



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

1:00 PM, MONDAY, AUGUST 28, 2023

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

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

AGENDA

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

Members of the public may view the meeting in real time via YouTube using this link: <http://bit.ly/3mmlnzy>. To view the meeting 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 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/3h3oqD>.
- To join by phone, call 253-215-8782 and enter webinar ID # 899 4635 9970 followed by the passcode 013510.
- If joining by a browser, use the raise hand icon to indicate you would like to provide public comment, if and when allowed. If using a phone, press *6 to indicate you would like to speak and *9 to unmute yourself when you are called on.



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

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

CITIZEN INPUT: **Citizen Input may be provided as comment on any topic that is not on the agenda.**

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

AGENDA ITEMS

1. **1:00 PM** Presentation: Four Rivers Vector Control District Annual Work Program
2. **1:20 PM** Work Session: Proposed amendments to County Code relative to signs placed within the public right-of-way
3. **1:50 PM** Discussion: Local Wildfire Hazard Zone and Oregon Residential Specialty Code Updates Regarding Wildfire Hazard Mitigation

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.

4. Executive Session under ORS 192.660 (2) (d) Labor Negotiations

ADJOURN



BOARD OF
COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 28, 2023

SUBJECT: Presentation: Four Rivers Vector Control District Annual Work Program

RECOMMENDED MOTION:

N/A; information only

BACKGROUND AND POLICY IMPLICATIONS:

Representatives from the Four Rivers Vector Control District will present the district's annual work program and related updates to the Board.

BUDGET IMPACTS:

None

ATTENDANCE:

Rodney Dieckhoff, Board President
Myles Bowlin, Operations Manager
Sierra Dieckhoff, Office Manager



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 28, 2023

SUBJECT: Work Session to provide overview in advance of public hearing to consider proposed amendments to DCC 10.05 relative to signs placed within County road right-of-way.

RECOMMENDED ACTION:
Proceed with public hearing on August 30, 2023.

BACKGROUND AND POLICY IMPLICATIONS:
Staff at the Road Department have been forced to manage/police the placement of signs within county road right-of-way. This becomes an especially time-consuming activity around election events. The proposed amendments will bring Deschutes County into alignment with ORS 368.942 which disallows the placement of political signs within public right-of-way.

BUDGET IMPACTS:
Anticipate to realize savings of staff time and vehicle use.

ATTENDANCE:
Road
Legal



ROAD DEPARTMENT

MEMORANDUM

To: Board of County Commissioners
From: Cody Smith, PE, County Engineer/Assistant Road Department Director
Date: August 24, 2023
Subject: Proposed Amendments to DCC 10.05 – Right of Way Signs

Oregon Revised Statutes (ORS) provide the following regarding the placement of signs other than traffic control devices within county road rights of way:

ORS 368.942 Posting notices, signs or pictures on structures within county road right of way prohibited. Except as provided in ORS 368.950, no person may paste, paint, brand or in any manner whatever place or attach to any building, fence, gate, bridge, tree, rock, board, structure or anything whatever within the limits of the right of way of any county road any written, printed or painted advertisement, bill, notice, sign, picture, card or poster, except within the limits of any incorporated city through which the county road runs.

ORS 368.945 Authority of county road official to remove unlawfully posted matter. A county road official may lawfully remove or destroy, without resort to legal proceedings, any advertisement, bill, notice, sign, picture, card or poster placed in violation of ORS 368.942.

ORS 368.950 Applicability of ORS 368.942 and 368.945. ORS 368.942 and 368.945 do not apply to:

- (1) The posting or maintaining of any notice required by law to be posted or maintained; or
(2) The placing and maintaining, within the limits of the right of way of any county road, of:
(a) Signs approved by the county governing body and giving information about scenic, historical, resort or recreational areas;
(b) Signs approved by the county governing body and giving information about community or civic enterprises of a noncommercial nature, or the proximity of tourist facilities, directions or distances for the information of the traveling public;
(c) Facility location signs of a public utility or telecommunications utility, when such signs are approved by the county governing body;
(d) Benches utilized as outdoor advertising signs, if approved by the county governing body;
or

(e) Outdoor advertising signs on bus shelters erected or maintained for use by and convenience of customers of a mass transit district, a transportation district or any other public transportation agency, when such signs are approved by the county governing body.

