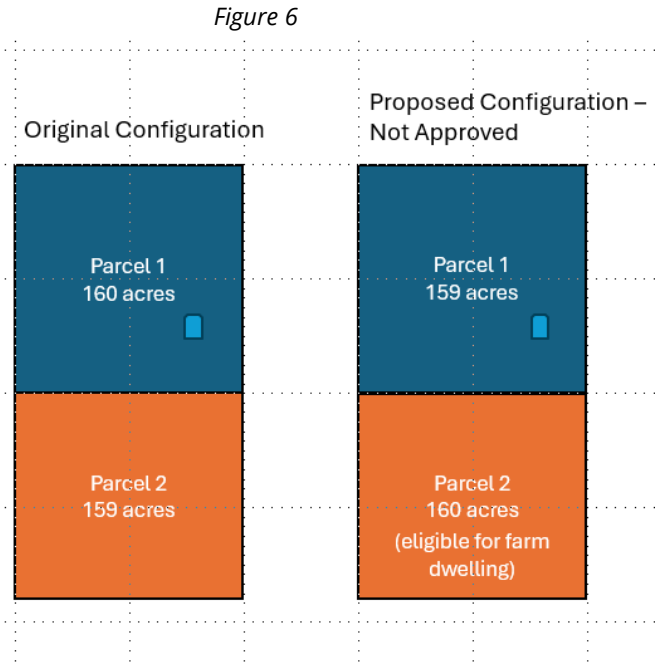
Figure 5



- c. The adjustment allows an area of land used to qualify a parcel for a dwelling based on an acreage standard to be used to qualify another parcel for a dwelling based on an acreage standard.

This practice is considered "double dipping," as the property owner would be using a portion of a property to qualify for a dwelling by meeting all standard code provisions, and subsequently adjusting the property line to make the dwelling noncompliant, thereby enabling the construction of another dwelling on an adjacent property.

Figure 6 provides an example of this scenario. Each parcel is in the Exclusive Farm Use Zone. Parcel 1 contains a farm-related dwelling approved under an acreage test that required 160 acres. Parcel 2 is undeveloped and is seeking approval for a farm-related dwelling that requires meeting an acreage test that requires 160 acres. The County could not approve the property line adjustment reducing Parcel 1 below 160 acres, as the adjustment would involve land used to qualify Parcel 1’s dwelling for another dwelling on Parcel 2.



- d. Adjust a property line on a parcel created through Measure 36 or 49 claim, to adjust any parcel to be larger than:
  - A. Two acres, if previously under two acres and is high-value farmland or forestland.
  - B. Five acres, if previously under five acres and not high-value farmland or forestland.

The provision above is relatively straightforward and intends to limit adjustments to properties approved under the special allowances within the state’s Measures 36 and 49 claim process.

Staff finds that these requirements efficiently evaluate property line adjustments involving parcels below the minimum lot size.

**III. OVERVIEW OF AMENDMENTS**

At the direction of the Board, staff is proposing the following amendments:

- Add 18.132.020(D) to clarify that property line adjustments are not eligible for variances, and that property line adjustments complying with ORS 92.192 do not require a variance.
- Delete existing 18.132.025(B) to remove the variance requirement for property line adjustments involving parcels smaller than the minimum lot area.
- Delete existing 18.132.025(C) to remove local limitations on property line adjustments involving substandard parcels beyond the requirements in ORS 92.192.
- Add new 18.132.025(C) to clarify that property line adjustments are not eligible for minor variances, and that property line adjustments complying with ORS 92.192 do not require a minor variance.

Staff may propose additional amendments during the hearing process following review from the public, Planning Commission, and Board of County Commissioners.

**IV. AGENCY AND PUBLIC COMMENTS**

Notice of the Post-Acknowledgement Plan Amendment (PAPA) was submitted to the Department of Land Conservation and Development on June 18, 2025. One public comment has been received from the requester of the amendments, Adam Smith, suggesting minor revisions. These comments have been integrated into the findings.

**V. PLANNING COMMISSION RECOMMENDATION AND BOARD CONSIDERATION**

The Planning Commission held a public hearing on July 24, 2025. No public or agency testimony was received. The Commission closed the public hearing, deliberated, and voted unanimously to recommend approval of the proposed amendments.

Planning staff is aware of several property owners who are awaiting the outcome of this process to determine next steps for their development applications. As this text amendment was requested to be expedited by the Board during the work plan process, staff recommends the Board consider adoption by emergency. Draft Ordinance 2025-017 is included in this package for potential consideration following public testimony.

**VI. NEXT STEPS**

At the conclusion of the public hearing, the Board can choose one of the following options:

- Continue the hearing to a date and time certain;
- Close the oral portion of the hearing and leave the written record open to a date and time certain;

- Close the hearing and commence deliberations; or
- Close the hearing and schedule deliberations for a date and time to be determined.

Attachments

Draft Ordinance 2025-017

Exhibit A Text Amendments

Exhibit B Proposed Findings

REVIEWED  
  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending the Deschutes County Code \*  
Title 18, Zoning Ordinance Relating to Procedural \*                      ORDINANCE NO. 2025-017  
Requirements for Property Line Adjustments and \*  
Minor Variances \*

WHEREAS, the Deschutes County Community Development Department (“CDD”) initiated amendments (Planning Division File No. 247-25-000399-TA) to the Deschutes County Code (“DCC”) Chapter 18.132 – Variances; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on July 24, 2025, and forwarded to the Deschutes County Board of County Commissioners (“Board”) a unanimous recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on September 10, 2025, and concluded that the public will benefit from the proposed changes to the Deschutes County Code Title 18; now, therefore,

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

Section 1. AMENDING. Chapter 18.132, Variances, is amended to read as described in Exhibit “A” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strike through~~.

Section 2. FINDINGS. The Board adopts as its findings Exhibit “B,” attached and incorporated by reference herein.

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

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2025

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DeBONE, Chair

\_\_\_\_\_  
PATTI ADAIR, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHILIP CHANG, Commissioner

Date of 1<sup>st</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Date of 2<sup>nd</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Anthony DeBone	_____	_____	_____	_____
Patti Adair	_____	_____	_____	_____
Philip Chang	_____	_____	_____	_____

Effective date: \_\_\_\_\_ day of \_\_\_\_\_, 2025.



## Exhibit A to Ordinance 2025-017

**CHAPTER 18.132 VARIANCES**[18.132.010 Variance Application](#)[18.132.020 Authority Of Hearings Body](#)[18.132.025 Minor Variances](#)[18.132.030 Hearings Body Action On Variance](#)[18.132.040 Variance Procedure](#)**18.132.010 Variance Application**

The Planning Director or Hearings Body may authorize area or use variance from the requirements of DCC Title 18. Application for a variance shall be made by petition stating fully the grounds of the application and the facts relied upon by the petitioner.

**HISTORY**

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

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

**18.132.020 Authority Of Hearings Body**

A variance may be granted unqualifiedly or may be granted subject to prescribed conditions, provided that the Planning Director or Hearings Body shall make all of the following findings:

**A. Onsite Requirements Variance.**

1. That the literal application of the ordinance would create practical difficulties resulting in greater private expense than public benefit.
2. That the condition creating the difficulty is not general throughout the surrounding area but is unique to the applicant's site.
3. That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased.
4. That the variance conforms to the Comprehensive Plan and the intent of the ordinance being varied.

**B. Use variance.**

1. That the literal application of the ordinance would result in unnecessary hardship to the applicant. An unnecessary hardship will be found when the site cannot be put to any beneficial use under the terms of the applicable ordinance.
2. Each of the findings listed in DCC 18.132.020(A)(1), (2), and (4).

C. Statutory Provisions.

1. Notwithstanding the provisions of this section, a variance may not be granted which amends any standards mandated by the Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR).

D. Property Line Adjustments

1. Property line adjustments are not eligible for variance. No variance is required for property line adjustments that are compliant with ORS 92.192.

HISTORY

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

*Repealed & Reenacted by Ord. 91-020 §1 on 5/29/1991*

*Amended by Ord. 93-043 §24 on 8/25/1993*

*Amended by Ord. 2023-014 §4 on 12/1/2023*

*Amended by Ord. 2025-002 §34 on 3/28/2025*

*Amended by Ord. 2025-017 §1 on x/xx/xxxx*

**18.132.025 Minor Variances**

A variance seeking to depart from on-site requirements of DCC Title 18, such as setbacks and area requirements, by no greater than 10 percent of the required distance or area may be granted by the Planning Director or Hearings Body in conformance with DCC 18.132.025.

- A. In the case of a setback or lot area variance, the applicant shall show that the approval will result in:
1. More efficient use of the site;
  2. Preservation of natural features where appropriate;
  3. Adequate provision of light and privacy to abutting properties; and

4. Preservation of topographic, vegetative and drainage features which would be adversely affected by application of the standards otherwise required by DCC Title 18.

~~B.—A lot or parcel that is smaller than the minimum lot area at the time of application may not be reduced by more than 10 percent from its current lot area without a variance.~~

~~C.—Notwithstanding B, above, a lot or parcel may be reduced by more than 10 percent of its current lot area without a variance if:~~

- ~~1.—The property is located outside of a Farm (EFU) or Forest (F) zone;~~
- ~~2.—The long-standing occupation area is different than the legal description in the deed for the subject property;~~
- ~~3.—The purpose of the property line adjustment is to correct the deed description to match the long-standing occupation lines of the properties; and~~
- ~~4.—The discrepancy between the deed lines and the occupation lines is documented by submittal of a narrative and maps prepared by an Oregon Licensed Professional Surveyor.~~
- ~~5.—As used in this sub-section, “long-standing” means in excess of ten (10) years.~~

~~D.B.~~ Statutory Provisions.

- ~~1.~~ Notwithstanding the provisions of this section, a variance may not be granted which amends any standards mandated by the Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR).

C. Property Line Adjustments.

- ~~1. Property line adjustments are not eligible for variance. No variance is required for property line adjustments that are compliant with ORS 92.192.~~

## HISTORY

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

Amended by Ord. [2004-013](#) §15 on 9/21/2004

Amended by Ord. [2010-003](#) §1 on 7/6/2010

*Amended by Ord. [2023-014](#) §4 on 12/1/2023*

*Amended by Ord. [2025-002](#) §34 on 3/28/2025*

*[Amended by Ord. 2025-017 §1 on x/xx/xxxx](#)*

### **18.132.030 Hearings Body Action On Variance**

In granting or denying a variance, the Planning Director or Hearings Body shall make a written record of his findings and the facts in connection therewith, and shall describe the variance granted and the conditions designated. The Planning Department shall keep the findings on file, and a copy of the variance granted and the condition thereof shall be recorded with the County Clerk.

#### **HISTORY**

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

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

### **18.132.040 Variance Procedure**

The variance application shall be processed according to the terms of DCC Title 22, the Uniform Development Procedures Ordinance.

#### **HISTORY**

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

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



## EXHIBIT B FINDINGS

### Property Line Adjustment / Minor Variance Text Amendment 247-25-000399-TA

#### I. **APPLICABLE CRITERIA:**

Title 22, Deschutes County Development Procedures Ordinance

#### II. **BACKGROUND:**

Requirements for property line adjustments involving substandard lots have historically been ambiguous under local code and state statute. No significant limitations on the use of property line adjustments existed in state or local code prior to 1991.

In 1991, County Code was amended (Ord. 91-038) to limit area reduction of lots smaller than the minimum lot size (to a maximum reduction of ten percent) without a more complicated variance review process. This minor variance process for line adjustments applied to all zones in Deschutes County.

In 2010, the Board of County Commissioners adopted Ordinance 2010-003, which created the current minor variance provisions to allow property line adjustments resulting in a reduction of more than 10 percent in all zones, except the farm and forest zones. This provision was added to address an ongoing property line issue in the Dustan Road area of the county, although it also could be applied to other historically platted subdivisions. The Board did not address issues in the Exclusive Farm Use (EFU) and Forest zone at that time, likely due to the narrow scope of the text amendment.

Beginning in 2008, state statute (ORS 92.192) has been repeatedly updated to increase protections for lot-area-based standards. Over time, these state statutory requirements have become more robust and nuanced than the County Code provision enacted via Ord. 2010-003. Currently, both the state and county protections apply.

Because the older County provisions are less nuanced when compared with newer state statute, application of the local code can cause unexpected problems for property owners. Specifically, the local 10% limitation can preclude beneficial property line adjustments that would otherwise comply with the modern, robust protections of ORS 92.192. Staff added consideration of a proposed amendment to the department's work plan beginning in 2020, to explore methods of addressing apparent conflict between state and local property line adjustment provisions.

The Board directed that this text amendment be initiated during review of the Community Development Department's 2025-2026 work plan. An individual testified to the unintended consequences of this provision, noting its impact on large farm owners. Specifically, the minimum lot size for most farm-zoned properties is 80 acres. The transfer of sub-80-acre pieces of property between neighboring farm operations is unnecessarily complicated by the provisions of the County Code. Property line adjustments may be used to correct issues between property owners, such as a fence or building being located over a property line. For larger resource-zoned properties, the most efficient and streamlined process to correct this type of issue is unavailable due to the ten percent (10%) limitation in current County code.

The amendments seek to clarify otherwise ambiguous code provisions and reduce the risk of litigation by permitting the County to directly apply ORS 92.192.

### **III. AMENDMENT SUMMARY:**

At the direction of the Board, staff is proposing the following amendments:

- Add new 18.132.020(D) to clarify that property line adjustments are not eligible for variances, and that property line adjustments complying with ORS 92.192 do not require a variance.
- Delete existing 18.132.025(B) to remove the variance requirement for lot line adjustments involving parcels smaller than the minimum lot area.
- Delete existing 18.132.025(C) to remove local limitations on lot line adjustments involving substandard parcels that impose additional restrictions beyond the requirements in ORS 92.192.
- Add new 18.132.025(C) to clarify that property line adjustments are not eligible for minor variances, and that property line adjustments complying with ORS 92.192 do not require a minor variance.

Staff may propose additional amendments during the hearing process following review from the public, Planning Commission, and Board of County Commissioners.

### **IV. BASIC FINDINGS:**

The Board of County Commissioners directed staff to initiate the proposed text amendment. Staff initiated the proposed amendments and notified the Oregon Department of Land Conservation and Development on June 18, 2025 (File no. 247-25-000399-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. 247-25-000399-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 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 purpose of the amendment is to remove limitations on lot line adjustments involving substandard lots and relying directly on requirements in state statute. The proposal has a factual base 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 will provide for direct application of ORS 92.192 to lot line adjustments involving farm land. ORS 92.192, as adopted by the state, is understood to meet the requirements of Goal 3 and offer adequate protection of agricultural lands. This goal is met.

Goal 4: Forest Lands:



**FINDING:** The proposed amendments will provide for direct application of ORS 92.192 to lot line adjustments involving forest land. ORS 92.192, as adopted by the state, is understood to meet the requirements of Goal 4 and offer adequate protection of forest lands. This goal is met.

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 remove local requirements for lot line adjustments involving substandard lots and directly apply requirements in state statute. In reviewing case law and the applicable rule, staff understand the requirements in ORS 92.192 to comply with Goal 14. 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 remove unnecessary local requirements and directly apply requirements for lot line adjustments involving substandard lots from statute into local code. As directed by the Board, the proposed text amendments will remove unnecessary local barriers that may impact uses allowed on farm-zoned property and, if not removed, could put the County at risk for litigation. These policies are met.

Chapter 2 – Resource Management -Section 2.3 Forest Land Policies

**Policy 2.3.5 Uses allowed in Forest zones shall comply with State Statute and Oregon Administrative Rule.**

**FINDING:** The intent of the text amendment is to remove unnecessary local requirements and directly apply requirements for lot line adjustments involving substandard lots from statute into local code. As directed by the Board, the proposed text amendments will remove unnecessary local barriers that may impact uses allowed on forest-zoned property and, if not removed, could put the County at risk for litigation. These policies are met.

**VI. CONCLUSION:**

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



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 10, 2025

**SUBJECT:** Public Hearing: Farm and Forest Housekeeping Text Amendments

**RECOMMENDED MOTION:**

At the conclusion of the public hearing, the Board can choose one of the following options:

- Continue the hearing to a date and time certain;
- Close the oral portion of the hearing and leave the written record open to a date and time certain;
- Close the hearing and commence deliberations; or
- Close the hearing and schedule deliberations for a date and time to be determined.

Draft Ordinance 2025-016 is attached for consideration, if needed.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Board of Commissioners will conduct a public hearing on September 10, 2025 to consider housekeeping amendments to the Deschutes County Code (file no. 247-25-000297-TA) to integrate changes to state rule resulting from the state's Farm and Forest Modernization Project into local code.

All record materials can be found on the project website: [bit.ly/farmforesthouskeeping](https://bit.ly/farmforesthouskeeping)

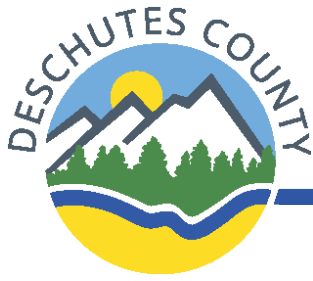
**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Nicole Mardell, AICP, Senior Planner

Will Groves, Planning Manager



## COMMUNITY DEVELOPMENT

## MEMORANDUM

**TO:** Deschutes County Board of Commissioners

**FROM:** Nicole Mardell, AICP, Senior Planner  
Will Groves, Planning Manager

**DATE:** September 3, 2025

**SUBJECT:** Public Hearing: Farm and Forest Housekeeping Text Amendments

The Deschutes County Board of Commissioners (Board) will conduct a public hearing on September 10, 2025, to consider amendments to the Deschutes County Code (DCC) (file no. 247-25-000297-TA). The housekeeping amendments will integrate changes to state rule, resulting from the state's Farm and Forest Modernization Project, into local code. The hearing will take place in the Barnes and Sawyer Rooms, 1300 NW Wall Street, Bend and virtually via Zoom

Attached to this memorandum are the proposed text amendments and findings summarizing the changes. Within the proposed amendments, added language is shown underlined and deleted shown as ~~striketrough~~.

All record materials can be found on the project website:  
<https://bit.ly/farmforesthouskeeping>

## I. BACKGROUND

Oregon's zoning-based farm and forest land conservation programs have been in place since 1973. Over the past 10 years, interested parties, the courts, and the Department of Land Conservation and Development (DLCD) have identified a number of issues needing review. In 2024, the Land Conservation and Development Commission (LCDC) initiated the Farm and Forest Modernization Project, which included rulemaking and the appointment of a Rules Advisory Committee (RAC). Rulemaking was intended to improve the clarity and consistency of implementing Oregon's farm and forest program across the state. DLCD directed the RAC to consider:

- Codifying identified case law standards;
- Other EFU rule amendments;
- Conforming rule changes; and

- Providing additional clarity to counties and potential applicants with the intent of reducing unnecessary appeals.

LCDC ultimately adopted new Oregon Administrative Rules (OARs) developed by the RAC on December 6, 2024. They became effective on January 1, 2025. Staff provided a briefing to the Board on February 3, 2025 - the memo from that briefing (Attachment C) provides additional background on the state rulemaking process and intent of the amendments.

This housekeeping text amendment incorporates rulemaking updates to applicable OARs and Oregon Revised Statutes (ORS) into the DCC, and codifies minor items from prior rulemaking or legislation not yet reflected locally.

## II. OVERVIEW OF AMENDMENTS

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

- Amend 18.16.040(A) to apply farm impacts test through reference to ORS and OAR.
- Amend 18.16.042(A) 'incidental and subordinate' definition for agri-tourism.
- Amend 18.16.030(Y) to include ORS and OAR references for rural transportation facilities in Exclusive Farm Use (EFU) zone.
- Add rural transportation facilities as 18.36.030(AE) and 18.40.030(AG) in forest zones and include ORS and OAR references.
- Amend 18.16.031(D), 18.36.030(G), and 18.40.030(H) to reference ORS and OAR definition for private parks.
- Amend 18.16.020(J), 18.36.020(M), and 18.40.020(M) to reference ORS and OAR standards for replacement dwellings. Removed sections 18.16.023, 18.36.025, and 18.40.025 as they were duplicative.
- Amend 18.04 to reference ORS and OAR for definition of "farm use".
- Amend 18.16.050(A)(3)(f), 18.16.050(B)(8), and 18.16.050(C)(5) to reflect new requirements for verification of income associated with farmworker and primary farm dwellings.
- Amend 18.16.038(C) to reference ORS and OAR standards for farm stands.
- Amend 18.16.030(M), 18.36.030(R), and 18.40.030(S) to reference ORS and OAR standards for home occupations.
- Amend 18.36.050(D)(1)(d)(1) and 18.40.050(D)(1)(d)(1) to remove a temporary provision for template dwellings that has sunset.
- Amend 18.16.031(D), 18.16.030(G), 18.36.030(G), and 18.40.030(H) to directly reference requirements for campgrounds in OAR and ORS. Removed 18.16.050(L) as no longer needed.
- Amend 18.04 to amend the definition for a processing facility for farm crops to include rabbit products.
- Amend 18.16.033(C) as it is duplicative and superseded by 18.120.010(B), pertaining to expansion of nonconforming schools.

Staff included only housekeeping style amendments resulting from rulemaking in this particular text amendment package. Additional discretionary amendments related to

childcare, temporary storage sites, and natural disaster event allowances may be pursued in future amendment processes.

### **III. AGENCY AND PUBLIC COMMENTS**

No agency or public comments have been received to date.

### **IV. PLANNING COMMISSION RECOMMENDATION**

The Planning Commission held a public hearing on June 26, 2025. No public or agency testimony was received. The Commission closed the public hearing, deliberated, and voted unanimously to recommend approval of the proposed amendments.

### **V. NEXT STEPS**

At the conclusion of the public hearing, the Board can choose one of the following options:

- Continue the hearing to a date and time certain;
- Close the oral portion of the hearing and leave the written record open to a date and time certain;
- Close the hearing and commence deliberations; or
- Close the hearing and schedule deliberations for a date and time to be determined.

Staff has provided Draft Ordinance 2025-016 for consideration by the Board following public testimony.

#### Attachments

Draft Ordinance 2025-016

Exhibit A 18.04 Definitions

Exhibit B 18.16 Exclusive Farm Use Zone

Exhibit C 18.36 Forest Use 1 Zone (F-1)

Exhibit D 18.40 Forest Use 2 Zone (F-2)

Exhibit E Findings

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

## BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending the Deschutes County Code \*  
 Title 18, Zoning Ordinance Relating to Farm and \*  
 Forest Modernization Rulemaking. \*

ORDINANCE NO. 2025-016

WHEREAS, the Deschutes County Community Development Department (“CDD”) initiated amendments (Planning Division File No. 247-25-000297-TA) to the Deschutes County Code (“DCC”) Chapter 18.04 – Definitions, 18.16 – Exclusive Farm Use Zone, Chapter 18.36 – Forest Use Zone; F-1, Chapter 18.40 – Forest Use Zone; F-2; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on June 26, 2025, and forwarded to the Deschutes County Board of County Commissioners (“Board”) a unanimous recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on September 10, 2025, and concluded that the public will benefit from the proposed changes to the Deschutes County Code Title 18; now, therefore,

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

Section 1. AMENDING. Chapter 18.04, Definitions, is amended to read as described in Exhibit “A” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 2. AMENDING. Chapter 18.16, Exclusive Farm Use Zone, is amended to read as described in Exhibit “B” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 3. AMENDING. Deschutes County Code Chapter 18.36, Forest Use Zone; F-1, is amended to read as described in Exhibit “C”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 4. AMENDING. Deschutes County Code Chapter 18.40, Forest Use Zone; F-2, is amended to read as described in Exhibit “D”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 5. FINDINGS. The Board adopts as its findings Exhibit “E,” attached and incorporated by reference herein.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2025

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DeBONE, Chair

\_\_\_\_\_  
PATTI ADAIR, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHILIP CHANG, Commissioner

Date of 1<sup>st</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Date of 2<sup>nd</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Anthony DeBone	_____	_____	_____	_____
Patti Adair	_____	_____	_____	_____
Philip Chang	_____	_____	_____	_____

Effective date: \_\_\_\_\_ day of \_\_\_\_\_, 2025.



## Exhibit A to Ordinance 2025-016

**CHAPTER 18.04 TITLE, PURPOSE AND DEFINITIONS**18.04.010 Title18.04.020 Purpose18.04.030 Definitions

...

**18.04.030 Definitions**

As used in DCC Title 18, the following words and phrases shall mean as set forth in DCC 18.04.030, or, where such words and phrases are defined in applicable Oregon Revised Statutes (ORS) and/or Oregon Administrative Rules (OAR), as defined therein. If there is any conflict between the definitions set forth in DCC 18.04.030 and the definitions of the same words and phrases in applicable ORS and/or OAR, the definitions in ORS and/or OAR shall prevail.

...

"Facility for the processing of farm products" means a facility for:

- A. Processing farm crops, including the production of biofuel as defined in ORS 315.141, if at least one-quarter of the farm crops come from the farm operation containing the facility; or
- B. Slaughtering, processing or selling poultry, ~~or poultry products,~~ rabbits, or rabbit products from the farm operation containing the facility and consistent with the licensing exemption for a person under ORS 603.038(2).

...

~~"Farm use" has the meaning given in ORS 215.203 and OAR 660-033-0020. means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm Use" also includes the current employment of the land for the primary purpose of obtaining a profit in money by stabling or training equines, including but not limited to, providing riding lessons, training clinics and schooling shows. "Farm use" also~~

~~includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described above. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3). Current employment of the land for farm use also includes those uses listed under ORS 215.203(2)(b).~~

...

(Ord. Chapter 18.04 35 (04/2015); Ord. 88-050 §3, 1988)

## HISTORY

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

*Amended by Ord. [82-013](#) §1 on 5/25/1982*

*Amended by Ord. [83-037](#) §2 on 6/1/1983*

*Amended by Ord. [83-033](#) §1 on 6/15/1983*

*Amended by Ord. [84-023](#) §1 on 8/1/1984*

*Amended by Ord. [85-002](#) §2 on 2/13/1985*

*Amended by Ord. [86-032](#) §1 on 4/2/1986*

*Amended by Ord. [86-018](#) §1 on 6/30/1986*

*Amended by Ord. [86-054](#) §1 on 6/30/1986*

*Amended by Ord. [86-056](#) §2 on 6/30/1986*

*Amended by Ord. [87-015](#) §1 on 6/10/1987*

*Amended by Ord. [88-009](#) §1 on 3/30/1988*

*Amended by Ord. [88-030](#) §3 on 8/17/1988*

*Amended by Ord. [89-004](#) §1 on 3/24/1989*

*Amended by Ord. [89-009](#) §2 on 11/29/1989*

*Amended by Ord. [90-014](#) §2 on 7/12/1990*

*Amended by Ord. [91-002](#) §11 on 2/6/1991*

*Amended by Ord. [91-005](#) §1 on 3/4/1991*

*Amended by Ord. [92-025](#) §1 on 4/15/1991*

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

*Amended by Ord. [91-038](#) §§3 and 4 on 9/30/1991*

*Amended by Ord. [92-004](#) §§1 and 2 on 2/7/1992*

*Amended by Ord. [92-034](#) §1 on 4/8/1992*

*Amended by Ord. [92-065](#) §§1 and 2 on 11/25/1992*

*Amended by Ord. [92-066](#) §1 on 11/25/1992*

Amended by Ord. [93-002](#) §§1, 2 and 3 on 2/3/1993  
Amended by Ord. [93-005](#) §§1 and 2 on 4/21/1993  
Amended by Ord. [93-038](#) §1 on 7/28/1993  
Amended by Ord. [93-043](#) §§1, 1A and 1B on 8/25/1993  
Amended by Ord. [94-001](#) §§1, 2, and 3 on 3/16/1994  
Amended by Ord. [94-008](#) §§1, 2, 3, 4, 5, 6, 7 and 8 on 6/8/1994  
Amended by Ord. [94-041](#) §§2 and 3 on 9/14/1994  
Amended by Ord. [94-038](#) §3 on 10/5/1994  
Amended by Ord. [94-053](#) §1 on 12/7/1994  
Amended by Ord. [95-007](#) §1 on 3/1/1995  
Amended by Ord. [95-001](#) §1 on 3/29/1995  
Amended by Ord. [95-075](#) §1 on 11/29/1995  
Amended by Ord. [95-077](#) §2 on 12/20/1995  
Amended by Ord. [96-003](#) §2 on 3/27/1996  
Amended by Ord. [96-082](#) §1 on 11/13/1996  
Amended by Ord. [97-017](#) §1 on 3/12/1997  
Amended by Ord. [97-003](#) §1 on 6/4/1997  
Amended by Ord. [97-078](#) §5 on 12/31/1997  
Amended by Ord. [2001-037](#) §1 on 9/26/2001  
Amended by Ord. [2001-044](#) §2 on 10/10/2001  
Amended by Ord. [2001-033](#) §2 on 10/10/2001  
Amended by Ord. [2001-048](#) §1 on 12/10/2001  
Amended by Ord. [2003-028](#) §1 on 9/24/2003  
Amended by Ord. [2004-001](#) §1 on 7/14/2004  
Amended by Ord. [2004-024](#) §1 on 12/20/2004  
Amended by Ord. [2005-041](#) §1 on 8/24/2005  
Amended by Ord. [2006-008](#) §1 on 8/29/2006  
Amended by Ord. [2007-019](#) §1 on 9/28/2007  
Amended by Ord. [2007-020](#) §1 on 2/6/2008  
Amended by Ord. [2007-005](#) §1 on 2/28/2008  
Amended by Ord. [2008-015](#) §1 on 6/30/2008  
Amended by Ord. [2008-007](#) §1 on 8/18/2008  
Amended by Ord. [2010-018](#) §3 on 6/28/2010  
Amended by Ord. [2010-022](#) §1 on 7/19/2010  
Amended by Ord. [2011-009](#) §1 on 10/17/2011  
Amended by Ord. [2012-004](#) §1 on 4/16/2012  
Amended by Ord. [2012-007](#) §1 on 5/2/2012  
Amended by Ord. [2013-008](#) §1 on 7/5/2013

Amended by Ord. [2014-009](#) §1 on 8/6/2014  
Amended by Ord. [2015-004](#) §1 on 4/22/2015  
Amended by Ord. [2016-015](#) §1 on 7/1/2016  
Amended by Ord. [2016-026](#) §1 on 11/9/2016  
Amended by Ord. [2016-006](#) §1 on 2/27/2017  
Amended by Ord. [2017-015](#) §1 on 11/1/2017  
Repealed by Ord. [2018-005](#) §8 on 10/10/2018  
Amended by Ord. [2018-006](#) §4 on 11/20/2018  
Amended by Ord. [2019-010](#) §1 on 5/8/2019  
Amended by Ord. [2019-016](#) §1 on 2/24/2020  
Amended by Ord. [2020-001](#) §1 on 4/21/2020  
Amended by Ord. [2020-010](#) §1 on 7/3/2020  
Amended by Ord. [2020-007](#) §7 on 10/27/2020  
Amended by Ord. [2021-013](#) §3 on 4/5/2022  
Amended by Ord. [2022-014](#) §1 on 4/4/2023  
Amended by Ord. [2023-001](#) §2 on 5/30/2023  
Amended by Ord. [2024-008](#) §2 on 1/7/2025  
Amended by Ord. [2025-002](#) §1 on 3/28/2025  
*Amended by Ord. 2025-016 §1 on x/xx/xxxx*

## Exhibit B to Ordinance 2025-016

**CHAPTER 18.16 EXCLUSIVE FARM USE ZONES**[18.16.010 Purpose](#)[18.16.020 Uses Permitted Outright](#)~~[18.16.023 Lawfully Established Dwelling Replacement](#)~~[18.16.025 Uses Permitted Subject To The Special Provisions Under DCC Section 18.16.038 Or DCC Section 18.16.042 And A Review Under DCC Chapter 18.124 Where Applicable](#)[18.16.030 Conditional Uses Permitted; High Value And Non-High Value Farmland](#)[18.16.031 Conditional Uses On Non-High Value Farmland Only](#)[18.16.033 Conditional Uses On High Value Farmland Only](#)[18.16.035 Destination Resorts](#)[18.16.037 Guest Ranch](#)[18.16.038 Special Conditions For Certain Uses Listed Under DCC 18.16.025](#)[18.16.040 Limitations On Conditional Uses](#)[18.16.042 Agri-Tourism And Other Commercial Events Or Activities Limited Use Permit](#)[18.16.043 Single Permit](#)[18.16.050 Standards For Dwellings In The EFU Zones](#)[18.16.055 Land Divisions](#)[18.16.060 Dimensional Standards](#)[18.16.065 Subzones](#)[18.16.067 Farm Management Plans](#)[18.16.070 Setbacks](#)[18.16.080 Ordinary High Water Mark Setbacks](#)[18.16.090 Rimrock Setback](#)

...

**18.16.020 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright:

- A. Farm use ~~has the meaning given in ORS 215.203 and OAR 660-033-0020. as defined in DCC Title 18.~~
- B. Propagation or harvesting of a forest product.
- C. 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).

- D. Accessory buildings customarily provided in conjunction with farm use.
- E. Climbing and passing lanes within the right of way existing as of July 1, 1987.
- F. 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 lots or parcels result.
- G. Temporary public road and highway detours that will be abandoned and restored to original condition or use when no longer needed.
- H. Minor betterment of existing public road and highway-related facilities such as maintenance yards, weigh stations, and rest areas, within a 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.
- I. Creation, restoration, or enhancement of wetlands.
- J. A lawfully established dwelling may be altered, restored, or replaced as allowed by and subject to the requirements of ORS 215.291 and OAR 660-033-130.~~subject to DCC 18.16.023.~~
  - 1. The replacement dwelling is subject to OAR 660-033-0130(30) and the County shall require as a condition of approval of a single-family replacement dwelling that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 to 30.937.
- K. A replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed on the National Register of Historic Places and on the County inventory as a historic property as defined in ORS 358.480, and subject to 18.16.020(J)(1)above.
- L. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- M. 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:

1. A public right of way;
  2. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
  3. The property to be served by the utility.
- N. The land application of reclaimed water, agricultural process 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, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246 to 215.251. For the purposes of this section, 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.
- O. Fire service facilities providing rural fire protection services.
- P. 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).
- Q. Outdoor mass gathering described in ORS 197.015(10)(d), and subject to DCC Chapter 8.16.
- R. Composting operations that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract as allowed under OAR 660-033-0130(29).

#### HISTORY

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

*Amended by Ord. [81-001](#) §1 on 3/5/1981*

*Amended by Ord. [81-025](#) §1 on 7/15/1981*

*Amended by Ord. [86-007](#) §1 on 1/29/1986*

*Amended by Ord. [91-002](#) §3 on 2/6/1991*

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

Amended by Ord. [91-020](#) §1 on 5/29/1991  
 Amended by Ord. [91-024](#) §1 on 6/26/1991  
 Amended by Ord. [91-038](#) §§1 and 2 on 9/30/1991  
 Amended by Ord. [92-065](#) §3 on 11/25/1992  
 Amended by Ord. [95-007](#) §10 on 3/1/1995  
 Amended by Ord. [98-030](#) §1 on 5/13/1998  
 Amended by Ord. [2001-016](#) §2 on 3/28/2001  
 Amended by Ord. [2001-039](#) §1 on 12/12/2001  
 Amended 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. [2012-007](#) §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. [2018-006](#) §5 on 11/20/2018  
 Amended by Ord. [2021-004](#) §1 on 5/27/2021  
 Amended by Ord. [2025-002](#) §4 on 3/28/2025  
 Amended by Ord [2025-016](#) §2 on x/xx/xxxx

### **18.16.023 Lawfully Established Dwelling Replacement**

~~A lawfully established dwelling may be altered, restored, or replaced under DCC~~

~~18.16.020(J) above if:~~

~~A.—The dwelling to be altered, restored, or replaced:~~

~~1.—Has, or formerly had:~~

~~a.—Intact exterior walls and roof structure;~~

~~b.—Indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;~~

~~c.—Interior wiring for interior lights; and~~

~~d.—A heating system; and~~

~~B.—Unless the value of the dwelling was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation since the later of:~~



- 1.—Five years before the date of the application; or
  - 2.—The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
  - 3.—If the value of the dwelling was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:
    - a.—Five years before the date of the destruction or demolition; or
    - b.—The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.
- C.—For replacement of a lawfully established dwelling under this section:
- 1.—The dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055.
  - 2.—The replacement dwelling:
    - a.—May be sited on any part of the same lot or parcel.
    - b.—Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
    - c.—Must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:
      - 1.—The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or
      - 2.—No statewide map of wildfire risk has been adopted.
- D.—As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of this section and either ORS

~~215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.~~

~~E.—If an applicant is granted a deferred replacement permit under this section:~~

~~1.—The deferred replacement permit:~~

~~a.—Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and~~

~~b.—May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.~~

~~2.—The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes, and other requirements relating to health and safety or to siting at the time of construction.~~

~~F.—An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed under subsection (A)(1) of this section.~~

~~G.—Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.~~

## HISTORY

*Adopted by Ord. [2014-010](#) §1 on 4/28/2014*

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

*Amended by Ord. [2024-008](#) §3 on 1/7/2025*

*Amended by Ord. [2025-002](#) §4 on 3/28/2025*

*~~Repeal by Ord 2025-016 §2 on x/xx/xxxx~~*

...

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

The following uses may be allowed in the Exclusive Farm Use zones on either high value farmland or non-high value farmland subject to applicable provisions of the Comprehensive Plan, DCC 18.16.040 and 18.16.050, and other applicable sections of DCC Title 18.

A. Nonfarm dwelling.

- B. Lot of record dwelling.
- C. Subject to the standards of ORS 215.296, residential home in existing dwellings.
- D. A hardship dwelling, as described in DCC 18.16.050(H).
- E. Commercial activities that are in conjunction with farm use, but not including the processing of farm crops as described in DCC 18.16.025.
- F. Operations conducted for: Mining and processing of geothermal resources as defined by ORS 522.005, and Mining and processing of natural gas or oil as defined by ORS 520.005, not otherwise permitted under DCC 18.16.020.
- G. Expansion of an existing private park, playground, hunting and fishing preserve and campground on the same tract as the existing use, subject to ORS 215.283 and OAR 660-033-0130.
- H. Public park and playground consistent with the provisions of ORS 195.120, and including only the uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.
- I. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.
  - 1. A community center authorized under this section 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.
  - 2. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.
- J. Transmission towers over 200 feet in height.
- K. Commercial utility facility, including a hydroelectric facility (in accordance with DCC 18.116.130 and 18.128.260, and OAR 660-033-0130), for the purpose of generating power for public use by sale, not including wind power generation facilities.
- L. Personal use airport for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use airport as used in DCC 18.16.030 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.

- M. Home Occupation ~~as allowed by and~~, subject to the requirements of ORS 215.448, OAR 660-033-0130, and DCC 18.116.280.

~~1.—The home occupation shall:~~

~~a.—be operated substantially in the dwelling or other buildings normally associated with uses permitted in the EFU zone;~~

~~b.—be operated by a resident or employee of a resident of the property on which the business is located; and~~

~~c.—employ on the site no more than five full-time or part-time persons.~~

~~d.—The home occupation shall not unreasonably interfere with other uses permitted in the EFU zone.~~

- N. 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 213.203(2).

1. The primary processing of a forest product, as used in DCC 18.16.030, 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.

2. Forest products, as used in DCC 18.16.030, means timber grown upon a lot or parcel of land or contiguous land where the primary processing facility is located.

- O. Construction of additional passing and travel lanes requiring the acquisition of right of way, but not resulting in the creation of new land lots or parcels.

- P. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings, but not resulting in the creation of new land lots or parcels.

- Q. 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 lots or parcels.

- R. 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.

1. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture.
  2. The county shall provide notice of all applications under this section to the State Department of Agriculture.
  3. Notice shall be provided in accordance with DCC Title 22, but shall be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.
- S. Room and board arrangements for a maximum of five unrelated persons in an existing residence. If approved, this use is subject to the recording of the statement listed in DCC 18.16.020(J)(1).
- T. Fill or removal within the bed and banks of a stream or river or in a wetland.
- U. Roads, highways and other transportation facilities, and improvements not otherwise allowed under DCC 18.16, if an exception to Goal 3, Agricultural Lands, and to any other applicable goal is first granted under state law. Transportation uses and improvements may be authorized under conditions and standards as set forth in OAR 660-012-0035 and 660-012-0065.
- V. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- W. A living history museum.
- X. Operations for the extraction and bottling of water.
- Y. Transportation improvements on rural lands allowed by and subject to the requirements of ORS 215.283(3) and OAR 660-012-0065.
- Z. Expansion of existing county fairgrounds and activities relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.
- AA. Extended outdoor mass gatherings, subject to DCC 8.16.
- AB. 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.

AC. Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130.

AD. Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130. On high-value farmland only, photovoltaic solar power generation facilities are subject to the provisions in ORS 215.447.

AE. Commercial dog boarding kennel, or dog training classes or testing trials that exceed the standards under DCC 18.16.025(K), subject to DCC 18.16.040(A)(1 and 2).

AF. Equine and equine-affiliated therapeutic and counseling activities, provided:

1. The activities are conducted in existing buildings that were lawfully constructed on the property before the effective date of January 1, 2019 or in new buildings that are accessory, incidental, and subordinate to the farm use on the tract; and
2. All individuals conducting therapeutic or counseling activities are acting within the proper scope of any licenses required by the state.

## HISTORY

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

*Amended by Ord. [83-028](#) §1 on 6/1/1983*

*Amended by Ord. [86-018](#) §3 on 6/30/1986*

*Amended by Ord. [87-013](#) §1 on 6/10/1987*

*Amended by Ord. [90-018](#) §1 on 5/16/1990*

*Amended by Ord. [90-014](#) §§23 and 31 on 7/12/1990*

*Amended by Ord. [91-005](#) §5 on 3/4/1991*

*Amended by Ord. [91-014](#) §1 on 3/13/1991*

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

*Amended by Ord. [91-038](#) §2 on 9/30/1991*

*Amended by Ord. [92-065](#) §3 on 11/25/1992*

*Amended by Ord. [94-008](#) §9 on 6/8/1994*

*Amended by Ord. [95-007](#) §11 on 3/1/1995*

*Amended by Ord. [95-025](#) §1 on 3/3/1995*

*Amended by Ord. [98-030](#) §1 on 5/13/1998*

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

*Amended by Ord. [2001-039](#) §1 on 12/12/2001*

*Amended 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. [2012-007](#) §2 on 5/2/2012

Amended by Ord. [2014-010](#) §1 on 4/28/2014

Amended by Ord. [2018-006](#) §5 on 11/20/2018

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

Amended by Ord. [2024-008](#) §3 on 1/7/2025

Amended by Ord. [2025-002](#) §4 on 3/28/2025

[Amended by Ord 2025-016 §2 on x/xx/xxxx](#)

### **18.16.031 Conditional Uses On Non-High Value Farmland Only**

The following uses may be allowed only on tracts in the Exclusive Farm Use Zones that constitute non-high value farmland subject to applicable provisions of the Comprehensive Plan and DCC 18.16.040 and other applicable sections of DCC Title 18.

- A. A disposal site which includes a land disposal site 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.
- B. Golf course and accessory golf course uses as defined in DCC Title 18 on land determined not to be high value farmland, as defined in ORS 195.300.
- C. Except for those composting facilities that are a farm use as allowed under DCC 18.16.020, composting operations and facilities for which a permit has been granted by the Oregon Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060.
  1. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.
  2. On-site sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.
  3. A composting facility use shall be subject to DCC 18.16.040(~~MN~~).
- D. Private parks, playgrounds, hunting and fishing preserves and campgrounds as allowed by and subject to the requirements of ~~home~~ORS 215.283 and OAR 660-033-0130.

- E. 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, subject to the applicable Oregon Administrative Rules.

#### HISTORY

Adopted by Ord. [95-007](#) §12 on 3/1/1995

Amended by Ord. [2004-001](#) §2 on 7/14/2004

Amended by Ord. [2009-014](#) §1 on 6/22/2009

Amended by Ord. [2010-022](#) §2 on 7/19/2010

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

Amended by Ord. [2014-010](#) §1 on 4/28/2014

Amended by Ord. [2020-007](#) §9 on 10/27/2020

~~Amended by Ord. 2025-016 §2 on x/xx/xxxx~~

#### **18.16.033 Conditional Uses On High Value Farmland Only**

In addition to those uses listed in DCC 18.16.030 above, the following uses may be allowed on tracts in the Exclusive Farm Use Zones that constitute high value farmland subject to applicable provisions of the Comprehensive Plan and DCC 18.16.040 and other applicable sections of DCC Title 18.

- A. Maintenance, enhancement or expansion of a site for the disposal of solid waste approved by the County for which a permit has been granted under ORS 459.245 by the Oregon Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation, subject to other requirements of law. New such sites are prohibited.
- B. Maintenance, enhancement or expansion of golf course and accessory golf course uses as defined in DCC Title 18 existing as of March 1, 1994, subject to other requirements of law. New such uses are prohibited. Expanded courses may not exceed 36 holes total.

~~C. Additions or expansions to existing public or private schools on high value farmland, for kindergarten through grade 12, including all buildings essential to the operation of a school, subject to the applicable Oregon Administrative Rules.~~

#### HISTORY

Adopted by Ord. [95-007](#) §13 on 3/1/1995

Amended by Ord. [2004-001](#) §2 on 7/14/2004

Amended by Ord. [2009-014](#) §1 on 6/22/2009



Amended by Ord. [2010-022](#) §2 on 7/19/2010

Amended by Ord. [2014-010](#) §1 on 4/28/2014

Amended by Ord. [2025-016](#) §2 on x/xx/xxxx

...

**18.16.038 Special Conditions For Certain Uses Listed Under DCC 18.16.025**

- A. A utility facility necessary for public use allowed under DCC 18.16.025 shall be one that must be sited in an agricultural zone in order for service to be provided. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:
1. Technical and engineering feasibility;
  2. The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
  3. Lack of available urban and nonresource lands;
  4. Availability of existing rights of way;
  5. Public health and safety; and
  6. Other requirements of state and federal agencies.
  7. Costs associated with any of the factors listed in 1-6 above may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities that are not substantially similar.
  8. The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

9. In addition to the provisions of 1-6 above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.
10. The provisions above do not apply to interstate gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.
11. The County shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use, in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.
12. Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Off-site facilities allowed under this provision are subject to OAR 660-033-0130(5). Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.