368.955 Posting notices, signs or pictures within view of county road on property of another without consent prohibited. *No person may paste, paint, brand or in any manner whatever place or attach to any building, fence, gate, bridge, tree, rock, board, structure or anything whatever on the property of another within view of a county road, without the written consent of the owner or person entitled to possession of such property, any written, printed or painted advertisement, bill, notice, sign, picture, card or poster.*

Deschutes County Code (DCC) 10.05 provides requirements and procedure for the permitting and placement of temporary activity signs and tourist and motorist-oriented directional signs within public road rights of way under Deschutes County’s jurisdiction. Inexplicably, DCC 10.05.040 allows for the permitting of political signs as temporary activity signs within a public road right of way.

Road Department staff find that the permissibility of political signs within public road rights of way under Deschutes County Code and the burden for the Department to administer this program are extremely problematic for several reasons:

- **Road User Safety Concerns** - The improper placement of temporary activity signs along a road can compromise the safety of road users by interfering with traffic control devices, restricting sight lines, or causing distraction. Political campaign signs comprise virtually all of the temporary activity sign permits issued by the Road Department and have created numerous road safety concerns in recent years.
- **Lack of Statutory Authority** – Road Department staff do not believe that ORS 368.950 gives a county governing body the authority to permit the posting of political signs in public rights of way under their jurisdiction. Temporary activity signs authorized under the statute include signs “ .. giving information about community or civic enterprises of a noncommercial nature.”
- **Residual Property Rights** – Road rights of way under Deschutes County jurisdiction generally consist of easements for public ingress and egress over land, leaving certain residual property rights with owners of underlying or abutting property (see ORS 93.310(4), ORS 271.140, and ORS 368.366. Temporary activity signs within these rights of way can be problematic when the underlying or abutting property owner does not consent to the placement of a sign that is not an official traffic control device or that is not otherwise necessary to meet the needs of road users (i.e., political signs). Further, ORS 368.955 prohibits the placement of such signs within view of a county road without the consent of the property owner. Road Department staff assert that this would include consent by an abutting property owner whose fee ownership generally extends to the centerline of a public road right of way.
- **State and Countywide Inconsistency** - Deschutes County appears to be the only public road agency in Oregon that permits political signs in their rights of way. The County’s current permitting of political signs within public rights of way is inconsistent with rules and messaging from all other public road agencies in Deschutes County and Oregon who actively prohibit political signs on their rights of way.

- **Administration and Enforcement** – The administration, monitoring and, regulation of political campaign signs in the public rights of way takes up significant capacity of Road Department staff in the weeks prior to elections. Issues include;
 - Mediating matters related to visually-conflicting political signs among opposing campaigns;
 - Opposing campaigns checking the status of each other’s permits;
 - Property owners upset about signs located along their frontage;
 - Other road agencies requesting intervention for signs placed at the intersections of their roads and county roads.

With these reasons in mind, Road Department staff are proposing a text amendment to DCC 10.05 to remove the permissibility of political signs within the public right of way.

Additionally, the proposed text amendment for DCC 10.05 includes modernization of other portions of the code chapter to clarify procedures for permitting of temporary activity signs and tourist/motorist – oriented directional signs.

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 10.05, Right of Way *
Signs, of the Deschutes County Code. * ORDINANCE NO. 2023-020
*

WHEREAS, the Deschutes County Code (DCC) contains rules and regulations duly enacted through ordinance by Deschutes County and the Deschutes County Board of Commissioners; and

WHEREAS, from time-to-time the need arises to make amendments, including new enactments to the DCC; and

WHEREAS, staff from the Road Department have identified a need to amend DCC 10.05 to further identify the types of signs that may be authorized for placement within county road right-of-ways; and

WHEREAS, the Board of County Commissioners of Deschutes County considered this matter at a duly noticed public hearing August 30, 2023, and determined that DCC 10.05 should be amended; now therefore,

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

Section 1. AMENDMENT. DCC 10.05 is amended to read as described in Exhibit “A,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. ADOPTION. This Ordinance takes effect 90 days after its adoption.

///

Dated this _____ of _____, 2023

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DeBONE, Chair

PATTI ADAIR, Vice Chair

ATTEST:

Recording Secretary

PHIL CHANG, Commissioner

Date of 1st Reading: 30th day of August, 2023.

Date of 2nd Reading: 13th day of September, 2023.

<u>Commissioner</u>	Record of Adoption Vote			
	<u>Yes</u>	<u>No</u>	<u>Abstained</u>	<u>Excused</u>
Patti Adair				
Phil Chang				
Anthony DeBone				

Effective date: 13th day of December, 2023.

EXHIBIT A

(To Ordinance No. 2023-020)

CHAPTER 10.05 RIGHT OF WAY SIGNS

10.05.010 Introduction

DCC Chapter 10.05 is enacted to establish standards and procedures for signs to be installed and maintained within public rights of way which fall under the jurisdiction of the Board of County Commissioners, and which are necessary to meet the needs of the motorist in locating public recreational facilities and services open to the general public. DCC Chapter 10.05 shall be known as the Deschutes County Road Right of Way Sign Ordinance.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended by Ord. 2020-005 §1 on 1/1/2021

10.05.020 Definitions

The following definitions apply as set forth in DCC 10.05.020.

"Administrator" means the Road Department Director or the designee for Deschutes County, Oregon.

"Applicant" means a person or entity applying for a permit to place signs, logos or sign panels or supplemental sign panels within the right of way.

"Business sign (Logo)" means a separately attached sign mounted on the sign panel to show the brand, symbol, trademark or name, or combination thereof, of services available.

"Directional information" means the name of the business, service or activity, qualified historical feature or qualified cultural feature and other necessary information to direct the motoring public to the business, service or activity, placed on a tourist-oriented directional sign.

"Directional sign" means a sign identifying and containing directional information to one or more public services, to natural phenomena or historic, cultural, scientific, educational or religious sites or facilities, or to recreational facilities open to the general public, including marinas, boat ramps, camping facilities and day recreation facilities.

"Erect or construct" means to construct, build, assemble, place, affix, attach, create, paint, draw or in any way bring into being or establish.

"Maintain" includes painting or routine repairs necessary to maintain the sign in a neat, clean, attractive and safe condition, and the term includes allowing to exist.

"MUTCD" means the Manual on Uniform Traffic Control Devices.

"Qualified motorist business" means a business furnishing gas, food, lodging or camping which has met the requirements of these regulations for the placement of a logo on a sign panel or supplemental sign panel.

"Reconstruction" means replacing a sign totally or partially to increase its size or performing any work, except maintenance work, that alters or changes a sign.

"Responsible operator or owner" means the owner in fee simple or a person or entity who operates a motorist business and who has authority to enter into an agreement relative to matters covered by DCC 10.05.

"Right of way" means the area between the boundary lines of a street, road or other public easement under the jurisdiction of the Board of County Commissioners.

"Sign panel" includes "motorist informational signs," "specific informational panel" and "logo signs."

"Tourist-oriented directional sign" means a sign panel with the name of a qualified tourist-oriented business, service or activity, or qualified historical feature or qualified cultural feature together with directional information erected in advance of or at an intersection.

"Traffic Control Device" means all signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, bikeway, or private road open to public travel by authority of a public agency.

"Trailblazer" means a small sign panel with the type of motorist service offered and the name, direction and distance to the qualified motorist business.

"Type I signs"- means Qualified Motorist Business. signs consisting of tour route signs; tourist information signs; public facility and service signs; commercial businesses offering food, gas, lodging or camping services; historic location signs; federal, state and local recreational and facility signs; and nonprofit institutions, including churches and civic organizations.

"Type II signs" means Qualified Tourist-oriented Business signs identifying any legal, cultural, historical, recreational, educational or entertaining activity or a unique or unusual commercial or nonprofit activity the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991
Amended by Ord. 95-034 §1 on 5/17/1995

Amended by Ord. 2023-020 §1 on 9/13/2023

10.05.030 General Requirements

Except for those signs which are approved by the Administrator pursuant to DCC 10.05.060 and except for signs that are exempted under DCC 10.05.040, a person may not erect or maintain a sign or sign panel on County right of way.