B. Wineries are subject to the following:

1. A winery, authorized under DCC 18.16.025 is a facility that produces wine with a maximum annual production of:
  - a. Less than 50,000 gallons and:
    1. Owns an on-site vineyard of at least 15 acres;
    2. Owns a contiguous vineyard of at least 15 acres;
    3. Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or
    4. Obtains grapes from any combination of i, ii, or iii of this subsection; or
  - b. At least 50,000 gallons and the winery:

1. Owns an on-site vineyard of at least 40 acres;
  2. Owns a contiguous vineyard of at least 40 acres;
  3. Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery;
  4. Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or
  5. Obtains grapes from any combination of i, ii, iii, or iv of this subsection.
2. In addition to producing and distributing wine, a winery established under this section may:
- a. Market and sell wine produced in conjunction with the winery.
  - b. Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
    1. Wine tastings in a tasting room or other location on the premises occupied by the winery;
    2. Wine club activities;
    3. Winemaker luncheons and dinners;
    4. Winery and vineyard tours;
    5. Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;
    6. Winery staff activities;
    7. Open house promotions of wine produced in conjunction with the winery; and
    8. Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.
  - c. Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of

which is incidental to on-site retail sale of wine, including food and beverages:

1. Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
2. Served in conjunction with an activity authorized by paragraph (b), (d) or (e) of this subsection.
- d. Carry out agri-tourism or other commercial events on the tract occupied by the winery subject to subsections of this section.
- e. Host charitable activities for which the winery does not charge a facility rental fee.
3. On-site kitchen.
  - a. A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in subsection (2)(c) of this section.
  - b. Food and beverage services authorized under subsection (2)(c) of this section may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.
4. The gross income of the winery from the sale of incidental items or services provided pursuant to subsection (2)(c) to (e) of this section may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.
  - a. The gross income of the winery does not include income received by third parties unaffiliated with the winery.
  - b. At the request of the County, who has land use jurisdiction over the site of a winery, the winery shall submit to the County a written statement that is prepared by a certified public accountant and certifies the compliance of the winery with this subsection for the previous tax year.
5. A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery.

6. If a winery approved under DCC 18.16.038(B)(5) conducts agri-tourism or other commercial events, the winery may not conduct agri-tourism or other commercial events or activities authorized under Deschutes County Code 18.16.042.
7. Gross Income.
  - a. The gross income of the winery from any activity other than the production or sale of wine may not exceed 25 percent of the gross income from the on-site retail of wine produced in conjunction with the winery.
  - b. The gross income of the winery does not include income received by third parties unaffiliated with the winery.
  - c. The winery shall submit to the Deschutes County Community Development Department a written statement, prepared by a certified public accountant that certifies compliance with this section for the previous tax year by April 15 of each year in which private events are held.
8. A winery operating under this section shall provide parking for all activities or uses on the lot, parcel, or tract on which the winery is established.
9. Prior to the issuance of a permit to establish a winery under this section, the applicant shall show that vineyards described in subsections (B)(1) of this section have been planted or that the contract for the purchase of grapes has been executed, as applicable.
10. The siting of a winery shall be subject to the following standards:
  - a. Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places, unless the County grants an adjustment or variance allowing a setback of less than 100 feet.
  - b. Shall comply with DCC Chapter 18.80, Airport Safety Combining Zone, and DCC 18.116.180, Building Setbacks for the Protection of Solar Access.
11. As used in this section, “private events” includes, but is not limited to, facility rentals and celebratory gatherings.
12. The winery shall have direct road access and internal circulation.

13. A winery is subject to the following public health and safety standards:

- a. Sanitation facilities shall include, at a minimum, portable restroom facilities and stand-alone hand washing stations.
- b. No event, gathering or activity may begin before 7:00 a.m. or end after 10:00 p.m., including set-up and take-down of temporary structures.
- c. Noise control.
  - 1. All noise, including the use of a sound producing device such as, but not limited to, loud speakers and public address systems, musical instruments that are amplified or unamplified, shall be in compliance with applicable state regulations.
  - 2. 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 during private events.
- d. Adequate traffic control must be provided by the property owner to address the following:
  - 1. There shall be one traffic control person for each 250 persons expected or reasonably expected to be in attendance at any time.
  - 2. All traffic control personnel shall be certified by the State of Oregon and shall comply with the current edition of the Manual of Uniform Traffic Control Devices.
- e. Structures.
  - 1. All permanent and temporary structures and facilities are subject to fire, health and life safety requirements, and shall comply with all requirements of the Deschutes County Building Safety Division and the Environmental Soils Division and any other applicable federal, state and local laws.
  - 2. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building

occupancy classification requirements of the State of Oregon adopted building code.

- f. Inspection of event premises authorization. The applicant shall provide in writing a consent to allow law enforcement, public health, and fire control officers to come upon the premises for which the Limited Use Permit has been granted for the purposes of inspection and enforcement of the terms and conditions of the permit and DCC Chapter 18.16 Exclusive Farm Use Zone and DCC Chapter 8.08 Noise Control, and any other applicable laws or ordinances.

C. Farm stands ~~as allowed and re~~ subject to the requirements of ORS 215.283 and OAR 660-033-130, the following:

- ~~1.—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 sales of the 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~~
- ~~2.—The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops or livestock, and does not include structures for banquets, public gatherings or public entertainment.~~
- ~~3.—As used in this section, “farm crops or livestock” includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area.~~
- ~~4.—As used in this subsection, “processed crops and livestock” includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.~~
- ~~5.—As used in this section, “local agricultural area” includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.~~

D. A site for the takeoff and landing of model aircraft is subject to the following:

1. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building of facility preexisted the use approved under this section.
  - a. The site shall not include an aggregate surface or hard surface area, unless the surface preexisted the use approved under this section.
  - b. An owner of property used for the purpose authorized in this section may charge a person operating the use on the property rent for the property.
  - c. 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.
  - d. As used in this section, "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.
- E. An associated transmission line is necessary for public service if an applicant for approval under DCC 18.16.025 demonstrates that the line meets either the requirements of 1 or 2 below.
  1. The entire route of the associated transmission line meets at least one of the following requirements:
    - a. The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;
    - b. The associated transmission line is co-located with an existing transmission line;
    - c. The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
    - d. The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.
  2. After an evaluation of reasonable alternatives, the entire route of the associated transmission line meets, subject to DCC 18.16.038(E)(3) and (4) below, two or more of the following factors:



- a. Technical and engineering feasibility;
  - b. The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
  - c. Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
  - d. Public health and safety, or
  - e. Other requirements of state or federal agencies.
3. As pertains to DCC 18.16.038(E)(2), the applicant shall present findings to the County on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.
  4. The County may consider costs associated with any of the factors listed in DCC 18.16.038(E)(2) above, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

#### 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. [2025-002](#) §4 on 3/28/2025

*Amended by Ord 2025-016 §2 on x/xx/xxxx*

#### **18.16.040 Limitations On Conditional Uses**

- A. Conditional uses permitted by DCC 18.16.030, 18.16.031, and 18.16.033 may be established subject to ORS 215.296, OAR 660-033-0130(5), applicable provisions in DCC 18.128, and upon a finding by the Planning Director or Hearings Body: ~~that the proposed use:~~
- ~~1.—Will not force a significant change in accepted farm or forest practices as defined in ORS 215.203(2)(c) on surrounding lands devoted to farm or forest uses; and~~
  - ~~2.—Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and~~
  - ~~3.1. \_\_\_\_\_~~ That the actual site on which the use is to be located is the least suitable for the production of farm crops or livestock.
- B. A commercial activity allowed under DCC 18.16.030(E) shall be associated with a farm use occurring on the lot or parcel where the commercial use is proposed. The commercial activity may use, process, store, or market farm products produced outside of Deschutes County.
- C. A power generation facility that is part of a commercial utility facility for the purpose of generating power for public use by sale identified in DCC 18.16.030(K) and:
- 1. That is located on high-value farmland, the permanent features of which shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and Oregon Administrative Rules 660, Division 004.
  - 2. That is located on non-high-value farmland, the permanent features of which shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and Oregon Administrative Rules 660, Division 4.
  - 3. A power generation facility may include on-site and off-site facilities for temporary workforce housing as allowed under OAR 660-033-0130(17) and (22).
- D. A wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings,

temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to OAR 660-033-0130(5) and shall have no effect on the original approval. A proposal for a wind power generation facility shall be subject to the following provisions:

1. For high value farmland soils described in ORS 195.300(10), that all of the following are satisfied:
  - a. Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:
    1. Technical and engineering feasibility;
    2. Availability of existing rights of way; and
    3. The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under OAR 660-033-0130(37)(a)(B);
  - b. The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any component thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;
  - c. Costs associated with any of the factors listed in OAR 660-033-0130(37)(a)(A) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;

- d. The owner of a wind power generation facility approved under OAR 660-033-0130(37)(a) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this section shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and
  - e. The criteria of OAR 660-033-0130(37)(b) are satisfied.
- 2. For arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designated must find that:
  - a. The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;
  - b. The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;
  - c. Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, show unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other

appropriate practices. The approved plan shall be attached to the decision as a condition of approval;

- d. Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.
3. For nonarable lands, meaning lands that are not suitable for cultivation, the governing body or its designate must find that the requirements of OAR 660-033-0130(37)(b)(D) are satisfied.
4. In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in OAR 660-033-0130(37)(b) and (c) the approval criteria of OAR 660-033-0130(37)(b) shall apply to the entire project.
- E. No aircraft may be based on a personal-use airport identified in DCC 18.16.030(L) 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.
- F. The facility for the primary processing of forest products identified in DCC 18.16.030 is intended to be portable or temporary in nature. Such a facility may be approved for a one-year period which is renewable.
- G. Batching and blending mineral and aggregate into asphaltic cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date of the application for bat
- H. Accessory uses for golf courses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service

facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to service only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

- I. An expansion of an existing golf course as allowed under DCC 18.16.033(C) shall comply with the definition of "golf course" set forth in DCC Title 18 and the provisions of DCC 18.16.040(A).
- J. An applicant for a nonfarm conditional use may demonstrate that the standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.
- K. For purposes of approving a conditional use permit for a lot of record dwelling under DCC 18.16.030, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:
  1. Submits a statement of agreement from the Natural Resources Conservation Service of the United States Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or
  2. Submits a report from a soils scientist whose credentials are acceptable to the Oregon Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and
  3. Submits a statement from the Oregon Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in 2 above and finds the analysis in the report to be soundly and scientifically based.
  4. The soil classes, soil ratings or other soil designations used in or made pursuant to this definition are those of the NRCS in its most recent publication for that class, rating or designation before November 4, 1993, except for changes made pursuant to subsections 1-3 above.
  5. For the purposes of approving a land use application under OAR 660-033-0090, 660-033-0120, 660-033-0130 and 660-033-0135, soil classes, soil ratings or other soil designations used in or made pursuant to this definition are those of the NRCS in its most recent publication for that class, rating or designation.

~~L.—Except on a lot or parcel contiguous to a lake or reservoir, a private campground shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 004.~~

- ~~1.—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.~~
- ~~2.—The yurt shall be located on the ground or on a wood floor with no permanent foundation.~~
- ~~3.—As used in this paragraph, “yurt” means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.~~
- ~~4.—A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.~~

~~M.L.~~ \_\_\_\_\_ A living history museum shall be related to resource based activities and be owned and operated by a governmental agency or a local historical society.

1. A living history museum may include 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.
2. 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 “local historical society” means the local historic society recognized by the County and organized under ORS Chapter 65.

~~N.M.~~ \_\_\_\_\_ Pre-Application Conference

1. Before an applicant may submit an application under DCC Chapter 22.08 and DCC 18.16.031(C), for land use approval to establish or modify a

disposal site for composting that requires a permit issued by the Oregon Department of Environmental Quality, the applicant shall:

- a. Request and attend a pre-application conference described in DCC 18.16.040(MN)(3);
  - b. Hold a pre-application community meeting described in DCC 18.16.040(MN)(6).
2. DCC 18.16.040(MN)(1)(a) and (b) apply to an application to:
  - a. Establish a disposal site for composting that sells, or offers for sale, resulting product; or
  - b. Allow an existing disposal site for composting that sells, or offers for sale, resulting product to:
    1. Accept as feedstock non-vegetative materials, including dead animals, meat, dairy products and mixed food waste; or
    2. Increase the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.
3. During the pre-application conference:
  - a. The applicant shall provide information about the proposed disposal site for composting and proposed operations for composting and respond to questions about the site and operations;
  - b. The County and other representatives described in DCC 18.16.040(MN)(5) shall inform the applicant of permitting requirements to establish and operate the proposed disposal site for composting and provide all application materials to the applicant.
4. The applicant shall submit a written request to the County to request a pre-application conference.
5. A representative of the Planning Division and a representative of the Oregon Department of Environmental Quality shall attend the conference along with representatives, as determined necessary by the County, of the following entities:



- a. Any other state agency or local government that has authority to approve or deny a permit, license or other certification required to establish or operate the proposed disposal site for composting;
  - b. A state agency, a local government or a private entity that provides or would provide one or more of the following to the proposed disposal site for composting:
    - 1. Water systems;
    - 2. Wastewater collection and treatment systems, including storm drainage systems.
    - 3. Transportation systems or transit services;
  - c. A city or county with territory within its boundaries that may be affected by the proposed disposal site for composting;
  - d. The Department of Land Conservation and Development;
  - e. The State Department of Agriculture;
- 6. The County shall:
  - a. Provide notice of the pre-application conference to entities described in DCC 18.16.040(MN)(5) by mail and, as appropriate, in any other manner that ensures adequate notice and opportunity to participate;
  - b. Hold the pre-application conference at least 20 days and not more than 40 days after receipt of the applicant's written request; and
  - c. Provide pre-application notes to each attendee of the conference and other entities described above for which a representative does not attend the pre-application conference.
- 7. After the pre-application conference and before submitting the application for land use approval, the applicant shall:
  - a. Hold a community meeting within 60 days after the pre-application conference:
    - 1. In a public location in the county with land use jurisdiction; and
    - 2. On a business day, or Saturday, that is not a holiday, with a start time between the hours of 6:00 p.m. and 8 p.m.

b. Provide notice of the community meeting to:

1. The owners of record, on the most recent property tax assessment roll, of real property located within one-half mile of the real property on which the proposed disposal site for composting would be located;
  2. The resident or occupant that receives mail at the mailing address of the real property described above, if the mailing address of the owner of record is not the mailing address of the real property;
  3. Neighborhood and community organizations recognized by the governing body of the County if a boundary of the organization is within one-half mile of the proposed disposal site for composting;
  4. A newspaper that meets the requirements of ORS 193.020 for publication;
  5. Local media in a press release; and
  6. The entities described in 18.16.040(~~MN~~)(5) above.
8. During the community meeting, the applicant shall provide information about the proposed disposal site for composting and proposed operations for composting and respond to questions about the site and operations.
9. The applicant's notice provided under DCC 18.16.040(~~MN~~)(6)(b) above must include:
- a. A brief description of the proposed disposal site for composting;
  - b. The address and the location of the community meeting; and
  - c. The date and time of the community meeting.

(Ord. 91-011 §1, 1991)

#### HISTORY

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

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

*Amended by Ord. [91-038](#) §§1 and 2 on 9/30/1991*

*Amended by Ord. [92-065](#) §3 on 11/25/1992*

*Amended by Ord. [95-007](#) §14 on 3/1/1995*

Amended by Ord. [95-075](#) §1 on 11/29/1995  
 Amended by Ord. [98-030](#) §1 on 5/13/1998  
 Amended by Ord. [2004-001](#) §2 on 7/14/2004  
 Amended by Ord. [2006-008](#) §3 on 8/29/2006  
 Amended by Ord. [2008-001](#) §2 on 5/6/2008  
 Amended by Ord. [2009-014](#) §1 on 6/22/2009  
 Amended by Ord. [2012-007](#) §2 on 5/2/2012  
 Amended by Ord. [2014-010](#) §1 on 4/28/2014  
 Amended by Ord. [2015-016](#) §2 on 3/28/2016  
 Amended by Ord. [2018-006](#) §5 on 11/20/2018  
 Amended by Ord. [2020-007](#) §9 on 10/27/2020  
 Amended by Ord. [2025-002](#) §4 on 3/28/2025  
 Amended by Ord. [2025-016](#) §2 on x/xx/xxxx

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

A. Agri-tourism and other commercial events or activities ~~necessary to support related to and supportive of~~ agriculture may be approved in an area zoned for exclusive farm use only if the standards and criteria in this section are met.

1. A determination under DCC 18.16.042 that an event or activity is ‘incidental and subordinate’ requires consideration of any relevant circumstances, including the nature, intensity, and economic value of the respective farm and event uses that bear on whether the existing farm use remains the predominant use of the tract.

4.2. A determination under DCC 18.16.042 that an event or activity is ‘necessary to support’ either the commercial farm uses or commercial agricultural enterprises in the area means that the events are essential to maintain the existence of either the commercial farm or the commercial agricultural enterprises in the area.

B. Application. The application shall include the following.

1. The General Provisions information required in DCC 22.08.010.
2. A written description of:
  - a. The proposal.
  - b. The types of agri-tourism and other commercial events or activities that are proposed to be conducted, including the number and duration of the agri-tourism and other commercial events and activities, the anticipated maximum daily attendance and the hours of

operation, and how the agri-tourism and other commercial events or activities will be related to and supportive of are necessary to support agriculture and incidental and subordinate to the existing farm use of the tract.

- c. The types and locations of all permanent and temporary structures, access and egress, parking facilities, and sanitation and solid waste to be used in connection with the agri-tourism or other commercial events or activities.
3. A traffic management plan that:
- a. Identifies the projected number of vehicles and any anticipated use of public roads;
  - b. Provides an assurance that one traffic control person shall be provided for each 250 persons expected or reasonably expected to be in attendance at any time during the agri-tourism and other commercial event or activity. The traffic control personnel shall be certified by the State of Oregon and shall comply with the current edition of the Manual of Uniform Traffic Control Devices.
  - c. Demonstrates that the parcel, lot, or tract has direct access such that the lot, parcel, or tract on which commercial events will occur:
    - 1. Fronts on a public road; or
    - 2. Is accessed by an access easement or private road, and all underlying property owners and property owners taking access between the subject property and the public road consent in writing to the use of the road for agri-tourism and other commercial events or activities at the time of initial application.
4. Inspection of Event Premises Authorization. The applicant shall provide in writing a consent to allow law enforcement, public health, and fire control officers and code enforcement staff to come upon the premises for which the Limited Use Permit has been granted for the purposes of inspection and enforcement of the terms and conditions of the permit and DCC Chapter 18.16 Exclusive Farm Use Zone and DCC Chapter 8.08 Noise Control, and any other applicable laws or ordinances.

C. Approval Criteria.

- 1. Type 1. Up to six (6) agri-tourism events in a calendar year on a tract may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferred with, a conveyance of the tract, if in compliance with:

- a. Criteria set forth in 18.16.042(C)(2)(d-j).
  - b. May not, individually, exceed one calendar day.
  - c. Commercial events or activities are not permitted.
  - d. Minimum lot area: 5 acres.
  - e. Comply with DCC Chapter 8.08 Noise Control at all times. Sound amplification and sound producing devices are prohibited.
  - f. The maximum attendance is 30 at any one time for all non-residents of the tract.
  - g. Where there is a conflict between this section and DCC 18.16.042(C)(4-12), the more restrictive criteria shall apply.
2. Type 2. Up to six (6) agri-tourism and other commercial events or activities in a calendar year on a tract may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferred with, a conveyance of the tract, if in compliance with:
- a. Minimum lot area: 10 acres.
  - b. Agri-tourism events may not, individually, exceed a duration of 72 consecutive hours, excluding set-up and take down of all temporary structures and facilities. The limitation on the hours of operations is included within the duration of 72 consecutive hours.
  - c. Commercial events or activities may not, individually, exceed a duration of 30 consecutive hours, excluding set-up and take down of all temporary structures and facilities. The limitation on the hours of operations is included within the duration of 30 consecutive hours.
  - d. Must be incidental and subordinate to existing farm use of the tract, and ~~shall be related to and supportive of necessary to support~~ agriculture.
  - e. Set-up and take down of all temporary structures and facilities shall occur up to one business day prior to the agri-tourism and other commercial events or activities and one business day after the agri-tourism and other commercial events or activities between 7:00 a.m. and 10:00 p.m.

- f. 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.
  - g. 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.
  - h. Must comply with ORS 215.296.
  - i. Limited Use Permits approved under this section expire two years from the date of approval.
  - j. Limited Permits may be renewed for an additional two years subject to:
    - 1. An application for renewal; and
    - 2. Demonstration of compliance with conditions that apply to the limited use permit and applicable provisions in this section, DCC Chapter 18.16.042.
2. Type 3. Agri-tourism or other commercial events or activities may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferred with, a conveyance of the tract, more frequently or for a longer period than allowed under 18.16.042(C)(1) and (2) if the agri-tourism or other commercial events or activities is in compliance with:
- a. Criteria set forth in 18.16.042(C)(2)(d)(e)(f)(g) and (h).
  - b. Must be 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.
  - c. Minimum lot area: 160 acres.
  - d. Do not exceed 18 commercial events or activities in a calendar year.
  - e. Commercial events or activities may not, individually, exceed a duration of 24 consecutive hours, excluding set-up and take down of all temporary structures and facilities. The limitation on the hours of operations is included within the duration of 24 consecutive hours.
  - f. Agri-tourism events may not, individually, exceed a duration of 72 consecutive hours, excluding set-up and take down of all temporary

structures and facilities. The limitation on the hours of operations is included within the duration of 72 consecutive hours.

- g. No more than two commercial events or activities may occur in one month.
  - h. Limited Use Permits approved under this section expire four years from the date of approval.
  - i. Limited Use Permits may be renewed at four year intervals subject to:
    - 1. An application for renewal;
    - 2. Public notice and public comment as part of the review process.
    - 3. Demonstration of compliance with conditions that apply to the limited use permit and applicable provisions in this section, DCC Chapter 18.16.042.
3. The area in which the agri-tourism or other commercial events or activities are located shall be setback at least 100 feet from the property line.
4. Notification of agri-tourism and other commercial events or activities.
- a. The property owner shall submit in writing the list of calendar days scheduled for all agri-tourism and other commercial events or activities by April 1 of the subject calendar year or within 30 days of new or renewed limited use permits, if after April 1, to Deschutes County's Community Development Department and Sheriff's Office, and all property owners within 500 feet of the subject property.
  - b. The list of calendar dates for all agri-tourism, commercial events and activities may be amended by submitting the amended list to the same entities at least 72 hours prior to any date change.
  - c. If such notice is not provided, the property owner shall provide notice by Registered Mail to the same list above at least 10 days prior to each agri-tourism and other commercial event or activity.
  - d. The notification shall include a contact person or persons for each agri-tourism and other commercial event or activity who shall be easily accessible and who shall remain on site at all times, including the person(s) contact information.

5. Sanitation facilities shall include, at a minimum, portable restroom facilities and stand-alone hand washing stations.
6. Hours of Operation. No agri-tourism and other commercial event or activity may begin before 7:00 a.m. or end after 10:00 p.m.
7. Overnight camping is not allowed.
8. Noise Control
  - a. All noise, including the use of a sound producing device such as, but not limited to, loud speakers and public address systems, musical instruments that are amplified or unamplified, shall be in compliance with applicable state regulations.
  - b. 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 during agri-tourism and other commercial events or activities.
9. Transportation Management.
  - a. Roadways, driveway aprons, driveways, and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
  - b. Driveways extending from paved roads shall have a paved apron, requiring review and approval by the County Road Department.
  - c. The parcel, lot, or tract has direct access as defined in DCC Chapter 18.16.042(B)(3)(c).
  - d. Adequate traffic control must be provided by the property owner to address the following:
    1. There shall be one traffic control person for each 250 persons expected or reasonably expected to be in attendance at any time.
    2. All traffic control personnel shall be certified by the State of Oregon and shall comply with the current edition of the Manual of Uniform Traffic Control Devices.

## 10. Health and Safety Compliance



- a. All permanent and temporary structures and facilities are subject to fire, health and life safety requirements, and shall comply with all requirements of the Deschutes County Building Safety Division and the Environmental Soils Division and any other applicable federal, state and local laws.
  - b. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the State of Oregon adopted building code.
11. The maximum number of people shall not exceed 500 per calendar day.
12. Agri-Tourism and other Commercial Events or Activities shall not be allowed:
- a. Within the County adopted big game winter ranges during the months of December through March.
  - b. Within the County adopted big game migration corridors during the month of April and during the months of October and November.
  - c. Within the County adopted sensitive bird and mammal habitat areas as defined in DCC 18.90.020, unless a site has had no nesting attempt or the nest has failed, as determined by a professional wildlife biologist in May of the calendar year in which the application is approved unless a site has had no nesting attempt or the nest has failed which could be determined in May by a professional wildlife biologist.