HISTORY

Adopted by Ord. 2023-020 §1 on 9/13/2023

10.05.040 Exemptions.

The following signs are exempted from the requirements of DCC 10.05.030:

- A. Those traffic control devices that are required for traffic control and safety included in the MUTCD as determined by the Administrator.
- B. Directional signs for temporary activities that are granted a permit by the Administrator lasting less than 14 days which otherwise are in compliance with the terms of this ordinance, including parades, fun runs, bicycle or pedestrian contests, or special public functions.
- C. Type I and Type II signs that are granted a permit by the Administrator.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended by Ord. 2023-020 §1 on 9/13/2023

10.05.030-050 Prohibited Uses

A sign or sign panel exempted under DCC 10.05.040 may not be erected or maintained if it:

- A. Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt to direct the movement of traffic.
- B. Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic.
- C. Contains, includes or is illuminated by any flashing, intermittent, revolving, rotating or moving lights, or moves or has any animated or moving parts. This subsection does not apply to traffic control devices.
- D. Has any lighting, unless such lighting is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of a road, or is of such low intensity as not to cause glare or to impair the vision of the driver or otherwise to interfere with the operation thereof.
- E. Is located upon a tree or painted or drawn upon a rock or other natural feature.
- F. Advertises or calls attention to an activity or attraction no longer carried on.
- G. Advertises activities that are illegal under any state, federal or local law applicable at the location of the sign or of the activities.

- H. Is not maintained in a neat, clean and attractive condition and in good repair as determined by the Road Department Director or his designee.
- I. Is not able to withstand a wind pressure of 20 pounds per square foot of exposed surface.
- ~~J.~~ Is on a vehicle or trailer. This subsection does not apply to a vehicle or trailer used for transportation by the owner or person in control of the property.
- ~~K.~~ Does not meet the requirements of DCC 10.05 or the MUTCD.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended and Renumbered by Ord. 2023-020 §1 on 9/13/2023

10.05.040 Exemptions

~~The following signs are exempted under DCC 10.05:~~

- ~~1. Those traffic signs that are required for traffic control and safety included in the MUTCD.~~
- ~~2. Those portions of sign that intrude into the public right of way that were granted a permit under the Deschutes County Sign Ordinance.~~
- ~~3. Temporary activity signs that are granted a permit lasting less than 90 days which otherwise are in compliance with the terms of this ordinance, including parades, fun runs, bicycle or pedestrian contests, political signs or special public functions.~~

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

10.05.050 Sign Types

~~The following types of signs are allowed under the terms of DCC Title 10:~~

- ~~A. Type I—Qualified Motorist Business. Tour route signs; tourist information signs; public facility and service signs; commercial businesses offering food, gas, lodging or camping services; historic~~

~~location signs; federal, state and local recreational and facility signs; and nonprofit institutions, including churches and civic organizations.~~

~~B. Type II — Qualified Tourist-oriented Business. Any legal, cultural, historical, recreational, educational or entertaining activity or a unique or unusual commercial or nonprofit activity the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.~~

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

10.05.060 Application Process – Type I and Type II Signs

- A. Application for a Type I or Type II sign shall be made in writing addressed to the ~~Road Department Director for Deschutes County, Oregon~~Administrator. It may be in letter form or on a form prepared for such purpose by the department. Information contained shall include the following: the name, address and telephone number of the owner or operator of the business or service for which the sign is intended; the reason for the sign; a description of the location(s) for the sign; a description of the information requested on the sign; and be accompanied by the appropriate application fee. Each business applicant shall also submit a copy of the business' land use permit. The Administrator shall notify the appropriate Planning Director of the application and request review and comment on the application.
- B. Within 30 working days from the date of receipt of the request for a sign, the Administrator shall respond in writing to the applicant as to the adequacy of the information received. Requests for signs that do not comply with the provisions of DCC 10.05 shall be denied by the Administrator. If the application is denied, the Administrator shall cite the appropriate section of the ordinance or MUTCD pertinent to the application.
- C. Each application shall be accompanied with the appropriate fee for processing. If the application is approved, the applicant shall make arrangements to have the department install the sign and pay the required costs for materials, labor and travel. Payment of such costs and execution of a maintenance agreement, along with not less than two year's maintenance fees, shall be made in advance.
- D. If the application is denied, the applicant may appeal the decision as provided in DCC 22.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended by Ord. 2023-020 §1 on 9/13/2023