#### HISTORY

*Adopted by Ord. [2012-004](#) §2 on 4/16/2012*

*Amended by Ord. [2025-002](#) §4 on 3/28/2025*

*[Amended by Ord. 2025-016 §2 on x/xx/xxxx](#)*

...

#### **18.16.050 Standards For Dwellings In The EFU Zones**

Dwellings listed in DCC 18.16.025 and 18.16.030 may be allowed under the conditions set forth below for each kind of dwelling, and all dwellings are subject to the landowner for the property upon which the dwelling is placed, signing and recording in the deed records for the County, a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury

from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

- A. Farm-related dwellings on non-high value farmland. A dwelling customarily provided in conjunction with farm use, as listed in DCC 18.16.025(A), may be approved if it satisfies any of the alternative tests set forth below:

1. Acreage test.

- a. On land not identified as high-value farmland, a dwelling, including a manufactured dwelling in accordance with DCC 18.116.070, may be considered customarily provided in conjunction with farm use if:

1. The lot or parcel on which the dwelling will be located is at least:

A. One hundred sixty acres and not in the Horse Ridge East subzone; or

B. Three hundred twenty acres in the Horse Ridge East subzone;

2. The subject tract is currently employed for farm use, as defined in DCC 18.04.030, and which is evidenced by a farm management plan;
3. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale;
4. There is no other dwelling on the subject tract, except as allowed under DCC 18.16.020(K) and except for seasonal farmworker housing approved prior to 2001;

2. Median acreage/gross sales test.

- a. On land not identified as high-value farmland, a dwelling, including a manufactured dwelling in accordance with DCC 18.116.070, may be considered customarily provided in conjunction with farm use if:

1. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study

area that includes all tracts wholly or partially within one mile of the perimeter of the subject tract;

2. The subject tract is capable of producing at least the median level of annual gross sales of County indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in DCC 18.16.050(A)(2)(a)(1);
  3. The subject tract is currently employed for farm use, as defined in DCC 18.04.030, and which is evidenced by a farm management plan, at a level capable of producing the annual gross sales required in DCC 18.16.050(A)(2)(a)(2). If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to establishment of the farm use capable of meeting the median income test.
  4. The subject lot or parcel on which the dwelling is proposed is at least 20 acres in size;
  5. There is no other dwelling on the subject tract(1), except as allowed under DCC 18.16.020(K) and except for seasonal farmworker housing approved prior to 2001; and
  6. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.
- b. For the purpose of calculating appropriate tract sizes and gross incomes to satisfy DCC 18.16.050(A)(2)(a)(1) and (2), the County will utilize the methodology contained in Oregon Administrative Rules 660-33-135(3) using data on gross sales per acre tabulated by LCDC pursuant to Oregon Administrative Rules 660-33-135(4).
3. Gross annual income test.
    - a. On land not identified as high-value farmland, a dwelling, including a manufactured dwelling in accordance with DCC 18.116.070, may be considered customarily provided in conjunction with farm use if:
      1. The subject tract is currently employed for a farm use, and that the farm operator earned \$40,000 in gross annual revenue in

the last two years, three of the last five years, or based on the average farm revenue earned on the tract in the highest three of the last five years.

2. There is no other dwelling on the subject tract, except as allowed under 18.16.020(K) and except for seasonal farmworker housing approved prior to 2001;
  3. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in DCC 18.16.050(A)(3)(a)(1); and
- b. In determining gross revenue, the cost of purchased livestock shall be deducted from the total gross revenue attributed to the tract.
  - c. Noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross revenue requirements.
  - d. Only gross revenue from land owned, not leased or rented, shall be counted; and gross farm revenue earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
  - e. Prior to a dwelling being approved under this section that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross farm revenue requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form attached to Chapter 18.16, has been recorded with the county clerk or counties where the property subject to the covenants, conditions and restrictions is located.
    1. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for primary farm dwelling and shall preclude:
      - A. All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed under ORS Chapter 215; and

- B. The use of any gross farm revenue earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling;
- C. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located;
- D. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this section.

- f. The applicant shall submit an IRS tax return transcript and any other information the county may require that demonstrates compliance with the gross farm income requirement.

- B. Farm related dwellings on high value farmland. On land identified as high-value farmland, a dwelling, including a manufactured dwelling in accordance with DCC 18.116.070, may be considered customarily provided in conjunction with farm use if:
  - 1. The subject lot or parcel is currently employed for the farm use as defined in DCC 18.04.030, and that the farm operator earned at least \$80,000 in gross annual revenue from the sale of farm products in the last two years, three of the last five years, or based on the average farm revenue earned by the farm operator in the best three of the last five years. In determining gross revenue, the cost of purchased livestock shall be deducted from the total gross revenue attributed to the tract;
  - 2. There is no other dwelling on the subject tract, except as allowed under 18.16.020(K) and except for seasonal farmworker housing approved prior to 2001;
  - 3. The dwelling will be occupied by a person or persons who produced the commodities which grossed the revenue under DCC 18.16.050(B)(1);
  - 4. Noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross revenue requirements.

5. When a farm or ranch operation has lots or parcels in both “western” and “eastern” Oregon as defined in OAR 660-033-0020, lots or parcels in eastern or western Oregon may not be used to qualify a dwelling in the other part of the state.
  6. Only gross revenue from lots or parcels owned, not leased or rented, shall be counted; and gross farm revenue earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
  7. Prior to a dwelling being approved under this section that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross farm revenue requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form attached to Chapter 18.16 has been recorded with the county clerk. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for primary farm dwelling and shall preclude:
    - a. All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and
    - b. The use of any gross farm revenue earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
  8. The applicant shall submit an IRS tax return transcript and any other information the county may require that demonstrates compliance with the gross farm income requirement.
- C. Accessory dwelling. A dwelling, including a manufactured dwelling in accordance with DCC 18.116.070, is considered to be an accessory farm dwelling customarily provided in conjunction with farm use when:
1. The accessory dwelling meets the following criteria:
    - a. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; and
    - b. The accessory farm dwelling will be located:

1. On the same lot or parcel as the primary farm dwelling; or
  2. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single lot or parcel with all other contiguous lots and parcels in the tract; or
  3. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling and a deed restriction substantially in compliance with the form set forth in [Exhibit A](#) to DCC 18.16 is filed with the County Clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under DCC 18.16.050; or
  4. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under DCC 18.16.065 and the lot or parcel complies with the gross farm income requirements in DCC 18.16.050(A)(3) or (B)(1), whichever is applicable; and
- c. There is no other dwelling on land zoned EFU owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and
2. The primary farm dwelling to which the proposed dwelling would be accessory meets one of the following:
- a. On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed in farm use and produced \$40,000 in gross annual sales in the last two years, three of the last five years, or based on the average farm revenue earned on the tract in the highest three of the last five years. In determining gross revenue, the cost of purchased livestock shall be deducted from the total gross revenue attributed to the tract; or

- b. On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, and produced at least \$80,000 in gross annual revenue from the sale of farm products in the last two years, three of the last five years, or based on the average farm revenue earned on the tract in the highest three of the last five years. Gross revenue shall be calculated by deducting the cost of purchased livestock from the total gross revenue attributed to the tract; and
- 3. A lot or parcel approved for an accessory farm dwelling under DCC 18.16.050 shall not be approved for a division of land except as provided for in DCC 18.16.055(B).
- 4. An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a nonfarm dwelling pursuant to DCC 18.16.050(G).
- 4.5. The applicant shall submit an IRS tax return transcript and any other information the county may require that demonstrates compliance with the gross farm income requirement in DCC 18.16.050(C)(2)(a) or (b), whichever is applicable.

D. Relative farm help dwelling.

- 1. A dwelling listed in DCC 18.16.025(B) is allowed when:
  - a. The subject tract is a commercial farming operation.
  - b. The dwelling is a manufactured dwelling and is sited in accordance with DCC 18.116.070, or is a site-built dwelling;
  - c. The dwelling is located on the same lot or parcel as the dwelling of the farm operator, and is occupied by a relative of the farm operator or farm operator's spouse, including a grandparent, step-grandparent, grandchild, parent, step-parent, child, sibling, step-sibling, 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.
    - 1. Notwithstanding ORS 92.010 to 92.190 or the minimum lot or parcel size requirements under ORS 215.780, if the owner of a dwelling described in this subsection 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 lot or parcel.

2. Prior conditions of approval for the subject land and dwelling remain in effect.
3. For purposes of this subsection, "Foreclosure" means only those foreclosures that are exempt from partition under ORS 92.010(9)(a).
- d. The farm operator plays the predominant role in the management and farm use of the farm and will continue to do so after the relative farm help dwelling is approved.
- e. Any approval granted under DCC 18.16.050 shall be conditioned with a requirement that the farm operator annually submit a report to the Planning Division identifying the resident(s) of the dwelling, their relationship to the farm operator, the assistance the resident provides to the farm operator, and verifying the farm operator's continued residence on the property and the predominant role the farm operator continues to play in the management and farm use of the farm.
2. A manufactured dwelling permitted under DCC 18.16.050 shall be considered to be a temporary installation, and permits for such home shall be renewable and renewed on an annual basis. The manufactured dwelling shall be removed from the property if it no longer meets the criteria of DCC 18.16.050 and the approval shall be so conditioned.
3. A dwelling approved under DCC 18.16.050 shall be removed or converted to an allowable use within one year of the date the relative farm help dwelling no longer meets the criteria of DCC 18.16.050 and the approval shall be so conditioned.
4. Upon approval of a dwelling under DCC 18.16.050, a Conditions of Approval Agreement shall be recorded with the Deschutes County Clerk prior to issuance of any building or placement permit for the new dwelling on the property.

5. For the purposes of DCC 18.16.050(D), a farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

E. Lot of record dwelling on non-high value farmland.

1. A lot of record dwelling may be approved on a pre-existing lot or parcel on non-high value farmland when all of the following requirements are met:
  - a. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner:
    1. Prior to January 1, 1985; or
    2. By devise or by intestate succession from a person who acquired and owned continuously the lot or parcel prior to January 1, 1985.
  - b. The tract on which the dwelling will be sited does not include a dwelling.
  - c. For lots or parcels located within a wildlife area (WA) combining zone, siting of the proposed dwelling would be consistent with the limitations on density as applied under the applicable density restrictions of DCC 18.88.
  - d. If the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
  - e. The County Assessor shall be notified of any approval of a dwelling under DCC 18.16.050.
  - f. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of the tract;
2. For purposes of DCC 18.16.050(E), "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child, grandparent, or grandchild of the owner or a business entity owned by any one or a combination of these family members.

3. For purposes of DCC 18.16.050(E), the date of creation and existence means that, when a lot, parcel, or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel, or tract for the siting of a lot of record dwelling, the date of the reconfiguration is the date of creation and existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.

F. Lot of record dwelling on high-value farmland.

1. A lot of record dwelling on a pre-existing lot or parcel will be approved on high value farmland when all of the following requirements are met:
  - a. The requirements set forth in DCC 18.16.050(E)(1)(a) through (f), as determined by the County; and
  - b. The requirements of Oregon Administrative Rules 660-33-130(3)(c)(C), as determined by the County hearings officer.
2. Applicants under DCC 18.16.050(F) shall make their application to the County. The County shall notify the State Department of Agriculture at least 20 calendar days prior to the public hearing under DCC 18.16.050(F)(1)(b).
3. Applicants under DCC 18.16.050(F) shall be subject to such other procedural requirements as are imposed by the Oregon Department of Agriculture.
4. For purposes of DCC 18.16.050(F), the date of creation and existence means that, when a lot, parcel, or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel, or tract for the siting of a lot of record dwelling, the date of the reconfiguration is the date of creation and existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.

G. Nonfarm dwelling.

1. One single-unit dwelling, including a manufactured dwelling in accordance with DCC 18.116.070, not provided in conjunction with farm use, may be permitted on an existing lot or parcel subject to the following criteria:
  - a. The Planning Director or Hearings Body shall make findings that:
    1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming practices, as defined in ORS

215.203(2)(c), or accepted forest practices on nearby lands devoted to farm or forest use.

2. The proposed nonfarm dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, the County shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated, by applying the standards under OAR 660-033-0130(4)(a)(D), and whether creation of the lot or parcel will lead to creation of other nonfarm lots or parcels, to the detriment of agriculture in the area.
  3. The proposed nonfarm dwelling is situated on an existing lot or parcel, or a portion of a lot or parcel that is generally unsuitable for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location, and size of the tract.
  4. The proposed nonfarm dwelling is not within one-quarter mile of a dairy farm, feed lot, or sales yard, unless adequate provisions are made and approved by the Planning Director or Hearings Body for a buffer between such uses. The establishment of a buffer shall be designed based upon consideration of such factors as prevailing winds, drainage, expansion potential of affected agricultural uses, open space and any other factor that may affect the livability of the nonfarm-dwelling or the agriculture of the area.
  5. Road access, fire and police services, and utility systems (i.e., electrical and telephone) are adequate for the use.
  6. The nonfarm dwelling shall be located on a lot or parcel created prior to January 1, 1993, or was created or is being created as a nonfarm lot or parcel under the land division standards in DCC 18.16.055(B) or (C).
2. For the purposes of DCC 18.16.050(G) only, "unsuitability" shall be determined with reference to the following:

- a. A lot or parcel or a portion of a lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land. If the lot or parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location, and size of the lot or parcel.
  - b. A lot or parcel or portion of a lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel or portion of a lot or parcel can be sold, leased, rented, or otherwise managed as part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel or portion of a lot or parcel is presumed to be suitable if it is composed predominantly of Class I-VI soils. Just because a lot or parcel or portion of a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use. If the lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself.
  - c. If a lot or parcel under forest assessment can be sold, leased, rented, or otherwise managed as a part of a forestry operation, it is not "generally unsuitable." If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soil capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.
3. Loss of tax deferral. Pursuant to ORS 215.236, a nonfarm dwelling on a lot or parcel in an Exclusive Farm Use zone that is or has been receiving special assessment may be approved only on the condition that before a building permit is issued the applicant must produce evidence from the County Assessor's office that the lot or parcel upon which the dwelling is proposed has been disqualified under ORS 308A.050 to 308A.128 or other special assessment under ORS 308A.315, 321.257 to 321.390, 321.700 to 321.754 or

321.805 to 321.855 and that any additional tax or penalty imposed by the County Assessor as a result of disqualification has been paid.

#### H. Temporary hardship dwelling.

1. A temporary hardship dwelling listed in DCC 18.16.030 is allowed subject to DCC 18.116.090, and the requirements of this chapter under the following conditions:

1.2. A temporary hardship dwelling approved under this section is not eligible for replacement under DCC 18.16.020(J).

~~a.—The dwelling is an existing building, or is a manufactured dwelling or recreational vehicle that is used in conjunction with an existing dwelling on the lot or parcel. For the purposes of this section, “existing” means the building was in existence on or before March 29, 2017;~~

~~b.—The manufactured dwelling or recreational vehicle would be temporarily sited on the lot or parcel only for the term of a hardship suffered by the existing resident or relative of the resident. The manufactured dwelling shall be removed or demolished within three months of the date the hardship no longer exists. The recreational vehicle shall not be occupied once the term of the medical hardship is completed, except as allowed under DCC 18.116.095. A temporary dwelling approved under this section is not eligible for replacement under DCC 18.16.020(J);~~

~~c.—The existence of a medical hardship is verified by a written doctor's statement, which shall accompany the permit application; and~~

~~d.—The temporary manufactured dwelling uses the same subsurface sewage disposal system used by the existing dwelling, provided that the existing disposal system is adequate to accommodate the additional dwelling. If the manufactured dwelling will use a public sanitary sewer system, such condition will not be required.~~

~~e.—If a recreational vehicle is used as a medical hardship dwelling, it shall be required to have a bathroom, and shall meet the minimum setbacks established under DCC 18.16.070.~~

- ~~2.—Permits granted under DCC 18.16.050(H) shall be subject to the provisions of DCC 18.116.090 and shall be required to meet any applicable DEQ review and removal requirements as a condition of approval.~~
- ~~3.—As used in DCC 18.16.050(H), the term "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.~~
- ~~4.—As used in DCC 18.16.050(H), the term "relative" means grandparent, step-grandparent, grandchild, parent, step-parent, child, step-child, brother, sister, sibling, step-sibling, niece, nephew, uncle, aunt, or first cousin of the existing resident.~~
- ~~5.—The proposed hardship dwelling or recreational vehicle shall meet the criteria under DCC 18.16.040(A)(1-2) and DCC 18.16.020(J)(1).~~

## HISTORY

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

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

Amended by Ord. [91-038](#) §§1 and 2 on 9/30/1991

Amended by Ord. [92-065](#) §3 on 11/25/1992

Amended by Ord. [94-026](#) §1 on 5/11/1994

Amended by Ord. [95-007](#) §15 on 3/1/1995

Amended by Ord. [98-030](#) §1 on 5/13/1998

Amended by Ord. [98-033](#) §1 on 12/2/1998

Amended by Ord. [2004-001](#) §2 on 7/14/2004

Amended by Ord. [2004-013](#) §2 on 9/21/2004

Amended by Ord. [2004-020](#) §1 on 10/13/2004

Amended by Ord. [2008-001](#) §2 on 5/6/2008

Amended by Ord. [2009-014](#) §1 on 6/22/2009

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

Amended by Ord. [2014-010](#) §1 on 4/28/2014

Amended by Ord. [2018-006](#) §5 on 11/20/2018

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

Amended by Ord. [2025-002](#) §4 on 3/28/2025

[Amended by Ord. 2025-016 §2 on x/xx/xxxx](#)

...

## Exhibit C to Ordinance 2025-016

**CHAPTER 18.36 FOREST USE ZONE; F-1**[18.36.010 Purpose](#)[18.36.020 Uses Permitted Outright](#)[18.36.025 Lawfully Established Dwelling Replacement](#)[18.36.030 Conditional Uses Permitted](#)[18.36.040 Limitations On Conditional Uses](#)[18.36.050 Standards For Single-Unit Dwellings](#)[18.36.060 Siting Of Dwellings And Structures](#)[18.36.070 Fire Siting Standards For Dwellings And Structures](#)[18.36.080 Fire Safety Design Standards For Roads](#)[18.36.085 Stocking Requirement](#)[18.36.090 Dimensional Standards](#)[18.36.100 Setbacks](#)[18.36.110 Ordinary High Water Mark Setbacks](#)[18.36.120 State Law Controls](#)[18.36.130 Rimrock Setbacks](#)[18.36.140 Restrictive Covenants](#)

...

**18.36.020 Uses Permitted Outright**

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

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4.
- B. Temporary on-site structures, that are auxiliary to and used during the term of a particular forest operation, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use. For the purposes of this section, including DCC 18.36.020(B) and (C) "auxiliary" means a use or alteration of a structure or land, that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is



not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, land disposal sites, dams, reservoirs, road construction or recreational facilities, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4). Gravel extraction and processing not covered by DCC 18.36.020 is governed by DCC 18.52.
- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- E. Farm use as defined in ORS 215.203.
- F. Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
- G. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
- H. Exploration for mineral and aggregate resources as defined in ORS 517.
- I. Towers and fire stations for forest fire protection.
- J. Widening of roads within existing rights of way in conformance with the transportation element of the comprehensive plan including public road and highway projects as described in ORS 215.283(1).
- K. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- L. Uninhabitable structures accessory to fish and wildlife enhancement.
- M. A lawfully established dwelling may be altered, restored or replaced, as allowed by and subject to the requirements of ORS 215.291 and OAR 660-006-0025. ~~subject to DCC 18.36.025.~~
- N. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in

any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under OAR 660-006.

## HISTORY

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

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

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

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

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

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

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

Amended by Ord. [2023-001](#) §5 on 5/30/2023

Amended by Ord. [2024-008](#) §5 on 1/7/2025

[Amended by Ord 2025-016 §3 on x/xx/xxxx](#)

## **18.36.025 Lawfully Established Dwelling Replacement**

~~A lawfully established dwelling may be altered, restored or replaced under DCC 18.36.020(M) above if:~~

~~A.—The dwelling to be altered, restored or replaced:~~

~~1.—Has, or formerly had:~~

~~a.—Intact exterior walls and roof structure;~~

~~b.—Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~

~~c.—Interior wiring for interior lights; and~~

~~d.—A heating system; and~~

~~B.—Unless the value of the dwelling was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation since the later of:~~

~~1.—Five years before the date of the application; or~~

~~2.—The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or~~

- 3.—If the value of the dwelling was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:
- a.—Five years before the date of the destruction or demolition; or
  - b.—The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.
- G.—For replacement of a lawfully established dwelling under this section:
- 1.—The dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055.
  - 2.—The replacement dwelling:
    - a.—May be sited on any part of the same lot or parcel.
    - b.—Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
    - c.—Must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:
      - 1.—The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or
      - 2.—No statewide map of wildfire risk has been adopted.
- D.—As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of this section and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.
- E.—If an applicant is granted a deferred replacement permit under this section:
- 1.—The deferred replacement permit:

~~a.—Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and~~

~~b.—May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.~~

~~2.—The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes, and other requirements relating to health and safety or to siting at the time of construction.~~

~~F.—An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed under subsection (A)(1) of this section.~~

~~G.—Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.~~

#### HISTORY

*Adopted by Ord. [2024-008](#) §5 on 1/7/2025*

*Amended by Ord. [2025-002](#) §7 on 3/28/2025*

*[Repealed by Ord. 2025-016 §3 on x/xx/xxxx](#)*

#### **18.36.030 Conditional Uses Permitted**

The following uses and their accessory uses may be allowed in the Forest Use Zone, subject to applicable provisions of the Comprehensive Plan, DCC 18.36.040 and other applicable sections of DCC Title 18.

- A. Private hunting and fishing operations without any lodging accommodations.
- B. Caretaker residences for public parks and fish hatcheries.
- C. Temporary forest labor camps limited to the duration of the forest operation requiring its use.
- D. Exploration for and production of geo-thermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
- E. Log scaling and weigh stations.

F. A disposal site which includes a land disposal site which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

G. Private parks and campgrounds as allowed by and subject to the requirements of ORS 215.459 and OAR 660-006-0025.

- ~~1.—Campgrounds in private parks shall only be those allowed by OAR 660-006-0025.~~
- ~~2.—Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.~~
- ~~3.—For the purpose of DCC 18.36.030 a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.~~
- ~~4.—A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.~~
- ~~5.—Campsites may be occupied by a tent, travel trailer, or recreational vehicle.~~
- ~~6.—Separate sewer, water or electric service hookups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for by OAR 660-006-0025(4)(e)(C).~~
- ~~7.—Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.~~
- ~~8.—A private campground may provide yurts for overnight camping.~~
  - ~~a.—No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.~~

~~b.—The yurt shall be located on the ground or on a wood floor with no permanent foundation.~~

~~9.—As used in this rule, “yurt” means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.~~

- H. Mining and processing of oil, gas or other subsurface resources, as defined in ORS 520.005, and not otherwise permitted under DCC 18.36.030(D).
- I. Television, microwave and radio communication facilities and transmission towers.
- J. Fire stations for rural fire protection.
- K. Commercial utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to Oregon Administrative Rules 660, Division 4.
- L. Aids to navigation and aviation.
- M. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
- N. Reservoirs and water impoundments.
- O. Cemeteries.
- P. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. electrical, gas, oil, geothermal, telephone, fiber optic cable) with rights of way 50 feet or less in width.
- Q. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- R. Home Occupations as allowed by and subject to the requirements of ORS 215.448 and, subject to DCC 18.116.280.
- S. Expansion of existing airports.
- T. Public road and highway projects as described as ORS 215.283(2) and 215.283(3).
- U. Private accommodations for fishing occupied on a temporary basis subject to other applicable sections of DCC Title 18 and the following requirements:

1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
  2. Only minor incidental and accessory retail sales are permitted;
  3. Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
  4. Accommodations must be located within one-quarter mile of fish bearing Class I waters.
- V. Forest management research and experimentation facilities as described by ORS 526.215 or where accessory to forest operations.
- W. Fill or removal within the bed and banks of a stream or river or in a wetland, subject to DCC 18.120.050 and 18.128.270.
- X. ~~Temporary hardship dwelling. An existing building, or a manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.283. For the purposes of this section, "existing" means the building was in existence on or before March 29, 2017.~~
- ~~1.—A temporary hardship dwelling is conditionally allowed subject to DCC 18.116.090, 18.36.040, and 18.36.060. As used in this section, "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.~~
  - ~~2.—The use shall be subject to the review criteria in DCC 18.116.090, as well as DCC 18.36.040 and 18.36.060 of this chapter.~~
  - ~~3.—The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwellings if that disposal system is adequate to accommodate the additional dwelling.~~
  - ~~4.—If the manufactured dwelling will use a public sanitary sewer system, such condition will not be required.~~
  - ~~5.1. \_\_\_\_\_~~ A temporary residence approved under this subsection is not eligible for replacement under OAR 660-006-025.
- Y. Single-unit dwellings or manufactured dwellings as specified in DCC 18.116.070, as pursuant to DCC 18.36.050.

Z. Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.

AA. Private seasonal accommodations for fee hunting operations may be allowed subject to DCC 18.36.050 and the following requirements:

1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
2. Only minor incidental and accessory retail sales are permitted; and
3. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

AB. An Extended Outdoor Mass gathering subject to review by a county planning commission pursuant to DCC Chapter 8.16.

AC. Permanent facility for the primary processing of forest products.

AD. Firearms training facility.

AE. Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.

## HISTORY

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

*Amended by Ord. [86-018](#) §8 on 6/30/1986*

*Amended by Ord. [90-014](#) §28 on 7/12/1990*

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

*Amended by Ord. [91-038](#) §2 on 9/30/1991*

*Amended by Ord. [92-068](#) §1 on 12/7/1992*

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

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

*Amended by Ord. [2004-002](#) §5 on 4/28/2004*

*Amended by Ord. [2007-020](#) §3 on 2/6/2008*

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

*Amended by Ord. [2018-006](#) §6 on 11/20/2018*

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

*Amended by Ord. [2025-002](#) §7 on 3/28/2025*



*Amended by Ord 2025-016 §3 on x/xx/xxxx*

...

### **18.36.050 Standards For Single-Unit Dwellings**

#### **A. General provisions.**

1. Dwellings listed as a conditional use under DCC 18.36.050 shall meet the following standards:
  - a. One of the alternative tests set out in DCC 18.36.050(B) (lot of record dwelling), (C) (large tract dwelling), or (D) (template dwelling);
  - b. If the lot or parcel is part of a "tract," the remaining undeveloped lots or parcels of the tract shall be consolidated into a single lot or parcel, or the applicant shall sign and record with the County Clerk covenants, conditions and restrictions (on a form substantially similar to that set forth in DCC 18.36.140) prohibiting the siting of a dwelling on the undeveloped portions of the tract. Such covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by the County Planning Director, or his authorized representative.
  - c. No other dwellings shall be located on the tract.
  - d. The applicant shall provide evidence that any domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (Oregon Administrative Rules 690, Division 10) or surface water (Oregon Administrative Rules 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (Oregon Administrative Rules chapter 629).
    1. For purposes of DCC 18.36.050, evidence of a domestic water supply means:
      - A. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

- B. A water use permit issued by the Water Resources Department for the use described in the application; or
  - C. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well construction report to the County upon completion of the well.
- e. If road access to a dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- 2. In addition, dwellings listed as a conditional use under DCC 18.36.030(Y) shall be subject to the following standards or conditions:
  - a. The conditional use standards set forth in DCC 18.36.040;
  - b. The siting criteria set forth in DCC 18.36.060;
  - c. The fire siting standards set forth in DCC 18.36.070;
  - d. The fire safety design standards for roads set forth in DCC 18.36.080;
  - e. The stocking requirements set forth in DCC 18.36.085, if applicable; and
  - f. Any other provisions made applicable by DCC Title 18 or the comprehensive plan.
- 3. Dwellings in forest zones shall not be subject to conditional use standards.
- 4. Approval of a dwelling in the forest zone under DCC Chapter 18.36 shall include a condition of approval requiring that, prior to the issuance of a building permit, the landowner sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forestry practices for which no action or claim is allowed under ORS 30.936 or 30.937.

B. Lot of Record Dwelling. For approval under DCC 18.36.050(B), a single-unit dwelling shall meet the following requirements:

1. The lot or parcel on which the dwelling would be sited was lawfully created prior to January 1, 1985, and was acquired and owned continuously by the present owner either prior to January 1, 1985, or by devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
2. For the purposes of DCC 18.36.050(B), "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child, grandparent, or grandchild of the owner or a business entity owned by any one or combination of these family members.
3. The dwelling must be located on a tract that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract.
  - a. The road shall be maintained and either paved or surfaced with rock and shall not be a:
    1. United States Bureau of Land Management (BLM) road, or
    2. a United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction, and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.
4. For the purposes of DCC 18.36.050, "commercial tree species" means trees recognized for commercial production under rules adopted by the Oregon Department of Forestry pursuant to ORS 527.715.
5. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwellings exists on another lot or parcel that was part of the tract.
6. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.

7. For lots or parcels located within a Wildlife Area (WA) Combining Zone, siting of the proposed dwelling would be consistent with the limitations on density as applied under the applicable density restrictions of DCC 18.88.
- C. Large Tract Dwelling. A dwelling not allowed pursuant to DCC 18.36.050(B) may be allowed if the subject property consists of at least 240 contiguous acres or 320 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use and does not include an existing dwelling.
1. A deed restriction shall be filed pursuant to DCC 18.36.140 for all tracts that are used to meet the acreage requirements of this subsection.
  2. A tract shall not be considered to consist of less than 240 acres because it is crossed by a public road or a waterway.
- D. Template Dwelling. For approval under DCC 18.36.050(D), a single-unit dwelling shall meet the following requirements:
1. The lot or parcel on which the dwelling will be sited:
    - a. Was lawfully established;
    - b. Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192;
    - c. Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and
    - d. If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract:
 

~~1. As an exception to DCC 18.36.050(0)(1)(d), prior to November 1, 2023, a single-family dwelling may be established on a lot or parcel that was part of a tract on January 1, 2021, if no more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract.~~
  2. The lot or parcel on which the dwelling will be sited is predominantly composed of soils that are:

- a. Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:
  - 1. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
  - 2. At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
- b. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
  - 1. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
  - 2. At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
- c. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:
  - 1. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
  - 2. At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.

### 3. Requirements of Applying Template

- a. Lots or parcels within urban growth boundaries shall not be used to satisfy the template requirements under this subsection.
- b. As used in this section, "center of the subject tract" means the mathematical centroid of the tract.
- c. If a tract 60 acres or larger described in DCC 18.36.050(D) abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road or stream.

- d. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:
  - 1. Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road or stream;
  - 2. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- e. If a tract reviewed under DCC 18.36.050(D) abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

#### HISTORY

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

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

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

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

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

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

*Amended by Ord. [2021-013](#) §6 on 4/5/2022*

*Amended by Ord. [2025-002](#) §7 on 3/28/2025*

*[Amended by Ord. 2025-016 §3 on x/xx/xxxx](#)*

...

## Exhibit D to Ordinance 2025-016

**CHAPTER 18.40 FOREST USE ZONE; F-2**[18.40.010 Purpose](#)[18.40.020 Uses Permitted Outright](#)[~~18.040.025 Lawfully Established Dwelling Replacement~~](#)[18.40.030 Conditional Uses Permitted](#)[18.40.040 Limitations On Conditional Uses](#)[18.40.050 Standards For Single-Unit Dwellings](#)[18.40.060 Siting Of Dwellings And Structures](#)[18.40.070 Fire Siting Standards For Dwellings And Structures](#)[18.40.080 Fire Safety Design Standards For Roads](#)[18.40.085 Stocking Requirement](#)[18.40.090 Dimensional Standards](#)[18.40.100 Setbacks](#)[18.40.110 Ordinary High Water Mark Setbacks](#)[18.40.120 State Law Controls](#)[18.40.130 Rimrock Setback](#)

...

**18.40.020 Uses Permitted Outright**

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

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4.
- B. Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use. For the purposes of this section, including DCC 18.36.020(B) and (C) "auxiliary" means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not

designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, land disposal sites, dams, reservoirs, road construction or recreational facilities, subject to the Forest Practices Act (ORS Chapter 527 and Goal 4). Gravel extraction and processing not covered by DCC 18.40.020 is governed by DCC 18.52.
- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- E. Farm use as defined in ORS 215.203.
- F. Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
- G. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
- H. Exploration for mineral and aggregate resources as defined in ORS 517.
- I. Towers and fire stations for forest fire protection.
- J. Widening of roads within existing rights of way in conformance with the transportation element of the comprehensive plan including public road and highway projects as described in ORS 215.283(1).
- K. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- L. Uninhabitable structures accessory to fish and wildlife enhancement.
- M. A lawfully established dwelling may be altered, restored or replaced, as allowed by and subject to the requirements of ORS 215.291 and OAR 660-006-0025. ~~DCC 18.040-025-~~
- N. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under OAR 660-006.



## HISTORY

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

Amended by Ord. [91-002](#) §9 on 2/6/1991

Amended by Ord. [91-005](#) §21 on 3/4/1991

Amended by Ord. [92-025](#) §3 on 4/15/1991

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

Amended by Ord. [94-038](#) §2 on 10/5/1994

Amended by Ord. [2003-007](#) §2 on 3/26/2003

Amended by Ord. [2012-007](#) §4 on 5/2/2012

Amended by Ord. [2023-001](#) §6 on 5/30/2023

Amended by Ord. [2024-008](#) §6 on 1/7/2025

[Amended by Ord. 2025-016 §4 on x/xx/xxxx](#)

### **18.040.025 Lawfully Established Dwelling Replacement**

~~A lawfully established dwelling may be altered, restored or replaced under DCC 18.40.020(M) above if:~~

~~A.—The dwelling to be altered, restored or replaced:~~

~~1.—Has, or formerly had:~~

~~a.—Intact exterior walls and roof structure;~~

~~b.—Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~

~~c.—Interior wiring for interior lights; and~~

~~d.—A heating system; and~~

~~B.—Unless the value of the dwelling was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation since the later of:~~

~~1.—Five years before the date of the application; or~~

~~2.—The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or~~

~~3.—If the value of the dwelling was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:~~

- a.—Five years before the date of the destruction or demolition; or
- b.—The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.

C.—For replacement of a lawfully established dwelling under this section:

- 1.—The dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055.
- 2.—The replacement dwelling:
  - a.—May be sited on any part of the same lot or parcel.
  - b.—Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
  - c.—Must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:
    - 1.—The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or
    - 2.—No statewide map of wildfire risk has been adopted.

D.—As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of this section and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

E.—If an applicant is granted a deferred replacement permit under this section:

- 1.—The deferred replacement permit:
  - a.—Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and

~~b.—May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.~~

~~2.—The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes, and other requirements relating to health and safety or to siting at the time of construction.~~

~~F.—An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed under subsection (A)(1) of this section.~~

~~G.—Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.~~

#### HISTORY

*Adopted by Ord. [2024-008](#) §6 on 1/7/2025*

*Amended by Ord. [2025-002](#) §8 on 3/28/2025*

*[Repealed by Ord. 2025-016 §4 on x/xx/xxxx](#)*

#### **18.40.030 Conditional Uses Permitted**

The following uses and their accessory uses may be allowed in the Forest Use Zone, subject to applicable provisions of the Comprehensive Plan, DCC 18.40.040 and other applicable sections of DCC Title 18:

- A. Private hunting and fishing operations without any lodging accommodations.
- B. Caretaker residences for public parks and fish hatcheries.
- C. Temporary forest labor camps limited to the duration of the forest operation requiring it use.
- D. Destination Resorts where mapped in a DR zone and subject only to the provisions of DCC 18.113 and other applicable provisions of DCC Title 18 and the Comprehensive Plan not contained in DCC 18.40.
- E. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
- F. Log scaling and weigh stations.

G. A disposal site which includes a land disposal site which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

H. Private parks and campgrounds as allowed by and subject to the requirements of ORS 215.459 and OAR 660-006-0025.

- ~~1.—Campgrounds in private parks shall only be those allowed by OAR 660-006-0025.~~
- ~~2.—Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.~~
- ~~3.—For the purpose of DCC 18.36.030 a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.~~
- ~~4.—A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.~~
- ~~5.—Campsites may be occupied by a tent, travel trailer, or recreational vehicle.~~
- ~~6.—Separate sewer, water or electric service hookups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for by OAR 660-006-0025(4)(e)(C).~~
- ~~7.—Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6-month period.~~
- ~~8.—A private campground may provide yurts for overnight camping:
 
  - ~~a.—No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.~~
  - ~~b.—The yurt shall be located on the ground or on a wood floor with no permanent foundation.~~~~

- ~~9.—As used in this rule, “yurt” means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.~~
- I. Mining and processing of oil, gas or other subsurface resources, as defined in ORS 520.005, and not otherwise permitted under DCC 18.40.030(E).
  - J. Television, microwave, and radio communication facilities and transmission towers.
  - K. Fire stations for rural fire protection.
  - L. Commercial utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to Oregon Administrative Rules 660, Division 4.
  - M. Aids to navigation and aviation.
  - N. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
  - O. Reservoirs and water impoundments.
  - P. Cemeteries.
  - Q. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. gas, oil, geothermal, telephone, fiber optic cable) with rights of way 50 feet or less in width.
  - R. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
  - S. Home Occupations, ~~as allowed by and;~~ subject to ~~the requirements of ORS 215.448 and~~ DCC 18.116.280.
  - T. Expansion of existing airports.
  - U. Public road and highway projects as described as ORS 215.283(2) and 215.283(3).
  - V. Private accommodations for fishing occupied on a temporary basis subject to other applicable sections of DCC Title 18 and the following requirements:
    - 1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
    - 2. Only minor incidental and accessory retail sales are permitted;

3. Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
  4. Accommodations must be located within one-quarter mile of fish-bearing Class I waters.
- W. Forest management research and experimentation facilities as described by ORS 526.215 or where accessory to forest operations.
- X. Single-unit dwellings or manufactured dwellings as specified in DCC 18.116.070, pursuant to DCC 18.40.050.
- Y. Fill or removal within the bed and banks of a stream or river or in a wetland, subject to DCC 18.120.050 and 18.128.270.
- Z. ~~Temporary hardship dwelling. An existing building, or a manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.283. For the purposes of this section, "existing" means the building was in existence on or before March 29, 2017.~~
- ~~1. A temporary hardship dwelling is conditionally allowed subject to DCC 18.116.090, 18.40.040, and 18.40.060 As used in this section, "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.~~
  - ~~2. The use shall be subject to the review criteria in DCC 18.116.090, as well as DCC 18.40.040 and 18.40.60.~~
  - ~~3. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwellings if that disposal system is adequate to accommodate the additional dwelling.~~
  - ~~4. If the manufactured dwelling will use a public sanitary sewer system, such condition will not be required.~~
- ~~5.2. \_\_\_\_\_~~ A temporary residence approved under this subsection is not eligible for replacement under OAR 660-006-025.
- AA. Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.
- AB. Private seasonal accommodations for fee hunting operations may be allowed subject to DCC 18.36.050 and the following requirements:

1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
2. Only minor incidental and accessory retail sales are permitted; and
3. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

AC. An Extended Outdoor Mass Gathering subject to review by a county planning commission pursuant to DCC Chapter 8.16.

AD. Permanent storage and repair of logging equipment.

AE. Permanent facility for the primary processing of forest products.

AF. Firearms training facility.

AG. Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.

## HISTORY

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

*Amended by Ord. [86-018](#) §8 on 6/30/1986*

*Amended by Ord. [90-014](#) §28 on 7/12/1990*

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

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

*Amended by Ord. [92-068](#) §1 on 12/7/1992*

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

*Amended by Ord. [2000-033](#) §1 on 12/6/2000*

*Amended by Ord. [2004-020](#) §6 on 10/13/2004*

*Amended by Ord. [2007-020](#) §4 on 2/6/2008*

*Amended by Ord. [2012-007](#) §4 on 5/2/2012*

*Amended by Ord. [2018-006](#) §7 on 11/20/2018*

*Amended by Ord. [2020-007](#) §11 on 10/27/2020*

*Amended by Ord. [2025-002](#) §8 on 3/28/2025*

*Amended by Ord [2025-016](#) §4 on x/xx/xxxx*

...

## 18.40.050 Standards For Single-Unit Dwellings

A. General Provisions.

1. Dwellings listed as a conditional use under DCC 18.40.030(X) shall meet the following standards:
  - a. One of the alternative tests set out in DCC 18.40.050(B) (lot of record dwelling), DCC 18.40.050(C) (large tract dwelling), or DCC 18.40.050(D) (template dwelling);
  - b. If the lot or parcel is part of a "tract," the remaining undeveloped lots or parcels of the tract shall be consolidated into a single lot or parcel, or the applicant shall sign and record with the County Clerk covenants, conditions and restrictions (on a form substantially similar to that set forth in DCC 18.36.140) prohibiting the siting of a dwelling on the undeveloped portions of the tract. Such covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by the County Planning Director, or his authorized representative.
  - c. No other dwellings shall be located on the tract.
  - d. The applicant shall provide evidence that any domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (Oregon Administrative Rules 690, Division 10) or surface water (Oregon Administrative Rules 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (Oregon Administrative Rules Chapter 629).  
For purposes of DCC 18.40.050, evidence of a domestic water supply means:
    1. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
    2. A water use permit issued by the Water Resources Department for the use described in the application; or
    3. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well construction report to the County upon completion of the well.



- e. If road access to a dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
  - 2. In addition, dwellings listed as a conditional use under DCC 18.40.030(X) shall be subject to the following standards or conditions:
    - a. The conditional use standards set forth in DCC 18.40.040;
    - b. The siting criteria set forth in DCC 18.40.060;
    - c. The fire siting standards set forth in DCC 18.40.070;
    - d. The fire safety design standards for roads set forth in DCC 18.40.080;
    - e. The stocking requirements set forth in DCC 18.40.085, if applicable; and
    - f. Any other provisions made applicable by DCC Title 18 or the comprehensive plan.
  - 3. Dwellings in forest zones shall not be subject to conditional use standards.
  - 4. Approval of a dwelling in the forest zone under DCC Chapter 18.40 shall include a condition of approval requiring that, prior to the issuance of a building permit, the landowner sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- B. Lot of Record Dwelling. For approval under DCC 18.40.050, a single-unit dwelling shall meet the following requirements:
- 1. The lot or parcel on which the dwelling would be sited was lawfully created prior to January 1, 1985, and was acquired and owned continuously by the present owner either prior to January 1, 1985, or by devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.

2. For the purposes of DCC 18.40.050, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child, grandparent, or grandchild of the owner or a business entity owned by any one or combination of these family members.
  3. The dwelling would be located on a tract that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract.
    - a. The road shall be maintained and either paved or surfaced with rock and shall not be:
      1. a United States Bureau of Land Management (BLM) road; or
      2. a United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.
  4. For the purposes of DCC 18.40.050, "commercial tree species" means trees recognized for commercial production under rules adopted by the Oregon Department of Forestry pursuant to ORS 527.715.
  5. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwellings exists on another lot or parcel that was part of the tract.
  6. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
  7. For lots or parcels located within a Wildlife Area (WA) Combining Zone, siting of the proposed dwelling would be consistent with the limitations on density as applied under the applicable density restrictions of DCC 18.88.
- C. Large Tract Dwelling. A dwelling not allowed pursuant to DCC 18.40.050(B) may be allowed if the subject property consists of at least 240 contiguous acres or 320 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use and does not include an existing dwelling.

1. A deed restriction shall be filed pursuant to DCC 18.40.140 for all tracts that are used to meet the acreage requirements of this subsection.
2. A tract shall not be considered to consist of less than 240 acres because it is crossed by a public road or a waterway.

D. Template Dwelling. For approval under DCC 18.40.050(D), a single-unit dwelling shall meet the following requirements:

1. The lot or parcel on which the dwelling will be sited:
  - a. Was lawfully established;
  - b. Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192;
  - c. Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and
  - d. If the lot or parcel was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract:

~~1.—As an exception to DCC 18.40.050(D)(1)(d), prior to November 1, 2023, a single-unit dwelling may be established on a lot or parcel that was part of a tract on January 1, 2021, if no more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract.~~

2. The lot or parcel on which the dwelling will be sited is predominantly composed of soils that are:
  - a. Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:
    1. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
    2. At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
  - b. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:

1. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
  2. At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
- c. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:
1. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
  2. At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
3. Requirements of Applying Template
- a. Lots or parcels within urban growth boundaries shall not be used to satisfy the template requirements under this subsection.
  - b. As used in this section, "center of the subject tract" means the mathematical centroid of the tract.
  - c. Except as provided by subsection (d) of this section, if the tract described in DCC 18.40.050(D) abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
  - d. If a tract 60 acres or larger described in DCC 18.40.050(D) abuts a road or perennial stream, the measurement shall be made in accordance with subsection (c) of this section. However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and;
    1. Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or

2. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- e. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

#### HISTORY

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

*Amended by Ord. [92-025](#) §3 on 4/15/1991*

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

*Amended by Ord. [94-038](#) §2 on 10/5/1994*

*Amended by Ord. [2003-007](#) §2 on 3/26/2003*

*Amended by Ord. [2012-007](#) §4 on 5/2/2012*

*Amended by Ord. [2018-006](#) §7 on 11/20/2018*

*Amended by Ord. [2021-013](#) §7 on 4/5/2022*

*Amended by Ord. [2025-002](#) §8 on 3/28/2025*

*[Amended by Ord. 2025-016 §4 on x/xx/xxxx](#)*

...



## EXHIBIT E FINDINGS

### FARM AND FOREST HOUSEKEEPING TEXT AMENDMENTS

#### 247-25-000297-TA

#### I. **APPLICABLE CRITERIA:**

Title 22, Deschutes County Development Procedures Ordinance

#### II. **BACKGROUND:**

Oregon's zoning-based farm and forest land conservation programs have been in place since 1973. Over the past 10 years, interested parties, the courts, and the Department of Land Conservation and Development (DLCD) have identified a number of issues needing review. In 2024, the Land Conservation and Development Commission (LCDC) initiated the Farm and Forest Modernization Project, which included rulemaking and the appointment of a rules advisory committee (RAC). Rulemaking was intended to improve the clarity and consistency of implementing Oregon's farm and forest program across the state. DLCD directed the RAC to consider:

- Codifying identified case law standards;
- Other EFU rule amendments;
- Conforming rule changes; and
- Providing additional clarity to counties and potential applicants with the intent of reducing unnecessary appeals.

LCDC ultimately adopted new Oregon Administrative Rules (OARs) on December 6, 2024. They became effective on January 1, 2025. Staff provided an update to the Board of County Commissioners on February 3, 2025<sup>1</sup> and acknowledged an amendment package would be forthcoming in spring/summer 2025.

This housekeeping text amendment will incorporate the changes to the OAR into the Deschutes County Code (DCC), as well as incorporate some minor housekeeping changes from previous rulemaking or legislative changes that have not yet been captured locally.