10.05.070 Composition– Type I and Type II Signs

All signs installed under the terms of DCC Title 10 shall be in compliance with the MUTCD;

- A. Sign panels shall have a blue background with a white reflectorized border for all signs, except historical, cultural and recreational which shall have a brown background.
- B. Logos shall have a blue background with a white legend and border. The principal legend should be at least equal in height to the directional legend on the sign panel. Where business identification symbols or trademarks are used alone for a logo, the border may be omitted, the symbol or trademark shall be reproduced in the colors and general shape consistent with customary use and any integral legend shall be in proportionate size. Messages, symbols and trademarks which resemble any official traffic control device are prohibited. The vertical and horizontal spacing between logos on sign panels shall not exceed eight inches and 12 inches respectively.

- C. All directional arrows and all letters and numbers used in the name of the type of service and directional legend shall be white and reflectorized.
- D. Each logo shall be contained within a 24-inch wide and 18-inch high rectangular background area, including border.
- E. All letters used in the name of the type of service on the sign panel shall be four-inch capital letters.
- F. Tourist-oriented directional signs shall have a blue reflectorized background with a white reflectorized border and message. The intersection sign shall not exceed 18 inches in height and 72 inches in length, and shall have not more than two lines of legend, including a separate direction arrow and the distance to the facility to the nearest one-quarter mile. The content of the legend shall be limited to the identification of the business and shall not include promotional advertising as determined by the Administrator.

F.G.

A six-inch letter height shall be used. Advance tourist-oriented directional signs shall be the same as intersection tourist-oriented directional signs, except that in lieu of the directional arrow and mileage, the sign shall include the directional word information "ahead" or "next left" etc. as may be required.

G.H. All directional arrows, letters and numbers used in the name of the type of service and the directional legend shall be white and reflectorized.

H.I. Tourist-oriented directional signs are to be located at intersections.

I.J. Notwithstanding the fact that a tourist-oriented business meets all of the eligibility requirements of this ordinance and applicable provisions of the Deschutes County Code, an application may be denied if it is determined, after investigation by the Administrator, that adequate direction to the business cannot be given by a reasonable number of allowable tourist information directional signs.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended by Ord. 2023-020 §1 on 9/13/2023

10.05.080 Fees; Installation And Maintenance – Type I and Type II Signs

- A. All Type I and Type II signs, except city, county, state and federal directional and information signs, shall be required to reimburse the County for the actual costs of processing the application and the material and labor required to construct, purchase, locate, install and maintain a sign for an applicant. A fee schedule shall be adopted each budget year which sets forth the department's fees which shall apply until replaced by a new fee schedule.
- B. All Type I and Type II signs shall be installed, maintained and removed by the County in accordance with the MUTCD and DCC 10.05.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended by Ord. 2023-020 §1 on 9/13/2023

10.05.090 Criteria For Specific Information Panels– Type I and Type II Signs

- A. Each qualified motorist business identified on a sign panel shall have given written assurance to the Administrator of its conformity with all applicable laws concerning the provisions of public accommodations without regard to race, religion, color, sex or national origin, and shall not be in breach of the assurance.