#### III. **AMENDMENT SUMMARY:**

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

<sup>1</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-220>

- Amend 18.16.040(A) to apply farm impacts test through reference to Oregon Revised Statute (ORS) and OAR.
- Amend 18.16.042(A) 'incidental and subordinate' definition for agri-tourism.
- Amend 18.16.030(Y) to include ORS and OAR references for rural transportation facilities in Exclusive Farm Use zone.
- Add rural transportation facilities as 18.36.030(AE) and 18.40.030(AG) in forest zones and included ORS and OAR references.
- Amend 18.16.031(D), 18.36.030(G), and 18.40.030(H) to reference ORS and OAR definition for private parks.
- Amend 18.16.020(J), 18.36.020(M), and 18.040.020(M) to reference ORS and OAR standards for replacement dwellings. Removed sections 18.16.023, 18.36.025, and 18.40.025 as they were duplicative.
- Amend 18.04 to reference ORS and OAR for definition of "farm use".
- Amend 18.16.050(A)(3)(f), 18.16.050(B)(8), and 18.16.050(C)(5) to reflect new requirements for verification of income associated with farmworker and primary farm dwellings.
- Amend 18.16.038(C) to reference ORS and OAR standards for farm stands.
- Amend 18.16.030(M), 18.36.030(R), and 18.40.030(S) to reference ORS and OAR standards for home occupations.
- Amend 18.36.050(D)(1)(d)(1) and 18.40.050(D)(1)(d)(1) to remove a temporary provision for template dwellings that has sunset.
- Amend 18.16.031(D), 18.16.030(G), 18.36.030(G), and 18.40.030(H) to directly reference requirements for campgrounds in OAR and ORS. Removed 18.16.050(L) as no longer needed.
- Amend 18.04 to amend the definition for a processing facility for farm crops to include rabbit products.
- Amend 18.16.033(C) as is it duplicative and superseded by 18.120.010(B), pertaining to expansion of nonconforming schools.

Staff included only housekeeping style amendments resulting from rulemaking in this particular text amendment package. Additional discretionary amendments related to childcare, temporary storage sites, and natural disaster event allowances may be pursued in the future.

#### **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 May 22, 2025 (File no. 247-25-000297-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 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. 247-25-000297-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 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. This goal is met.

Goal 2: Land Use Planning:

**FINDING:** The purpose of the amendment is to integrate requirements from Oregon Administrative Rule and Oregon Revised Statutes. The proposal has a factual base 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 rulemaking from LCDRC's recent Farm and Forest Modernization Project into local code provisions. This goal is met.

Goal 4: Forest Lands:

**FINDING:** The proposed amendments integrate rulemaking from LCDRC's recent Farm and Forest Modernization Project into local code provisions. This goal is met.

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 integrate rulemaking from LCDRC's recent Farm and Forest Modernization Project into local code provisions. This goal is met.

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 integrate rulemaking from LCDRC's recent Farm and Forest Modernization Project into local code provisions. 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 proposed text amendment is to integrate changes to state administrative rules into local code for implementation. Where possible, staff has proposed amendments to the code to directly reference state statute and administrative rule. These policies are met.

### Chapter 2 – Resource Management -Section 2.3 Forest Land Policies

**Policy 2.3.5 Uses allowed in Forest zones shall comply with State Statute and Oregon Administrative Rule.**

**FINDING:** The intent of the proposed text amendment is to integrate changes to state administrative rules into local code for implementation. Where possible, staff has proposed amendments to the code to directly reference state statute and administrative rule. These policies are met.

## **VI. CONCLUSION:**

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



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 10, 2025

**SUBJECT:** Consideration of first reading of Ordinance No. 2025-018: Dark Skies text amendments

**RECOMMENDED MOTION:**

Move approval of first reading of Ordinance No. 2025-018 by title only.

**BACKGROUND AND POLICY IMPLICATIONS:**

On September 10, 2025, staff will present Ordinance No. 2025-018 to the Board of Commissioners for consideration of first reading. The Board conducted a public hearing on August 27, 2025 to consider text amendments to update Deschutes County Code (DCC) Chapter 15.10, Outdoor Lighting Control (File no. 247-25-000377-TA).

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Tanya Saltzman, Senior Planner



## COMMUNITY DEVELOPMENT

**MEMORANDUM**

**TO:** Deschutes County Board of Commissioners

**FROM:** Tanya Saltzman, Senior Planner  
Will Groves, Planning Manager

**DATE:** September 10, 2025

**SUBJECT:** Consideration of First Reading: Dark Skies Text Amendments

---

On September 10, 2025, staff will present Ordinance No. 2025-018 to the Board of County Commissioners (Board) for consideration of first reading. The Board conducted a public hearing on August 27, 2025 to consider text amendments to update Deschutes County Code (DCC) Chapter 15.10, Outdoor Lighting Control (File no. 247-25-000377-TA).

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on June 5, 2025. Staff presented the proposed amendments to the Planning Commission on June 26, 2025.<sup>1</sup> An initial public hearing was held before the Commission on July 10, 2025.<sup>2</sup> At that time, the oral portion of the public hearing was closed and the written record was held open until July 16, 2025. The Commission held deliberations on July 24, 2025<sup>3</sup>, issuing a recommendation for approval to the Board with several refinements, and requesting staff to relay the main topics of the Planning Commission discussion to the Board. At the conclusion of the August 27 public hearing before the Board, the Board closed the hearing and the written record, and deliberated immediately. The ordinance provided here reflects the decisions made during those deliberations.

All record materials can be found on the project website:  
<https://bit.ly/DeschutesDarkSkies>

---

<sup>1</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-68>

<sup>2</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-70>

<sup>3</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-71>

## I. AMENDMENT SUMMARY

The proposed streamlined code takes the challenges of enforcement and implementation into consideration, while addressing concerns that have been raised by experts and the public over the last several years.

- **Definitions:** Definitions, which previously utilized a separate section for each term, have been consolidated into a single section, and superfluous or outdated definitions (for instance, those defining certain types of light fixtures that are no longer referred to in the chapter) have been removed. New definitions have been provided for several terms, most notably “downcast,” “light trespass,” and “string lights.”
- **Purpose statement:** This statement has been revised utilizing previous input from a DarkSky representative to reflect the need for lighting practices that are both safe and responsible, recognizing the County’s night sky as an economic and community natural resource.
- **Guiding principles:** These principles, based on those from DarkSky International, have been added and are not intended to be mandatory. However, recognizing the limitations of enforcement, guiding principles can provide applicants with best practices for responsible lighting concepts. The City of Sisters utilizes a similar technique in its recently revised lighting ordinance.
- **Primary requirements:** DCC 15.10.050 presents three requirements applicable to all non-exempt outdoor light fixtures: lights must be downcast, fully shielded, and light trespass is prohibited. The proposed amendments remove distinctions between—and tables referring to—different types of bulbs/fixtures and wattage in favor of a simplified approach that is easier to implement and enforce. During the panel discussions, this simplification was acknowledged as a potentially effective strategy that recognizes the limitations of implementation and enforcement and that is easy to understand.
- **Prohibitions (formerly DCC 15.10.150) and externally lighted advertising signs (formerly DCC 15.10.160):** Both of these sections were deleted, with some language moved to DCC 15.10.060, Exemptions. Both contained redundant references to lighting that must conform to the shielding requirements that apply to all non-exempt fixtures (for instance, top mounted fixtures for advertising signs). Provisions for searchlights, recreational facilities, and bottom mounted advertising lighting were moved to DCC 15.10.060 Exemptions, which more accurately captures the criteria for these types of light fixtures.
- **Exemptions:** The proposed amendments clarify some existing exemptions and add others (see above). The amendments remove several exemptions that would now be subject to the requirements of DCC 15.10.050, including correctional institutions, historical areas, and motion detector lights. The amendments add exemptions for string lights, publicly owned lighting including streetlights, and searchlights.

## Changes Since Hearing and Deliberations

During deliberations, the Board directed staff to finalize the amendment package to include the following change:

- **Exemptions for holiday lighting (DCC 15.10.060(C)):** Based on discussion during deliberations, this provision was modified slightly to better reflect current practices and accommodate lighting schedules that relate to the Thanksgiving holiday (previous requirement was from December 1 – January 15).

Revised language: “Seasonal holiday lighting from the day after Thanksgiving to January 15 is exempt. Other event-specific lighting for no more than fourteen cumulative days in a single calendar year also is exempt. “Event-specific lighting” means lighting other than seasonal holiday lighting, illuminated for a period not to exceed fourteen cumulative days in a calendar year, associated with a holiday or other special occasion.”

## II. NEXT STEPS

Staff will return on Wednesday, September 24 for consideration of second reading of Ordinance No. 2025-018, which would then become effective 90 days after second reading.

### Attachments:

1. Ordinance No. 2025-018 and Corresponding Exhibits

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code  
Title 15, Buildings and Construction, to Update  
Outdoor Lighting Control Standards.

\*  
\*  
\*  
\*  
\*

ORDINANCE NO. 2025-018

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. 247-25-000377-TA) to the Deschutes County Code (“DCC”), Chapter 15.10 – Outdoor Lighting Control; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on July 10, 2025; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on August 27, 2025 and concluded that the public will benefit from the proposed changes to the Deschutes County Code Title 15; now, therefore,

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

Section 1. AMENDING. Deschutes County Code Chapter 15.10, Outdoor Lighting Control, is amended to read as described in Exhibit “A”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

///



Section 2. FINDINGS. The Board adopts as its findings Exhibit “B”, attached and incorporated by reference herein.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2025

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DEBONE, Chair

\_\_\_\_\_  
PATTI ADAIR, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHILIP CHANG, Commissioner

Date of 1<sup>st</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Date of 2<sup>nd</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Anthony DeBone	_____	_____	_____	_____
Patti Adair	_____	_____	_____	_____
Philip Chang	_____	_____	_____	_____

Effective date: \_\_\_\_\_ day of \_\_\_\_\_, 2025.

## CHAPTER 15.10 OUTDOOR LIGHTING CONTROL

[15.10.010 Purpose And ~~Intent As Relates To~~Guiding Principles For Residential, Commercial And Public Area Lighting](#)

[15.10.020 Purpose And Intent As Relates To Street Lighting](#)

[15.10.030 Conformance With Applicable Codes](#)

[15.10.040 Approved Materials And Methods Of Construction Or Installation/Operation](#)

[15.10.050-040 Definitions](#)

[15.10.055 Definition; Outdoor And Greenhouse Light Fixtures](#)

[15.10.060 Definition; Community Development Department](#)

[15.10.065 Definition; Exempt Light Fixtures](#)

[15.10.070 Definition; Individual](#)

[15.10.075 Definition; Installed](#)

[15.10.080 Definition; Shielding](#)

[15.10.085 Definition; Fully Shielded](#)

[15.10.090 Definition; Partially Shielded](#)

[15.10.095 Definition; Directed Shielding](#)

[15.10.100 Definition; Unshielded](#)

[15.10.105 Definition; High Intensity Discharge Lamp Sources](#)

[15.10.110 Definition; Luminous Tube Lighting](#)

[15.10.115 Definition; Greenhouse](#)

[15.10.120-050 Requirements For Installation Of Outdoor Lighting](#)

[15.10.130 Submission Of Plans And Evidence Of Compliance With Code; Subdivision Plats](#)

[15.10.140 Shielding](#)

[15.10.150 Prohibitions](#)

[15.10.160 Externally Lighted Outdoor Advertising Signs, Billboards](#)

[15.10.170-060 Exemptions](#)

[15.10.180-070 Violations And Penalties](#)

[15.10.190-080 Violations Constitute Public Nuisance](#)

[15.10.200 Code Requirements Tables For Shielding Tables 1, 2, And 3](#)

### **15.10.010 Purpose And ~~Intent As Relates To~~Guiding Principles For Residential, Commercial And Public Area Lighting**

- A.** The purposes of DCC 15.10 ~~is are~~ to encourage the utilization of responsible lighting practices to provide safely lit areas for residents and visitors and to protect citizen health and safety and quality of life through the use of illumination that is energy efficient, prevents light pollution from light trespass, minimizes impact on wildlife and natural vistas, and recognizes Deschutes County's night sky as an economic and community natural resource, affirm the right of citizens in Deschutes County, Oregon to illuminate residential, commercial and public areas with lighting fixtures appropriate to the need while utilizing such illumination in a way that preserves rural and urban vistas and is confined to the property from which it is generated.

B. The following guiding principles have been developed by DarkSky International and the Illuminating Engineering Society. Guiding principles are not intended to be mandatory approval criteria.

1. Useful: Use light only if it is needed. All light should have a clear purpose. Consider how the use of light will impact the area, including wildlife and their habitats.
2. Targeted: Direct light so it falls only where it is needed. Use shielding and careful aiming to target the direction of the light beam so that it points downward and does not spill beyond where it is needed.
3. Low level: Light should be no brighter than necessary. Use the lowest light level required. Be mindful of surface conditions, as some surfaces may reflect more light into the night sky than intended.
4. Controlled: Use light only when it is needed. Use controls such as timers or motion detectors to ensure that light is available when it is needed, dimmed when possible, and turned off when not needed.
5. Warm-colored: Use warmer color lights when possible. Limit the amount of shorter wavelength (blue-violet) light to the least amount needed.

#### HISTORY

*Adopted by Ord. [94-024](#) §1 on 8/31/1994*

*[Amended by Ord. 2025-018 §1 on xx/xx/2025](#)*

#### **15.10.020 Purpose And Intent As Relates To Street Lighting**

The purpose of DCC 15.10, as it relates to street lighting, is to affirm that the safety of citizens of Deschutes County, Oregon ~~have a right to the safety of~~depends in part on well-lighted streets and highways, and to recognize that such illumination by nature cannot be confined to the property from which it is generated. Thus, certain ~~high wattage and low wattage~~ applications for the ~~propose~~ purpose of highway street safety ~~as defined below~~ are allowed under ~~these provision~~this ordinance.

#### HISTORY

*Adopted by Ord. [94-024](#) §1 on 8/31/1994*

*[Amended by Ord. 2025-018 §1 on xx/xx/2025](#)*

#### **15.10.030 Conformance With Applicable Codes**

All outdoor electrically powered illuminating devices shall be installed, used and maintained in conformance with the provisions of this code, the building code, the electrical code, and the applicable sign code of the jurisdiction in which a sign(s) is installed. No provision of this ordinance ~~are is~~ intended to pre-empt applicable state codes.

#### HISTORY

*Adopted by Ord. [94-024](#) §1 on 8/31/1994*

*Amended by Ord. 2025-018 §1 on xx/xx /2025*

### **15.10.040 Approved Materials And Methods Of Construction Or Installation/Operation (Repealed)**

The provisions of this code are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed by this code, provided any such alternate has been approved. The building official may approve any such proposed alternate that: Provides an equivalent alternative design that does not exceed 1800 lumens nor project light off-site of the subject lot or parcel.

#### **HISTORY**

Adopted by Ord. [94-024](#) §1 on 8/31/1994

*Repealed by Ord. 2025-018 §1 on xx/xx /2025*

### **15.10.050-040 Definitions**

For purposes of applying and enforcing DCC 15.10, ~~Whenever appropriate in applying the provisions of DCC 15.10,~~ the following words and phrases are defined as ~~set forth in DCC 15.10.055-110.~~ follows:

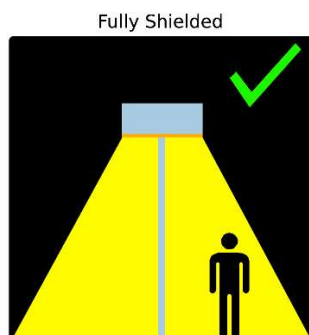
"Downcast" means lighting that is installed such that light rays from an outdoor light fixture are directed downward toward the ground and which includes a fixture shield parallel with the level ground.

"Exempt light fixtures" means outdoor artificial illuminating devices which are exempted from this ordinance by DCC 15.10.060.

"Farming practice" shall have the meaning set forth in ORS 30.930.

"Forest practice" shall have the meaning set forth in ORS 30.930.

"Fully shielded" means outdoor light fixtures that are shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane.



"Installed" means the initial installation of outdoor light fixtures following the effective date of this ordinance. Projects with approved construction plans prior to effective date of this ordinance are excluded from compliance with the ordinance in the initial installation only.

“Light Trespass” means a condition in which light emitted by a light fixture illuminates any area beyond the property lines of the property on which the fixture is installed. “Light Trespass” exists when a person is able to see direct illumination from an off-site light fixture. Light trespass does not include indirect reflection or scattering of light from mounting hardware or any other surfaces.

"Outdoor light fixtures" means outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable.

“Searchlight” means a light fixture generating parallel rays that may be oriented in any particular direction, often used to draw the attention to a place or event.

"Shielding" may be provided for a lighting fixture by the design of such fixture, or by an externally applied device such as a shroud or hood of metal, wood or painted glass that does not allow transmission of light.

“String lights” means electric lights on a wire, string, or cable used as decoration or for outdoor lighting.

#### HISTORY

*Adopted by Ord. [94-024](#) §1 on 8/31/1994*

*Amended by Ord. [95-063](#) §1 on 10/11/1995*

*Amended by Ord. [2016-014](#) §1 on 7/1/2016*

*Renumbered and Amended by Ord. [2025-018](#) §1 on xx/xx/2025*

#### **15.10.055 Definition; Outdoor And Greenhouse Light Fixtures**

~~"Outdoor light fixtures" means outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include, but are not limited to, search, spot, agricultural production/grow, and flood lights for:~~

- ~~A.—Buildings and structures;~~
- ~~B.—Recreational areas;~~
- ~~C.—Parking lot lighting;~~
- ~~D.—Landscape lighting;~~
- ~~E.—Billboards and other signs (advertising or other);~~
- ~~F.—Street lighting;~~
- ~~G.—Product display area lighting;~~
- ~~H.—Building overhangs and open canopies;~~
- ~~I.—Holiday lighting;~~
- ~~J.—Greenhouse interior lighting.~~

**HISTORY**

*Adopted by Ord. 95-063 §1 on 10/11/1995*

*Amended by Ord. 2016-014 §1 on 7/1/2016*

*Repealed & Reenacted by Ord. 2025-018 §1 on xx/xx/2025*

**15.10.060 Definition; Community Development Department**

"Community Development Department" means the Community Development Department or designated representative(s) for the purposes of this ordinance.

**HISTORY**

*Adopted by Ord. 94-024 §1 on 8/31/1994*

*Adopted by Ord. 95-063 §2 on 10/11/1995*

*Repealed by Ord. 2025-018 §1 on xx/xx/2025*

**15.10.065 Definition; Exempt Light Fixtures**

"Exempt light fixtures" means outdoor artificial illuminating devices which are exempted by DCC 15.10.170.

**HISTORY**

*Adopted by Ord. 95-063 §1 on 10/11/1995*

*Repealed & Reenacted by Ord. 2025-018 §1 on xx/xx/2025*

**15.10.070 Definition; Individual**

"Individual" means any private individual, tenant, lessee, owner or any commercial entity including but not limited to companies, partnerships, joint ventures or corporations.

**HISTORY**

*Adopted by Ord. 94-024 §1 on 8/31/1994*

*Repealed by Ord. 2025-018 §1 on xx/xx/2025*

**15.10.075 Definition; Installed**

"Installed" means initial installation of outdoor lighting fixtures following the effective date of this ordinance. Projects with approved construction plans prior to effective date of this ordinance are excluded from compliance with the ordinance in the initial installation only.

**HISTORY**

*Adopted by Ord. 95-063 §1 on 10/11/1995*

*Repealed & Reenacted by Ord. 2025-018 §1 on xx/xx/2025*

**15.10.080 Definition; Shielding**

"Shielding" for the purpose of this ordinance is provided for a lighting fixture by design of such fixture or by an externally applied device such as a shroud or hood of metal, wood or painted glass that does not allow transmission of light.

**HISTORY**

*Adopted by Ord. 94-024 §1 on 8/31/1994*

*Repealed & Reenacted by Ord. 2025-018 §1 on xx/xx/2025*

**15.10.085 Definition; Fully Shielded**

~~"Fully shielded" means outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane.~~

**HISTORY**

*Adopted by Ord. 95-063 §1 on 10/11/1995*

*Repealed & Reenacted by Ord. 2025-018 §1 on xx/xx/2025*

**15.10.090 Definition; Partially Shielded**

~~"Partially shielded" means shielding so that the edge of the shield is at or below the centerline of the light source or lamp so as to limit light emission above the horizontal plane to 10 percent or less.~~

**HISTORY**

*Adopted by Ord. 94-024 §1 on 8/31/1994*

*Repealed by Ord. 2025-018 §1 on xx/xx/2025*

**15.10.095 Definition; Directed Shielding**

~~"Directed shielding" means shielding by design or external application that directs light downward and limits direct line-of-sight of a fixture's lamp to the property upon which the fixture is installed.~~

**HISTORY**

*Adopted by Ord. 95-063 §1 on 10/11/1995*

*Repealed by Ord. 2025-018 §1 on xx/xx/2025*

**15.10.100 Definition; Unshielded**

~~"Unshielded" means light fixtures lacking any means to restrict the emitted light to below the horizontal plane.~~

**HISTORY**

*Adopted by Ord. 94-024 §1 on 8/31/1994*

*Amended by Ord. 95-063 §1 on 10/11/1995*

*Repealed by Ord. 2025-018 §1 on xx/xx/2025*

**15.10.105 Definition; High Intensity Discharge Lamp Sources**

~~"High intensity discharge lamp sources" means high pressure sodium, mercury vapor, metal halide, low pressure sodium, and other similar lamps.~~

**HISTORY**

*Adopted by Ord. 95-063 §1 on 10/11/1995*

*Repealed by Ord. 2025-018 §1 on xx/xx/2025*

**15.10.110 Definition; Luminous Tube Lighting**

"Luminous tube lighting" means gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g. neon, argon, etc.

**HISTORY**

*Adopted by Ord. 94-024 §1 on 8/31/1994*

*Repealed by Ord. 2025-018 §1 on xx/xx/2025*

**15.10.115 Definition; Greenhouse**

"Greenhouse" means any building that is constructed of glass, plastic, or other transparent material in which plants are grown under climate controlled conditions, and includes hoop houses and other similar structures.

**HISTORY**

*Adopted by Ord. 2016-014 §1 on 7/1/2016*

*Repealed by Ord. 2025-018 §1 on xx/xx/2025*

**15.10.120-050 Requirements For Installation Of Outdoor Lighting**

- A. Except as exempted by provisions of this ordinance, ~~as of the date of adoption,~~ the installation and use of outdoor lighting fixtures shall be subject to the provisions of this ordinance.
- B. All non-exempt outdoor lighting fixtures shall meet the following requirements:
  - 1. Downcast. Lighting shall be downcast. Uplighting is prohibited.
  - 2. Fully Shielded. Unless subject to an exemption, all light fixtures shall be fully shielded.
  - 3. Light Trespass. Unless subject to an exemption, light trespass is prohibited for outdoor light fixtures.

**HISTORY**

*Adopted by Ord. 94-024 §1 on 8/31/1994*

*Amended by Ord. 95-063 §1 on 10/11/1995*

*Renumbered & Amended by Ord. 2025-018 §1 on xx/xx/2025*

**15.10.130 Submission Of Plans And Evidence Of Compliance With Code; Subdivision Plats**

~~All proposed subdivisions and partitions within Deschutes County that include outdoor lighting fixtures or street lighting shall be subject to the provisions of this ordinance.~~

**HISTORY**

*Adopted by Ord. 94-024 §1 on 8/31/1994*

*Amended by Ord. 95-063 §1 on 10/11/1995*

*Repealed by Ord. 2025-018 §1 on xx/xx/2025*



**15.10.140 Shielding**

All nonexempt outdoor lighting fixtures shall have shielding as required by the tables set forth in DCC 15.10.200.

**HISTORY**

*Adopted by Ord. 94-024 §1 on 8/31/1994*

*Amended by Ord. 95-063 §1 on 10/11/1995*

*Repealed by Ord. 2025-018 §1 on xx/xx/2025*

**15.10.150 Prohibitions**

A.—Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.

B.—Searchlights. The operation of searchlights for advertising purposes is prohibited between eleven o'clock P.M. and sunrise the following morning.

C.—Recreational Facilities. No outdoor recreational facility, public or private, shall be illuminated after eleven o'clock P.M. except to conclude a specific recreational or sporting event or any other similar activity conducted at or in the facility which was in progress under such illumination prior to eleven o'clock P.M., except that any outdoor recreational facility, public or private, which is illuminated with outdoor lighting fixtures conforming to this code may operate any time with such illumination.

**HISTORY**

*Adopted by Ord. 94-024 §1 on 8/31/1994*

*Amended by Ord. 95-063 §1 on 10/11/1995*

*Repealed by Ord. 2025-018 §1 on xx/xx/2025*

**15.10.160 Externally Lighted Outdoor Advertising Signs, Billboards**

All externally lighted advertising signs and billboards will be illuminated by one of the following manners:

A.—Top mounted fixtures in which case such fixtures will conform to the shielding requirements as set forth in DCC 15.10.140.

B.—Bottom mounted fixtures in which case such fixtures shall be shielded either by application of external device or manufactured in such a way that upward and side directed light is confined to an area within four inches of the outermost surface of the sign's top and sides. Shielding will be constructed in such a manner that no reflective surface of the lighting fixture will extend past the limit of the shielding in the vertical plane when viewed from directly above. (See typical drawings -- Table 1 and Table 2 attached.)

**HISTORY**

*Adopted by Ord. 94-024 §1 on 8/31/1994*

*Amended by Ord. 95-063 §1 on 10/11/1995*

*Repealed by Ord. 2025-018 §1 on xx/xx/2025*

## **15.10.170-060 Exemptions**

*Certain outdoor light fixtures are exempt from this ordinance, subject to the following standards:*

### **A. Nonconformance.**

1. All ~~other~~ outdoor light fixtures lawfully installed prior to and operable on the effective date of the requirements codified in this ordinance are exempt from all such requirements except ~~those regulated in DCC 15.10.150(A), (B) and (C) or~~ as follows:
  - a. All replacement of outdoor lighting fixtures, as of the date of adoption, shall be subject to the provisions of this ordinance.
  - b. Until a date ~~six three~~ years after the date of adoption of this ~~code ordinance.~~  
~~August 31, 2000.~~

~~2.—Fossil Fuel Light. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from all requirement of DCC 15.10.~~

### **B. Airport operations lighting and aircraft navigational beacons ~~required by the Federal or State Law as established by the Federal Aviation Administration~~ are permanently exempt from these provisions. All other airport outdoor lighting must conform ~~to the intent of~~with this ordinance.**

~~C.—Correctional Institutions. Exterior lighting for County correctional institutions shall be shielded high pressure sodium except at the immediate entry area, in which case other lighting may be used that conforms to the intent of this ordinance.~~

~~D.C. \_\_\_\_\_ Lights used for holiday decorations for no more than 45 days are exempt from the requirements of this ordinance. Seasonal holiday lighting from the day after Thanksgiving to January 15 is exempt. Other event-specific lighting for no more than fourteen cumulative days in a single calendar year also is exempt. “Event-specific lighting” means lighting other than seasonal holiday lighting, illuminated for a period not to exceed fourteen cumulative days in a calendar year, associated with a holiday or other special occasion.~~

~~E.D. \_\_\_\_\_ Carnivals and Fairs~~Special events that require the use of temporary outdoor lighting fixtures are exempt ~~for up to 10 consecutive days. except that P~~permanent installations at dedicated sites must conform to the requirements of this ordinance.

~~F.—Historical areas as designated by proper authority are exempt from the requirements of this ordinance. Use of the minimum illumination necessary to maintain public safety is encouraged.~~

~~G.—Motion detector lights that operate automatically for periods of less than 20 minutes.~~

~~H.E. \_\_\_\_\_~~ U.S. flags displayed by top mounted lighting on a ~~24-24~~ hours basis.

~~I.F.~~ Internally lighted advertising signs.

G. Bottom mounted fixtures on externally lighted advertising signs and billboards, in which case such fixtures shall be shielded either by application of external device or manufactured in such a way that upward and side directed light is confined to an area within four inches of the outermost surface of the sign's top and sides. Shielding will be constructed in such a manner that no reflective surface of the lighting fixture will extend past the limit of the shielding in the vertical plane when viewed from directly above.

J.H. Temporary exemptions to the provision(s) of DCC Title 15 for five days ~~cumulatively in a~~per calendar year.

K.I. Television or movie film productions are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.

L.J. ~~Customary agricultural practices are exempt except that~~Farming practices and forest practices. ~~permanent~~Permanent installations ~~at dedicated sites~~ must conform to the requirements of this ordinance.

K. Construction lighting necessary for an allowed use, ~~are exempt except that~~Permanent installations at dedicated sites must conform to the requirements of this ordinance.

L. Recreational Facilities. Outdoor light fixtures in association with a sports or recreational facility, public or private, prior to eleven o'clock P.M.

M. String Lights, subject to the following standards:

1. String lights shall not be used to solely illuminate or decorate landscaping features, walls, or fences.
2. All installations of string lighting shall employ lamps that do not flash or flicker.
3. In association with non-residential uses, string lights may be installed in outdoor dining and entertainment areas only and shall not be used to delineate or outline the edges of a building or for any other purpose. String lighting must be completely extinguished by the end of normal business hours.
4. In association with residential uses, string lighting may be used to delineate or outline the edges of patios, porches, decks and similar structures. String lighting must be completely extinguished by 11 P.M.
5. These limitations do not apply to string lights used as holiday lighting, which are instead subject to holiday lighting standards.

N. Publicly Owned Lighting. Publicly owned lighting (including streetlights located in the public right-of-way) shall be fully shielded but are not required to comply with light trespass requirements.

O. Searchlights. The operation of searchlights for purposes other than public safety or emergencies is prohibited.

## HISTORY

Adopted by Ord. [94-024](#) §1 on 8/31/1994

Amended by Ord. [95-063](#) §1 on 10/11/1995

Amended by Ord. [99-022](#) §1 on 8/25/1999

*Renumbered & Amended by Ord. 2025-018 §1 on xx/xx/2025*

#### **15.10.180-070 Violations And Penalties**

For any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve or convert any lighting structure, or cause the same to be done, contrary to or in violation of any provision of this ordinance shall constitute a code violation subject to DCC 18.144.050.

##### **HISTORY**

Adopted by Ord. [94-024](#) §1 on 8/31/1994

Amended by Ord. [95-063](#) §1 on 10/11/1995

Amended by Ord. [2003-021](#) §33 on 4/9/2003

*Renumbered by Ord. 2025-018 §1 on xx/xx/2025*

#### **15.10.190-080 Violations Constitute Public Nuisance**

Any outdoor lighting fixture erected, constructed, enlarged, altered, repaired, moved, improved, or converted, contrary to the provisions of this ordinance shall constitute a **public nuisance code violation** subject to DCC 18.144.040.

##### **HISTORY**

Adopted by Ord. [94-024](#) §1 on 8/31/1994

Amended by Ord. [95-063](#) §1 on 10/11/1995

*Renumbered & Amended by Ord. 2025-018 §1 on xx/xx/2025*

#### **15.10.200 Code Requirements Tables For Shielding Tables 1, 2, And 3**

- A. ~~Outdoor lighting fixtures (except street lighting - see Table 2).~~

1. TABLE 1-WATTAGE-SEE SECTION 1-BELOW

LAMP-TYPE	25	30	35	40	50	60	75	100	110-OR-MORE
LOW-PRESSURE SODIUM	UNSHIELDED	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED-SHIELD	DIRECTED SHIELD	DIRECTED SHIELD
HIGH PRESSURE SODIUM	UNSHIELDED	UNSHIELDED	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED-SHIELD	DIRECTED SHIELD	DIRECTED SHIELD
METAL-HALIDE	UNSHIELDED	UNSHIELDED	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED-SHIELD	DIRECTED SHIELD	DIRECTED SHIELD
FLUORESCENT	UNSHIELDED	UNSHIELDED	UNSHIELDED	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED-SHIELD	DIRECTED SHIELD	DIRECTED SHIELD
QUARTZ	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	DIRECTED SHIELD	DIRECTED-SHIELD	DIRECTED SHIELD	DIRECTED SHIELD
TUNGSTEN HALOGEN	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	DIRECTED SHIELD	DIRECTED-SHIELD	DIRECTED SHIELD	DIRECTED SHIELD
MERCURY VAPOR	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	DIRECTED SHIELD	DIRECTED-SHIELD	DIRECTED SHIELD	DIRECTED SHIELD
INCANDESCENT	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	DIRECTED SHIELD

1.
1. For the purpose of this section wattage ratings for lamp types will be for either a single lamp source or multiple lamp sources when installed in a cluster.

2. Lamp types not listed in the table may be approved for use by the building official providing installation of these lamps conforms to the lumen limits established in this section.

3. Glass tubes filled with argon, neon or krypton do not require shielding.

TABLE 2 TYPICAL LUMEN VALUES FOR VARIOUS LAMP WATTAGE \*\*

WATTAGE	LOW PRESSURE SODIUM	HIGH PRESSURE SODIUM	METAL HALIDE	FLUORESCENT	QUARTZ	MERCURY VAPOR	INCANDESCENT
9				600			
18	1,800						
35	4,725	2,250					
40		4,000		2,250			480
50					1,400	1,140	480
55	7,925						
60							870
70		5,800	5,500				
75						2,800	1,190
90	14,400						
100		9,500	8,000			4,300	1,750
110				6,600			
150		16,000					2,850

175			14,000			8,600	
200		22,000					4,010
250		27,500	20,500			12,100	
300							6,360
400		50,000	36,000			22,500	
500							10,850

2. ~~\*\*Taken from data supplied by Portland General Electric - Energy Resource Center~~

3.2. ~~STREET LIGHTING. All street lighting fixtures will be shielded in conformance with Table 3 included in this section.~~

TABLE 3 WATTAGE-SEE SECTION 1 BELOW

WATTAGE	55	70	75	90	100	150	175	250	400-OR-MORE
LOW PRESSURE SODIUM	PARTIAL SHIELDING	PARTIAL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING
HIGH PRESSURE SODIUM	PARTIAL SHIELDING	PARTIAL SHIELDING	PARTIAL SHIELDING	PARTIAL SHIELDING	PARTIAL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING
METAL HALIDE	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING
FLUORESCENT	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING

QUARTZ	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING
MERCURY VAPOR	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING
INCANDESCENT	PARTIAL SHIELDING	PARTIAL SHIELDING	PARTIAL SHIELDING	PARTIAL SHIELDING	PARTIAL SHIELDING	PARTIAL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING

~~4. —~~ 1. For the purpose of this section wattage ratings for lamp types will be for either a single lamp source or multiple lamp sources when installed in a cluster.  
2. Lamp types not listed in the table may be approved for use by the building official providing installation of these lamps conforms to the intent of this code.

HISTORY  
~~Adopted by Ord. 94-024 §1 on 8/31/1994~~  
~~Amended by Ord. 95-063 §1 on 10/11/1995~~  
Repealed by Ord. 2025-018 §1 on xx/xx/2025





## FINDINGS

### DARK SKIES TEXT AMENDMENTS

#### I. **APPLICABLE CRITERIA:**

Deschutes County lacks specific criteria in DCC Titles 18, 19, 22, or 23 for reviewing a legislative text amendment. Nonetheless, since Deschutes County is initiating this amendment, the County bears the responsibility for demonstrating consistency with Statewide Planning Goals and the existing Comprehensive Plan.

#### II. **BACKGROUND:**

Since November 2021, both the Board and Planning Commission have expressed support for updating DCC Chapter 15.10, Outdoor Lighting Control. In February 2022, the Planning Commission convened an 8-person panel reflecting varying perspectives related to dark skies and outdoor lighting. The panel discussed the importance of dark sky best practices and the increase in light pollution in the region from approximately 2012-2020.

In April 2022, the Board directed staff to pursue dark skies best practices and potential goals and policies as part of the Deschutes County 2040 Comprehensive Plan Update process. In October, during a Community Development Department FY 2022-23 Planning Division Work Plan Update, the Board expressed support for revisiting DCC Chapter 15.10 as a standalone work item, emphasizing educational outreach efforts rather than code enforcement responses.

Staff convened a second panel discussion in April 2023 to further explore such issues. The panel included representatives from the Oregon Chapter of International Dark-Sky Association (subsequently renamed to DarkSky International), an astronomer, Visit Central Oregon, Central Oregon Builders Association (COBA), Deschutes County Code Enforcement, a farmer/rancher, and a science educator.

Notable points that were raised by individuals (but not necessarily group consensus) in this panel included:

- Code update should include a revised purpose statement
- Exception from shielding for lights on timers should be eliminated
- Dark skies initiative is a great example of a diverse economic driver that aligns with natural resource values, destination values, etc. associated with the types of visitors that come to Central Oregon

- Full cutoff fixtures and prevention of light trespass are already measures that the building community is supportive of, but they would likely not be supportive of additional inspection fees
- Timers are often the subject of complaints - while they are on a timed window, they can be triggered multiple times each night, which creates more or less continuous lighting.
- If all lighting is required to be shielded, it could aid with enforcement

## **Existing Regulations**

DCC Chapter 15.10, Outdoor Lighting Control, was adopted in 1994. The 1994 amendments require all private and commercial outdoor lighting fixtures located in the unincorporated areas installed after August 10, 1994 utilizing a 110-watt or brighter incandescent bulb to be shielded by design or modification that directs light downward, and must limit direct line-of-sight of the fixture's lamp to the property on which the fixture is installed. Other types of bulbs have different shielding requirements depending on wattage. DCC Chapter 15.10 also provides several exemptions.

## **Legislative Approach and Challenges**

Updating lighting regulations to improve dark skies has been a consistent theme of Board, Planning Commission, citizen, and panel discussion on this topic. Any new regulations must balance the effectiveness of the code against the public and private costs to operate and enforce the program. Notably, implementation and enforcement are significant challenges; as a result, the proposed amendments seek to simplify the code wherever possible; the proposed code also includes guiding principles for effective and responsible lighting that are not intended to be mandatory approval criteria. In addition to the proposed code amendments, staff will initiate public education efforts aimed at educating County residents and visitors about dark sky principles.

The Building Safety Division administers and implements state building codes. Plans examiners and building inspectors do not have the capacity to review or inspect outdoor lighting fixtures through a separate, unfunded application for lighting review. Currently, every building permit reviewed by the Building Safety Division Plan is stamped with a notation that exterior lighting must comply with Deschutes County's lighting regulations. At final inspection, however, not everything noted or stamped on a building plan is inspected.

Outdoor lighting-related code enforcement violations are currently identified as a relatively low priority for resolution. Currently, outdoor lighting-related complaints constitute approximately 2% of the total received annually. Code enforcement specialists typically send educational materials to violators to encourage them to achieve compliance through changing their lights and/or shielding their lighting fixtures. Generally, outdoor lighting regulations are difficult to enforce for reasons of property access, inaccuracy of photos as evidence, after-hours site visits/investigations, inaccuracies/calibration/training for measurement devices, and other issues. Notably, code enforcement staff observed during the 2023 panel that a simpler code would likely be easier to enforce.

## **III. AMENDMENT SUMMARY:**

The proposed streamlined code takes the challenges of enforcement and implementation into consideration, while addressing concerns that have been raised by experts and the public over the last several years.

- **Definitions:** Definitions, which previously utilized a separate section for each term, have been consolidated into a single section, and superfluous or outdated definitions (for instance, those defining certain types of light fixtures that are no longer referred to in the chapter) have been removed. New definitions have been provided for several terms, most notably “downcast,” “light trespass,” and “string lights.”
- **Purpose statement:** This statement has been revised utilizing input from a DarkSky representative to reflect the need for lighting practices that are both safe and responsible, recognizing the County’s night sky as an economic and community natural resource.
- **Guiding principles:** These principles, based on those from DarkSky International, have been added and are not intended to be mandatory. However, recognizing the limitations of enforcement, guiding principles can provide applicants with best practices for responsible lighting concepts.
- **Primary requirements:** DCC 15.10.050 presents three requirements applicable to all non-exempt outdoor light fixtures: lights must be downcast, fully shielded, and light trespass is prohibited. The proposed amendments remove distinctions between—and tables referring to—different types of bulbs/fixtures and wattage in favor of a simplified approach that is easier to implement and enforce. During the panel discussions, this simplification was acknowledged as a potentially effective strategy that recognizes the limitations of implementation and enforcement and that is easy to understand.
- **Prohibitions (formerly DCC 15.10.150) and externally lighted advertising signs (formerly DCC 15.10.160):** Both of these sections were deleted, with some language moved to DCC 15.10.060, Exemptions. Both contained redundant references to lighting that must conform to the shielding requirements that apply to all non-exempt fixtures (for instance, top mounted fixtures for advertising signs). Provisions for searchlights, recreational facilities, and bottom mounted advertising lighting were moved to DCC 15.10.060 Exemptions, which more accurately captures the criteria for these types of light fixtures.
- **Exemptions:** The proposed amendments clarify some existing exemptions and add others (see above). The amendments remove several exemptions that would now be subject to the requirements of DCC 15.10.050, including correctional institutions, historical areas, and motion detector lights. The amendments add exemptions for string lights, publicly owned lighting including streetlights, and searchlights.

#### **IV. BASIC FINDINGS**

The Planning Division determined that amendments were necessary to incorporate changes to modernize Deschutes County’s outdoor lighting standards. Staff initiated the proposed

amendments and notified the Oregon Department of Land Conservation and Development on June 5, 2025 (File no. 247-25-000377-TA). As demonstrated in the findings below, the amendments remain consistent with Deschutes County Code 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 is met because a public hearing was held before the Deschutes County Planning Commission (Commission) on 7/10/2025 and a public hearing was held before the Board of County Commissioners (Board) on 8/27/2025.

#### Section 22.12.020, Notice

##### ***Notice***

##### **A. *Published Notice***

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

**FINDING:** This criterion is met as notice was published in *The Bulletin* newspaper on 6/29/2025 for the Commission public hearing and on 8/15/2025 for the Board public hearing.

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

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

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

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

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

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

Section 22.12.030 Initiation of Legislative Changes.

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

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

Section 22.12.040. Hearings Body

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

**FINDING:** This criterion is met as the Commission held a public hearing on 7/10/2025. The Board held a public hearing on 8/27/2025.

Section 22.12.050 Final Decision

**All legislative changes shall be adopted by ordinance**

**FINDING:** The proposed legislative changes included in file no. 247-25-000377-TA will be implemented by ordinances upon approval and adoption by the Board. This criterion will be met.

**Oregon Statewide Planning Goals:**

**Statewide Planning Goal 1 – Citizen Involvement:**

This goal outlines the citizen involvement requirement for the adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

**FINDING:** The County's citizen involvement program ensures that any amendments to the County's development code are reviewed through a duly noticed public process. This legislative process to

review the proposed amendments will require two public hearings, one before the Commission on 7/10/2025 and one before the Board on 8/27/2025.

Information was distributed throughout the process via the project website and through social media and email. All Commission and Board work sessions were open to the public and noticed in accordance with the County's rules and regulations. All work session materials, including meeting recordings and summaries, were available on the County's website. All the aforementioned venues provided the opportunity for gathering feedback and comments.

As part of the legislative process, public notice requirements for the Commission and Board public hearings were met. The notice was sent to persons who requested notice, affected government agencies, and was published in the 6/29/2025 and 8/15/2025 issues of the Bend Bulletin. The notices invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the County's webpage where the draft of the proposal can be viewed.

### **Statewide Planning Goal 2 – Land Use Planning:**

This goal outlines the land use planning process and policy framework. The County's Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals.

**FINDING:** Deschutes County has an acknowledged Comprehensive Plan and enabling ordinances. The amendments to the DCC are being undertaken to bring residential development standards, criteria, and procedures into compliance with state statutes.

The amendments are being processed in accordance with the County's adopted procedures, which requires any applicable statewide planning goals, federal or state statutes or regulations, comprehensive plan policies, and the County's implementing ordinances be addressed as part of the decision-making process. The amendments are being processed as a post-acknowledgement plan amendment (PAPA) and noticing requirements have been met. All applicable review criteria have been addressed within this staff report; therefore, the requirements of Goal 2 have been met.

### **Statewide Planning Goals 3 and 4 – Agricultural Lands and Forest Lands:**

**FINDING:** No changes related to agricultural or forest lands are proposed as part of the text amendments. The amendments seek to encourage the utilization of responsible lighting practices that recognize the County's night sky as an economic and community natural resource while still allowing customary farm and forest practices to occur. This goal does not apply.

### **Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:**

**FINDING:** This goal requires the inventory and protection of natural resources, open spaces, historic sites and areas. No changes related to Goal 5 resources are proposed as part of the text amendments. This goal does not apply.

### **Statewide Planning Goal 6 – Air, Water, and Land Resource Quality:**

**FINDING:** The County is currently in compliance with the State’s Goal 6 program. The amendments do not alter the County’s acknowledged land use programs regarding air, water, and land resource quality. This goal does not apply.

### **Statewide Planning Goal 7 – Areas Subject to Natural Hazards:**

**FINDING:** No changes will occur to County programs related to flood management, wildfire mitigation, or other natural hazards. This goal does not apply.

### **Statewide Planning Goal 8 – Recreational Needs:**

**FINDING:** The proposed amendments do not address or alter any County recreational programs or land use requirements related to parks and recreation. This goal does not apply.

### **Statewide Planning Goal 9 – Economic Development:**

**FINDING:** The proposed amendments do not alter the County’s compliance with Goal 9, which is to provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens. The amendments seek to encourage the utilization of responsible lighting practices that recognize the County’s night sky as an economic and community natural resource. The proposed amendments are in compliance with Goal 9.

### **Statewide Planning Goal 10 – Housing:**

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

### **Statewide Planning Goal 11 – Public Facilities and Services:**

**FINDING:** The County is currently in compliance with Goal 11 through its acknowledged Comprehensive Plan. The amendments do not alter the County’s compliance with Goal 11 and are consistent with this goal.

### **Statewide Planning Goal 12 – Transportation:**

**FINDING:** The County is currently in compliance with Goal 12 and Metro’s Regional Transportation Plan through its acknowledged Comprehensive Plan and TSP as required by Oregon Administrative Rule 660-012 (Transportation Planning Rule - TPR). The proposed amendments do not alter the County’s compliance with Goal 12.

### **Statewide Planning Goal 13 – Energy Conservation:**

**FINDING:** The County is currently in compliance with Goal 13 through its acknowledged Comprehensive Plan. The amendments do not alter the County's compliance with Goal 13 and are consistent with this goal.

**Statewide Planning Goal 14 – Urbanization:**

**FINDING:** The County is currently in compliance with Goal 14 through its acknowledged Comprehensive Plan and land use regulations. The County also has signed Joint Management Agreements with the cities of Bend, Redmond, and Sisters as required by ORS 195.065. The amendments do not alter the County's compliance with Goal 14 and are consistent with this goal.

**VI. CONCLUSION:**

Based on the information provided herein, staff recommends the Board of County Commissioners approve the proposed text amendments that make changes necessary to modernize the outdoor lighting ordinance.





## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 10, 2025

**SUBJECT:** Eastern Oregon Solar Siting Rules / Options for Consideration for Exclusive Farm Use and Forest Use Zones

**RECOMMENDED MOTION:**

**EFU Zoning**

1. Adopt Order No. 2025-042, opting out of Eastern Oregon Solar Siting Rules.
2. Do nothing and automatically opt-in effective January 1, 2026.
3. Initiate a customized program, under the provision of Statewide Planning Goal 5 and adopt a temporary opt-out resolution, Order No. 2025-043, that will be repealed once a plan amendment is adopted. Given the significance of this work program, it would need to be prioritized as work task in CDD's FY 2025/2026 or 2026/2027 work program.