- B. The types of service permitted shall be limited to: "Gas," which shall include fuel, oil, tire repair, air and water, restroom facilities, drinking water and telephone, with continuous operations for a minimum of 12 hours a day, six days a week. "Food" shall include, continuous operations for a minimum of 12 hours a day, six days a week, restroom facilities and telephone, with the primary business of providing meals. "Lodging" shall include, adequate sleeping accommodations, modern sanitary facilities and drinking water. "Camping" shall include, adequate parking accommodations, modern sanitary facilities and drinking water.
- C. Panels shall be in the direction of traffic. Successive sign panels shall be those for "camping," "lodging," "food," and "gas," in that order.
- D. Riders with the words "diesel" or "LP gas" or a rider containing both may be placed on a sign panel underneath any gas logo if the qualified motorist service business has diesel or LP gas available during its hours of operation. Such rider shall be 35 inches long and seven inches high with six-inch letters. The color shall be blue with white letters. The combination rider shall be 52 inches long and seven inches high with five-inch high letters.
- E. Each qualified tourist-oriented business identified on a tourist-oriented directional sign shall have given written assurance to the Administrator of its conformity with all applicable laws concerning the provisions of public accommodations without regard to race, religion, color, sex or national origin, and shall not be in breach of that assurance.
- F. Except for undeveloped cultural and historic features, a qualified tourist-oriented business shall have restroom facilities and drinking water available; continuous operation at least six hours per day, six days a week during its normal business season; a license where required; and adequate parking accommodations.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended by Ord. 2023-020 §1 on 9/13/2023

10.05.100 Spacing Of Signs And Panels– Type I and Type II Signs

Spacing of sign panels and the placement of directional signs shall be in accordance with the MUTCD and in the judgment of the Administrator. In any case, the number of signs, including directional signs, shall be the minimum necessary to enable a motorist to locate the tourist-oriented business or to locate the public service.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended by Ord. 2023-020 §1 on 9/1/2023

10.05.10510 Application Process – Temporary Directional Signs

- A. Application for a temporary directional sign shall be made in writing addressed to the Administrator. It may be in letter form or on a form prepared for such purpose by the Department. Information contained shall include the following: the name, address and telephone number of the coordinator of the activity for which the sign is intended; the reason for the sign; a description of the location(s) for the sign; a description of the information requested on the sign; and be accompanied by the appropriate application fee. Each applicant shall also submit a copy of the land use permit or special event permit, if applicable. The Administrator shall notify the appropriate Planning Director of the application and request review and comment on the application if applicable.
- B. Within 30 working days from the date of receipt of the request for a sign, the Administrator shall respond in writing to the applicant as to the adequacy of the information received. Requests for signs that do not comply with the provisions of DCC 10.05 shall be denied by the Administrator. If the

application is denied, the Administrator shall cite the appropriate section of the ordinance or MUTCD pertinent to the application.

C. Each application shall be accompanied with the appropriate fee for processing.

D. If the application is denied, the applicant may appeal the decision as provided in DCC 22.

HISTORY

Adopted by Ord. 2023-020 §1 on 9/13/2023

10.05.110 Violation; Penalty

- A. Any person, firm or corporation erecting, constructing, reconstructing or maintaining ~~a-business sign, directional sign, tourist-oriented directional sign, trailblazer or temporary activity~~ sign in violation of the provisions of DCC 10.05 constitutes a Class A violation and shall be punishable upon conviction by a fine of not more than \$500.00.
- B. Each day of a violation described in DCC 10.05.110(A) constitutes a separate offense and is punishable as a continuing violation under DCC 1.16.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended by Ord. 2003-021 §22 on 4/9/2003

Amended by Ord. 2023-020 §1 on 9/13/2023

10.05.120 Nuisance Declared; Removal

- A. Any sign maintained in violation of DCC 10.05 constitutes a nuisance.
- B. Nothing in DCC 10.05 shall be construed to limit the authority of the County Road Official pursuant to ORS 368.945.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 28, 2023

SUBJECT: Discussion: Local Wildfire Hazard Zone and Oregon Residential Specialty Code Updates Regarding Wildfire Hazard Mitigation

RECOMMENDED MOTION:

N/A

BACKGROUND AND POLICY IMPLICATIONS:

On October 1, 2023, the State Building Codes Division will be updating the R327 section of the Oregon Residential Specialty Code (ORSC). Given existing provisions in section 15.04.085 of the Deschutes County Code, the forthcoming updates to the ORSC may have unintended consequences for residential development in Deschutes County in the period before official adoption of the State Wildfire Hazard Map mandated by Senate Bills 762 and 80. Staff requests direction from the Board of County Commissioners on next steps.

BUDGET IMPACTS:

None

ATTENDANCE:

Kyle Collins, Associate Planner
Peter Gutowsky, Community Development Director