**Forest Use Zoning**

1. Continue to allow photovoltaic solar farms on 10 acres; or
2. Given the significance of this work program, it would need to be prioritized as work task in the CDD FY 2025/2026 or 2026/2027 work program. The work task would identify as a scope of work, opportunities for photovoltaic solar farms up to 240 acres.

**BACKGROUND AND POLICY IMPLICATIONS:**

On June 26, 2025, the Land Conservation and Development Commission (LCDC) adopted Oregon Administrative Rules (OARs) that guide development of renewable photovoltaic solar energy sites in Eastern Oregon on non-federal Exclusive Farm Use (EFU) and Forest Use zoned land (Attachment 1). Staff is presenting the Board with several options to move forward.

**BUDGET IMPACTS:**

None.

**ATTENDANCE:**

Tanya Saltzman, Senior Planner

Will Groves, Planning Manager

Peter Gutowsky, CDD Director



## COMMUNITY DEVELOPMENT

### MEMORANDUM

**TO:** Deschutes County Board of Commissioners

**FROM:** Tanya Saltzman, AICP, Senior Planner  
Will Groves, Planning Manager  
Peter Gutowsky, AICP, Director

**DATE:** September 3, 2025

**SUBJECT:** Eastern Oregon Solar Siting Rules / Options for Consideration for Exclusive Farm Use and Forest Use Zones

#### I. BOARD DIRECTION

On June 26, 2025, the Land Conservation and Development Commission (LCDC) adopted Oregon Administrative Rules (OARs) that guide development of renewable photovoltaic solar energy sites in Eastern Oregon on non-federal Exclusive Farm Use (EFU) and Forest Use zoned land (Attachment 1).

#### EFU Zoning

The administrative rules pertaining to EFU-zoned land become effective on January 1, 2026. Oregon counties will be opted in to the Eastern Oregon Solar Siting Rules (Attachment 2) unless they specifically take action to opt-out. There are three options for the Board of County Commissioners (Board) to consider:

- 1. Maintain local control by adopting Order No. 2025-042, opting out of Eastern Oregon Solar Siting Rules.** This option allows Deschutes County to continue applying existing rules in OAR 660-33-0130(38) for evaluating applications for photovoltaic solar power generation facilities ("facilities") on a case-by-case basis.
- 2. Do nothing.** On January 1, 2026, the County is automatically opted into OAR 660-033-130(44), which will enable Deschutes County, without amending its Comprehensive Plan or zoning code, to approve applications for individual facilities/sites of set sizes in the EFU zone without taking an exception to Goal 3: up to 160 acres on eligible high value farmland, 1,280 acres on arable farmland, and 1,920 acres on non-arable, lower quality farmland. A discretionary land use decision is still required, with public notice. Discretionary land use decisions may require a hearing and are subject to appeal.

- 3. Initiate a customized program pursuant to OAR 660-023-0195 and under the provision of Statewide Planning Goal 5.** A customized solar siting program to designate photovoltaic solar power generation areas in the county would be considered and adopted as part of a comprehensive plan update. This option will involve a more robust public process and allow for acreage sizes for individual application sites larger than allowable under OAR 660-033-130(44): up to 240 acres on eligible high value farmland, 2,560 acres on arable farmland, and 3,840 acres on non-arable, lower quality farmland. Given the significance of this program, it would need to be prioritized as work task in the Community Development Department's (CDD) FY 2025/2026 or 2026/2027 work program. In order to implement this option, the Board would adopt a temporary opt-out order, Order 2025-043, which would be repealed once the plan amendment is adopted (Attachment 3). If executed, this option, like Option 2, will require a discretionary land use decision and public notice, with the possibility of a hearing and potentially, an appeal.

## Forest Use Zoning

LCDC also amended the Forestland Rules, OAR 660, Division 6, to increase the acreage threshold for applications for photovoltaic solar projects from 10 acres to 240 acres without taking an exception to Goal 4. Expanding this use in Forest Use zones will be a significant undertaking because it will require an extensive Goal 5 Economic, Environmental, Social, and Energy (ESEE) analysis due to wildlife inventories that include Elk Range, Tumalo Deer Winter Range, and Metolius Deer Winter Range, and Deer Migration Range. There are two options for the Board's consideration:

1. Continue to allow photovoltaic solar farms on 10-acre parcels of property in the Forest Use zones; or
2. Prioritize as a work task in the CDD FY 2025/2026 or 2026/2027 work program the development of opportunities for photovoltaic solar farms up to 240-acres in the Forest Use zones. .

## II. DESCHUTES COUNTY COMMERCIAL SOLAR PROJECTS

From 2015 to 2019, Deschutes County approved six commercial photovoltaic solar projects, all without appeals, on EFU-zoned lands. Five have been developed. Compared to other solar projects in Eastern Oregon, which can encompass thousands of acres and generate hundreds and in some cases thousands of megawatts (MW), facilities in Deschutes County are relatively small.<sup>1</sup>

**Table 1 – Deschutes County Commercial Solar Projects**

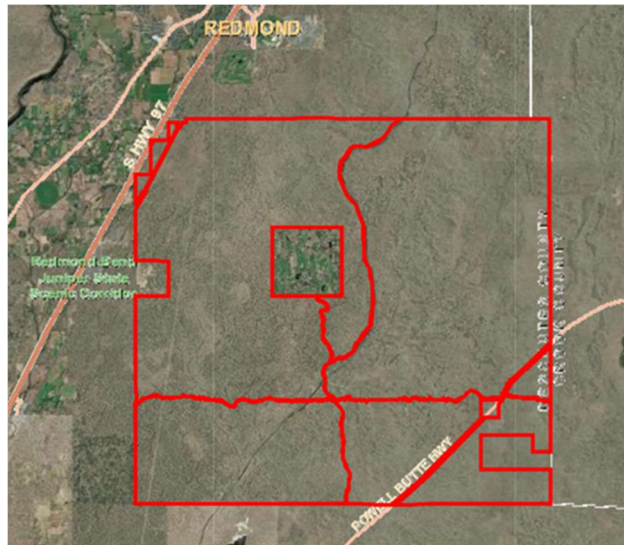
Name	Location	Size	Power Generation
<b>Oregon Solar Land Holdings</b>	21850 Highway 20	156 acres	10 MW
<b>NorWest Energy 2, LLC</b>	62435 Erickson Road	118 acres	10 MW
<b>Central Electric Co-op</b>	61090 27 <sup>th</sup> Street	22 acres	550,000 Watts
<b>Saturn Power Corporation</b>	9500 S Highway 97	95 acres	10 MW
<b>Bear Creek Solar Center, LLC</b>	21705 Neff Road 62210 Hamby Road	90 acres	10 MW
<b>Alfalfa Solar Farm, LLC *</b>	26780 Austin Road	120 acres	10 MW

<sup>1</sup> The average size of the six commercial solar farms approved in Deschutes County is 100 acres.

\* Alfalfa Solar Farm's land use approval expired in 2023.

Regarding solar projects on federal land in Deschutes County, on November 21, 2024, the Bureau of Land Management (BLM) issued a notice of segregation of 4,037 acres of public land for the "Expedition Solar Project" near Juniper Preserve Destination Resort and Highway 97.<sup>2</sup> If initiated, local land use approval is not required. Figure 1 below illustrates the approximate location. According to BLM, the project is proposed to be a 700 MW solar farm. It is currently in preliminary review.<sup>3</sup>

**Figure 1 – Approximate Location of BLM / Expedition Solar Project**



### III. RULEMAKING

Passed by the Oregon Legislature in 2023, House Bill (HB) 3409 directed the Department of Land Conservation and Development (DLCD) to collaborate with a Rulemaking Advisory Committee (RAC) to develop a process for identifying opportunities for, and reducing conflicts in, siting solar photovoltaic energy facilities in Eastern Oregon. DLCD held 14 meetings with the RAC between February 2024 and April 2025. The goal was to identify sites that support photovoltaic solar energy generation projects to help meet Oregon's clean energy goals. In HB 3409, legislators directed that this should happen without unnecessarily encroaching upon resources that are important to Oregonians as reflected in the statewide land use planning program. Legislators specified that the rules should preserve or mitigate impacts on culturally significant areas, wildlife habitats, and areas vital for farming, ranching, and forestry.<sup>4</sup>

<sup>2</sup> <https://www.federalregister.gov/documents/2024/11/21/2024-27320/notice-of-segregation-of-public-land-for-the-expedition-solar-project-deschutes-county-oregon>

<sup>3</sup> <https://www.blm.gov/programs/energy-and-minerals/renewable-energy/active-renewable-projects#Projects%20in%20Preliminary%20Review>. Before entering formal environmental review under the National Environmental Policy Act, proposals for renewable energy projects undergo agency preliminary review. This includes but is not limited to adjudication for completeness and conformance with regulatory requirements, processing prioritization, and development of a cost recovery agreement with applicants.

<sup>4</sup> [https://links-2.govdelivery.com/CL0/https%2F%2Fwww.oregon.gov%2Fclcd%2FCommission%2FDocuments%2F2025-06\\_Item\\_4\\_Combined.pdf%3Futm\\_medium=email%26utm\\_source=govdelivery/1/01010197ccedba01-377d3959-c059-4acb-b53b-92891abfd891-000000/SNtchJ\\_rnUUuQjXuTg83seh6i-EUIZDWuq6VGWRD5VY=412](https://links-2.govdelivery.com/CL0/https%2F%2Fwww.oregon.gov%2Fclcd%2FCommission%2FDocuments%2F2025-06_Item_4_Combined.pdf%3Futm_medium=email%26utm_source=govdelivery/1/01010197ccedba01-377d3959-c059-4acb-b53b-92891abfd891-000000/SNtchJ_rnUUuQjXuTg83seh6i-EUIZDWuq6VGWRD5VY=412)

## EFU Zoning

On June 26, 2025, LCDC adopted OARs that guide development of renewable solar energy sites in Eastern Oregon on EFU zoned properties. These regulations become effective on January 1, 2026. Counties are opted-in and must comply with these regulations unless they specifically take action to opt-out. The rules provide counties with several pathways for reviewing photovoltaic solar power generation facilities on non-federal EFU zoned lands.

- **OAR 660-033-0130(38):** These are the existing rules in Division 33 (Agricultural Land) that counties currently use for evaluating proposals for photovoltaic solar power generation facilities. This pathway is currently available to counties and will remain an option if a county makes a decision to opt out of the new rules in Division 23 or Division 33. These existing rules allow limited solar development on farmland and require approval of an exception to Statewide Planning Goal 3 for any significantly sized renewable solar project (more than 12 acres on high-value farmland, more than 20 acres on arable lands, and more than 320 acres on non-arable lands). If counties choose this option, they need to take formal action to opt out of the new Division 33 rules.
- **OAR 660-033-0130(44):** The new rules in Division 33 automatically apply unless a county takes formal action to opt out. These rules allow counties to review individual applications for photovoltaic solar power generation facilities/sites. Under these rules, a county would not be required to adopt comprehensive plan and land use code amendments for rule implementation. Counties are allowed to approve individual facilities/sites of set sizes on EFU-zoned properties as follows: up to 160 acres on high value farmland, 1,280 acres on arable farmland, and 1,920 acres on non-arable, lower quality farmland.
- **OAR 660-023-0195:** The new Division 23 (Natural Resources) rules give counties direction on how to adopt their own customized solar siting program, under the provisions of Statewide Planning Goal 5. Adoption of such a program would occur as part of a comprehensive plan update to designate photovoltaic solar power generation areas in the county. This option involves a more robust public process and allows for larger acreage sizes for individual application sites: up to 240 acres on high value farmland, 2,560 acres on arable farmland, and 3,840 acres on non-arable, lower quality farmland.

## Forest Use Zoning

LCDC also amended the Forestland Rules, OAR 660, Division 6, to increase the acreage threshold for a photovoltaic solar project that can be processed as a conditional use from 10-acres to 240-acres on Forest Use zoned lands without taking an exception to Goal 4.

## IV. SOLAR SITING in EFU ELIGIBLE AREAS

The new solar siting rules apply to all non-federal EFU zoned properties with several exceptions listed below:

- Sage-grouse Habitat
- Priority Wildlife Connectivity Areas

- High Use and Very High Use Wildlife Migration Corridors
- Wildlife habitat characterized by Oregon Department of Fish and Wildlife (ODFW) as Category 1
- Urban Reserve Areas
- EFU lands with an appurtenant water right as of 1/1/24
- High-value Farmland
- Metolius Area of Critical State Concern
- Location predominantly beyond 10 miles of a transmission line with a rating of 69 KV or above

It is difficult to accurately identify the number and scope of eligible EFU properties in Deschutes County because the following data is not readily available:

- Wildlife habitat characterized by ODFW as Category 1<sup>5</sup>
- EFU lands with an appurtenant water right as of 1/1/24
- High-value Farmland<sup>6</sup>

Excluding the three data sets listed above, Table 2 identifies the properties in Deschutes County that could potentially take advantage of the new rules. Many of the EFU parcels, however, are irrigated, rendering them ineligible, meaning that actual eligibility is likely less than the estimates below. Furthermore, as depicted in Table 3, 95% of the potentially eligible properties consist of 100 acres or less.

**Table 2 – Potentially Eligible EFU Properties for Solar Siting**

EFU Zoned Properties	Taxlots	Acres
(Gross) Non-Federal Ownership	9,409	250,576
Exceptions	Taxlots	Acres
Sage Grouse Habitat	4,434	152,697
Priority Wildlife Connective Areas		
High Use and Very High Use Wildlife Migration Corridors		
Redmond Urban Reserve Area		
Metolius Area of Critical State Concern		
Location predominantly beyond 10 miles of a transmission line with a rating of 69 KV or above		
Potentially Eligible EFU Properties <sup>7</sup>	Taxlots	Acres
(Net) Non-Federal Ownership	4,975	97,879

**Table 3 – Potentially Eligible EFU Properties for Solar Siting by Acreage Category**

Acreage Category	Properties	% of Total	Acres	% of Total
0-5	2,206	44%	3,421	3%
5-10	700	14%	5,287	5%
10-20	789	16%	12,699	13%
20-40	727	15%	22,147	23%

<sup>5</sup> There is no official map for ODFW Habitat Category 1. Category 1 habitat is defined as essential, limited, and irreplaceable. Examples include bogs and fens, certain springs, seeps, and heron rookeries. An applicant would provide this data in a project level assessment.

<sup>6</sup> High-value Farmland, defined in Deschutes County Code, Chapter 18 04, Title, Purpose and Definitions, recognizes tracts of land composed of predominant soil types when irrigated.

<sup>7</sup> Excludes ODFW Category 1 wildlife habitat, EFU lands with an appurtenant water right as of 1/1/24 and High-value Farmland.

40-80	329	7%	18,399	19%
80-200	189	4%	23,158	24%
200-400	25	1%	6,515	7%
400-600	6	0.12%	2,668	3%
600-800	2	0.04%	1,323	1%
800-1,000	1	0.02%	846	1%
1,000+	1	0.02%	1,416	1%
<b>TOTAL</b>	<b>4,975</b>	<b>100%</b>	<b>97,879</b>	<b>100%</b>

## V. OPTIONS

Deschutes County has a history of approving applications for renewable solar energy projects. As noted above, six have been approved since 2015. The new solar siting rules cater to Eastern Oregon counties with sparsely populated areas and large non-irrigated EFU tracts and Forest Use zoned tracts. However, the new rules are somewhat impractical to implement in Deschutes County, when factoring in the limited eligibility area and more importantly, the small average parcel size of EFU zoned properties and for Forest Use zoned properties, wildlife resources. Options for the Board's consideration are:

### EFU Zoning

1. Adopt Order No. 2025-042, opting out of Eastern Oregon Solar Siting Rules.
2. Do nothing and automatically opt-in effective January 1, 2026.
3. Initiate a customized program, under the provision of Statewide Planning Goal 5 and adopt a temporary opt-out order, Order No. 2025-043, that will be repealed once a plan amendment is adopted. Given the significance of this work program, it would need to be prioritized as work task in CDD's FY 2025/2026 or 2026/2027 work program.

### Forest Use Zoning

1. Continue to allow photovoltaic solar farms on 10-acre-sized Forest Use-zoned parcels; or
2. Prioritize as a work task in the CDD FY 2025/2026 or 2026/2027 work program the development of opportunities for photovoltaic solar farms up to 240 acres in the Forest Use zones.

Attachments:



1. DLCD Eastern Oregon Solar Siting Rule Summary
2. Opt-Out Order 2025-042
3. Temporary Opt-Out Order 2025-043



## Eastern Oregon Solar Siting Rules

The Land Conservation and Development Commission (LCDC) adopted new rules for Eastern Oregon Solar Siting at the June 2025 LCDC meeting. These rules will go into effect January 1, 2026.

### Background

This rulemaking was directed by the passage of House Bill 3409 (HB 3409) in 2023 and the subsequent LCDC charge to DLCD staff in November 2023. DLCD staff formed and worked with a Rulemaking Advisory Committee (RAC) to draft new regulations designed to find opportunities and reduce conflicts when siting photovoltaic solar power generation facilities in Eastern Oregon.

### Rulemaking

The new rules aim to make the process of siting photovoltaic solar facilities easier for counties and developers while protecting farmland, wildlife habitat, and important cultural resources.

The RAC met 13 times to help shape these recommendations. Staff held five of these meetings in Eastern Oregon. Five Technical Advisory Committees (TAC's) were also created to help inform this process.

Key updates include:

- New “solar area” designations for Eastern Oregon counties (OAR 660-023-0195)
- The ability for Eastern Oregon counties to review individual solar applications on farmland (OAR 660-033-0130(44))
- An emphasis on community benefits for Eastern Oregon communities
- Protections for wildlife habitat, high-value farmland, and archaeological, historical, and cultural resources

### Pathways for Solar Development

It is important to note that these new pathways for solar development are in addition to existing permitting pathways of OAR 6660-033-0130(38), the Exceptions Process, and the option of going through the Energy Facility Siting Council (EFSC). These rules apply only to Eastern Oregon. Standards for renewable energy development in Western Oregon remain unchanged. Counties in Eastern Oregon may continue using existing rules if they prefer.

### Solar Areas and Solar Sites

This rulemaking offers two pathways for permitting photovoltaic solar Division 23: Solar Areas and Division 33: Solar Sites. While largely similar, the chart on the following page highlights these similarities and a few important differences between them.



	<b>Division 23: Solar Areas</b>	<b>Division 33: Solar Sites</b>
Applicability	Requires Plan Amendment	Direct unless county opts out
Acreage Thresholds	240 acres high value farmland 2,560 acres arable land 3,840 acres nonarable land	160 acres high value farmland 1,280 acres arable land 1,920 acres nonarable land
Agricultural Mitigation Considerations	Payment Option and Alternative Option	Payment Option only
Wildlife Mitigation Considerations	Yes, with recommendations from ODFW	Yes, with recommendations from ODFW
Historic, Cultural, Archaeological	Individual project review required	Individual project review required
Community Benefits Considerations	Payment Option and Alternative Option	Payment Option only
Military Airspace Considerations	Yes	Yes
Robust Public Process and Community Engagement	Yes	No

## Ongoing Work

HB 3409 requires DLCD to provide a report to the Legislature that will include a summary of the adopted rules. The report will also include related items, such as mitigation practices, technical assistance resources to support local governments and tribes, and recommendations for future consideration. A draft report is due on or before September 15, 2025. The final report is due on or before December 31, 2025.

The department will monitor the effectiveness of these rules over time. Staff will report to LCDC in July 2027 on how effective the rules have been, which counties have implemented them, and suggestions for improvements.

For more information, please contact Sadie Carney, 503-383-6648, [sadie.carney@dlcd.oregon.gov](mailto:sadie.carney@dlcd.oregon.gov) or Jon Jinings, 541-325-6928, [jon.jinings@dlcd.oregon.gov](mailto:jon.jinings@dlcd.oregon.gov)

REVIEWED

LEGAL COUNSEL

09/10/2025 Item #12.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Opting Out of Eastern Oregon Solar  
Siting Rules pursuant to House Bill 3409

\*  
\*  
\*  
\*

ORDER NO. 2025-042

WHEREAS, The Land Conservation and Development Commission (LCDC) adopted new rules for Eastern Oregon Solar Siting at the June 2025 LCDC meeting. These rules will go into effect January 1, 2026; and

WHEREAS, This rulemaking was directed by the passage of House Bill 3409 (HB 3409) in 2023 and the subsequent LCDC charge to DLCD (Department of Land Conservation and Development) staff in November 2023. DLCD staff formed and worked with a Rulemaking Advisory Committee (RAC) to draft new regulations designed to find opportunities and reduce conflicts when siting photovoltaic solar power generation facilities in Eastern Oregon; and

WHEREAS, Oregon Administrative Rule (OAR) allows counties three pathways for reviewing photovoltaic solar power generation facilities on agricultural lands in Eastern Oregon: 1) Utilize new rules for Division 33 (OAR 660-033-0130(44)) for solar siting, which occurs if the County takes no formal action; 2) Continue to use the existing rules in Division 33 (OAR 660-033-0130(38)) and formally opt out of the new rules; or 3) Adopt a customized program under the provision of Statewide Planning Goal 5 (OAR 660-023-0195) as part of a comprehensive plan update and robust public process; now, therefore

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

Section 1. Effective January 1, 2026, Deschutes County shall opt out of new solar siting provisions in 660-033-0130(44) and retain the existing provisions in OAR 660-033-0130(38) for solar siting facilities.

Dated this \_\_\_\_\_ of \_\_\_\_\_,  
20\_\_

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DeBONE, Chair

\_\_\_\_\_  
PATTI ADAIR, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner

REVIEWED

LEGAL COUNSEL

09/10/2025 Item #12.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Opting Out Temporarily of Eastern  
Oregon Solar Siting Rules pursuant to House Bill  
3409

\*  
\*  
\*  
\*

ORDER NO. 2025-043

WHEREAS, The Land Conservation and Development Commission (LCDC) adopted new rules for Eastern Oregon Solar Siting at the June 2025 LCDC meeting. These rules will go into effect January 1, 2026; and

WHEREAS, This rulemaking was directed by the passage of House Bill 3409 (HB 3409) in 2023 and the subsequent LCDC charge to DLCD (Department of Land Conservation and Development) staff in November 2023. DLCD staff formed and worked with a Rulemaking Advisory Committee (RAC) to draft new regulations designed to find opportunities and reduce conflicts when siting photovoltaic solar power generation facilities in Eastern Oregon; and

WHEREAS, Oregon Administrative Rule (OAR) allows counties three pathways for reviewing photovoltaic solar power generation facilities on agricultural lands in Eastern Oregon: 1) Utilize new rules for Division 33 (OAR 660-033-0130(44)) for solar siting, which occurs if the County takes no formal action; 2) Continue to use the existing rules in Division 33 (OAR 660-033-0130(38)) and formally opt out of the new rules; or 3) Adopt a customized program under the provision of Statewide Planning Goal 5 (OAR 660-023-0195) as part of a comprehensive plan update and robust public process; and

WHEREAS, if the County chooses to adopt a customized program under the provision of Statewide Planning Goal 5, it will temporarily opt out of the new rules for Division 33 (OAR 660-033-0130(44)) while it undergoes the process to develop the customized program; now, therefore,

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

Section 1. Effective January 1, 2026, Deschutes County shall temporarily opt out of new solar siting provisions in Division 33 (OAR 660-033-0130(44)) while it undergoes the process to develop a customized program for solar siting under the provision of Statewide Planning Goal 5.

///

Section 2. During this time period, existing provisions for solar siting shall remain effective until such time that a new program under the provisions of Statewide Planning Goal 5 and a comprehensive plan update are adopted.

Dated this \_\_\_\_\_ of \_\_\_\_\_, BOARD OF COUNTY COMMISSIONERS  
20\_\_\_\_ OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DeBONE, Chair

\_\_\_\_\_  
PATTI ADAIR, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner