



## BOARD OF COMMISSIONERS

### BOARD OF COUNTY COMMISSIONERS MEETING

9:00 AM, WEDNESDAY, SEPTEMBER 25, 2024

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:** 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](mailto:citizeninput@deschutes.org) or you may leave a brief voicemail at 541.385.1734..

## CONSENT AGENDA

- [1.](#) Approval of Document No. 2024-770, a Notice of Intent to Award a contract for the building and operation of a Secure Residential Treatment Facility
- [2.](#) Acceptance of Deflection Program grant funding from the Oregon Criminal Justice Commission
- [3.](#) Approval of Document No. 2024-739 amending a grant agreement with the Oregon Health Authority PO-44300-00026008-7
- [4.](#) Approval of Resolution No. 2024-043 recognizing carryover FY24 funds and additional FY25 funding for the Veterans' Services Department
- [5.](#) Approval of an Interlocal Agreement with the Cities of Bend and Redmond to support a Behavioral Health Specialist position on the Mobile Crisis Team
- [6.](#) Approval of Document No. 2024-790, a Water Rights Conveyance Agreement with Central Oregon Irrigation District
7. Approval of minutes of the BOCC August 14 and 19, 2024 meetings

## ACTION ITEMS

8. **9:10 AM** Recognition of 20-year service awards: Melinda Campbell, Applications Systems Analyst, and Toby Cundell, Applications Systems Analyst
- [9.](#) **9:20 AM** Resolution 2024-044 to add 1.00 regular duration FTE within the Health Services department for a Psychiatric Nurse Practitioner
- [10.](#) **9:30 AM** Public Hearing and Resolution amending the Deschutes County 2024-2025 Fee Schedule to add new and revised fees in Health Services, Information Technology and Community Development Departments

- [11.](#) **10:00 AM**Public Hearing: Highway 97 Mini-Storage Text Amendment
- [12.](#) **11:00 AM**Public Hearing: 2024 Housekeeping Amendments and consideration of first reading of Ordinance No. 2024-008
- [13.](#) **11:30 AM**Public Hearing – Development Agreement for Thousand Trails Bend-Sunriver RV Campground

## **LUNCH RECESS**

## **OTHER ITEMS**

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

## **EXECUTIVE SESSION**

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

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

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

## **ADJOURN**



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 25, 2024

**SUBJECT:** Approval of Document No. 2024-770, a Notice of Intent to Award a contract for the building and operation of a Secure Residential Treatment Facility

**RECOMMENDED MOTION:**

Move approval of Document No. 2024-770.

**BACKGROUND AND POLICY IMPLICATIONS:**

Deschutes County Health Services, Behavioral Health Division published a Request for Proposals for the building and operation of a Secure Residential Treatment Facility for a minimum period of 20 years. The project was advertised on the Deschutes County Request for Proposals webpage from June 18 through July 19, 2024.

Two proposals were received for this project. Because the funding for these services is pre-determined by the amount made available from the Oregon Health Authority, the proposals were evaluated on criteria including the scope of work, timeline and budget, and the proposer's ability to support the work. After careful consideration, Deschutes County Health Services determined that the successful proposer for the project to be Jackson House.

This action issues a Notice of Intent to Award the contract to the selected proposer based on the criteria referenced above, and allows seven days for concerned parties to protest the award. If there is no protest within the seven-day period, the contract will be awarded to the selected proposer.

**BUDGET IMPACTS:**

\$2,000,000 pass-through funding from the Oregon Health Authority.

**ATTENDANCE:**

Holly Harris, Deputy Director of Behavioral Health



**BOARD OF COUNTY COMMISSIONERS**

September 25, 2024

RE: Contract for Secure Residential Treatment Facility (SRTF)

**NOTICE OF INTENT TO AWARD CONTRACT**

In July, 2024, Deschutes County Health Services, Behavioral Health Division published a Request for Proposal for the building and operating of a Secure Residential Treatment Facility (SRTF) for a minimum of twenty (20) years. On September 25, 2024, the Board of County Commissioners of Deschutes County, Oregon considered bids for the above-references project. The Board of County Commissioners determined that the successful proposer for the project was Jackson House.

This Notice of Intent to Award Contract is issued pursuant to Oregon Revised Statute (ORS) 279B.135. Any firm or person who believes that they are adversely affected or aggrieved by the intended award 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) day protest period will expire at 4:00pm on Wednesday, October 2, 2024.**

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, 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, at Deschutes County Services Center, 1300 NW Wall St., 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 Deschutes County unless the Board of County Commissioners, for good cause, rescinds this Notice before the expiration of the protest period.



## BOARD OF COUNTY COMMISSIONERS

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; Fac (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,

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2024    BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

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



## BOARD OF COUNTY COMMISSIONERS

**Bidder's List for the provision of:  
Market Research & Development of Social Marketing Campaign**

Notice of Intent to Award will be sent via E-mail

Wellpath Recovery Solutions, LLC  
3340 Perimeter Hill Drive  
Nashville, TN 37211  
E-mail: [jbarr@recoveryolutions.us](mailto:jbarr@recoveryolutions.us)

Jackson House  
4923 NE Martin Luther King Blvd.  
Portland, OR 97211  
E-mail: [jim.sechrist@jacksonhouseltd.com](mailto:jim.sechrist@jacksonhouseltd.com)



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 25, 2024

**SUBJECT:** Acceptance of Deflection Program grant funding from the Oregon Criminal Justice Commission

**RECOMMENDED MOTIONS:**

Move approval of Chair signature of Document No. 2024- 797 to accept the remaining funding for the Oregon Criminal justice Commission Deflection Program grant.

**BACKGROUND AND POLICY IMPLICATIONS:**

State of Oregon House Bill (HB) 4002 created a new misdemeanor for possession of a controlled substance. HB 4002 offers pathways to expungement, dismissal, or no charges filed, and encourages distract attorneys and law enforcement to divert a person, in lieu of arrest or prosecution, to a deflection program. A deflection program is a collaborative effort between law enforcement agencies and behavioral health systems that strives to aid individuals in receiving treatment, recovery support services, housing, case management, and/or other services.

On May 29<sup>th</sup>, the Board of County Commissioners accepted the first 50% of the Oregon Criminal Justice Commission Deflection Program grant in the amount of \$378,336. On June 5<sup>th</sup>, the Board of County Commissioners gave approval to apply for the second 50% of deflection funding. The second application for funding of \$466,178 has been awarded and the Sheriff's Office seeks approval to accept.

The Sheriff's Office intends to use the funding to develop, coordinate and implement a deflection program with public and community partners. On June 5<sup>th</sup>, the Board of County Commissioners approved a new 1.00 FTE Deflection Program Coordinator. The Deflection Program Coordinator will be responsible for convening program partners as needed for the operation of the program, managing grant program funds, and tracking and reporting data required by the Oregon Criminal Justice Commission, including providing notification that a person has completed the program to those entities responsible for sealing records. Should funding no longer support the position, the Sheriff's Office will evaluate whether to absorb the position.

**BUDGET IMPACTS:**

A FY25 mid-year budget adjustment to recognize grant revenue in the amount of \$844,514 and increase appropriators in the Sheriff's Office by the same amount will be forthcoming.

**ATTENDANCE:**

Captain Michael Shults, Sheriff's Office

Jessica Vanderpool, Senior Management Analyst, Sheriff's Office

Cam Sparks, Budget and Financial Manager, Finance

**BHD-25-07 GRANT AGREEMENT**  
**AMENDMENT #1**  
**CRIMINAL JUSTICE COMMISSION**  
**BEHAVIORAL HEALTH DEFLECTION GRANT PROGRAM**

This is Amendment No. 1 to Grant Agreement No. BHD-25-07 ("Agreement") between the State of Oregon, acting through its Criminal Justice Commission ("CJC" or "State"), and **Deschutes County** ("Recipient").

1. Effective Date. This Agreement shall become effective on the date that it is fully executed and approved as required by applicable law.

2. Amendment to Agreement. The Agreement is hereby amended as follows:

**A. The Grant Amount in Section 1 is amended as follows:**

Grant Amount: \$844,514.00

**B. Section 3.A is amended and restated to include additional disbursements as follows:**

A. Disbursement. Upon execution of this Agreement and satisfaction of all conditions precedent, CJC shall disburse Grant funds to Recipient in installments as listed:

- (1) \$378,336.00 by May 31, 2024;
- (2) \$233,089.00 by October 5, 2024; and
- (3) \$233,089.00 by March 31, 2025.

**C. The Project Description and Reporting Requirements Schedule stated in Exhibit A are amended and restated as follows:**

**Project Description:**

Pursuant to House Bill 4002 (2024), the Oregon Behavioral Health Deflection Program supports Oregon's federally recognized tribal governments and counties in the development and operation of "deflection programs," defined as a collaborative program between law enforcement agencies and behavioral health entities that assist individuals who may have substance use disorder, another behavioral health disorder or co-occurring disorders, to create community-based pathways to treatment, recovery support services, housing, case management or other services.

The purposes of CJC's Behavioral Health Deflection Program include:

- Addressing the need for more deflection programs to assist individuals whose behavioral health conditions, including substance use disorder, lead to interactions with law enforcement, incarceration, conviction and other engagement with the criminal justice system; and

- Tracking and reporting data concerning deflection program outcomes in order to determine the best practices for deflection programs in Oregon.

The Grant has been awarded as an operational grant and requires the Recipient to:

- Have a program coordinator responsible for the duties outlined in HB 4002, Section 76(5)(b);
- Involve the partners described in HB 4002, Section 76(4)(c); and
- Comply with the CJC's data tracking and reporting requirements.

Recipient shall use Grant funds to support the following program(s), its adherence to the requirements set forth in HB 4002, and its efforts toward the goals stated above: Deflection program following an officer intervention model.

### **Reporting Requirements:**

#### Schedule

Recipient must submit to CJC quarterly expenditure reports, beginning October 25, 2024, until the earlier of thirty (30) days after Grant funds are fully expended or thirty (30) days after the Completion Date.

Recipient must submit to CJC's research partners data reports on a monthly, rolling basis, beginning no earlier than September 1, 2024, until the earlier of thirty (30) days after Grant funds are fully expended or thirty (30) days after the Completion Date.

Recipient must submit to CJC semi-annual reports on January 25 and July 25 of each year of the Project Period.

Recipient must receive prior approval from CJC to submit any required report after its due date.

3. Counterparts. This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
4. Original Agreement. Except as expressly amended above, all other terms and conditions of original Agreement remain in full force and effect. By its execution of this Amendment, Grantee certifies to CJC that the representations, warranties and certifications contained in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

***The signatures of the parties follow on the next page.***

Recipient, by its signature below, acknowledges that it has read this Agreement, understands it, and agrees to be bound by its terms and conditions.



**STATE OF OREGON**

acting by and through its  
Criminal Justice Commission

**DESCHUTES COUNTY**

By: \_\_\_\_\_

Ken Sanchagrin, Executive Director

Date: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to Legal Sufficiency in accordance with ORS 291.047:

*Approved by email dated 8/8/24*

\_\_\_\_\_  
Samuel B. Zeigler, Senior Assistant Attorney General





## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 25, 2024

**SUBJECT:** Approval of Document No. 2024-739 amending a grant agreement with the Oregon Health Authority PO-44300-00026008-7

**RECOMMENDED MOTION:**

Move approval of Document No. 2024-739, amending a grant agreement with the Oregon Health Authority.

**BACKGROUND AND POLICY IMPLICATIONS:**

Intergovernmental Agreement (IGA) #PO-44300-00026008 was approved by the Board of County Commissioners in February of 2024. This IGA outlines the services, reporting requirements, and financing of Community Mental Health, Addiction Treatment, Recovery & Prevention, and Problem Gambling Services for Deschutes County for the period January 1, 2024, to June 30, 2025.

This amendment #7 provides \$297,090 of funding for Service Elements (SE) 04, Aid and Assist Client Services, awarded as part of House Bill 5204. Of the award, \$99,030 was for the period January 1, 2024, through June 30, 2024, and is fully expended. Use of the remaining \$198,060 for the period July 1, 2024, through June 30, 2025, is being reviewed--a budget resolution will be submitted if needed.

**BUDGET IMPACTS:**

\$297,090 revenue.

**ATTENDANCE:**

Kara Cronin, BH Program Manager

In compliance with the Americans with Disabilities Act, this document is available in alternate formats such as Braille, large print, audio recordings, Web-based communications, and other electronic formats. To request an alternate format, please send an e-mail to [dhs-oha.publicationrequest@odhsoha.oregon.gov](mailto:dhs-oha.publicationrequest@odhsoha.oregon.gov) or call 503-378-3486 (voice) or 503-378-3523 (TTY) to arrange for the alternative format.

**AGREEMENT # PO-44300-00026008**

**SEVENTH AMENDMENT TO  
OREGON HEALTH AUTHORITY  
2024-2025 INTERGOVERNMENTAL AGREEMENT  
FOR THE FINANCING OF COMMUNITY MENTAL HEALTH, ADDICTION TREATMENT,  
RECOVERY, & PREVENTION, AND PROBLEM GAMBLING SERVICES**

This **Seventh** Amendment to Oregon Health Authority 2024-2025 Intergovernmental Agreement for the Financing of Community Mental Health, Addiction Treatment, Recovery, & Prevention, and Problem Gambling Services effective as of January 1, 2024 (as amended, the “Agreement”), is entered into, as of the date of the last signature hereto, by and between the State of Oregon acting by and through its Oregon Health Authority (“OHA”) and **Deschutes County** (“County”).

**RECITALS**

WHEREAS, OHA and County wish to modify the Financial Assistance Award set forth in Exhibit C of the Agreement.

NOW, THEREFORE, in consideration of the premises, covenants and agreements contained herein and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

**AGREEMENT**

1. The financial and service information in the Financial Assistance Award is hereby amended as described in Attachment 1 attached hereto and incorporated herein by this reference. Attachment 1 must be read in conjunction with the portion of Exhibit C of the Agreement that describes the effect of an amendment of the financial and service information.
2. Capitalized words and phrases used but not defined herein shall have the meanings ascribed thereto in the Agreement.
3. County represents and warrants to OHA that the representations and warranties of County set forth in section 4 of Exhibit F of the Agreement are true and correct on the date hereof with the same effect as if made on the date hereof.
4. Except as amended hereby, all terms and conditions of the Agreement remain in full force and effect.
5. This Amendment may be executed in any number of 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 this Amendment so executed shall constitute an original.

IN WITNESS WHEREOF, the parties hereto have executed this amendment as of the dates set forth below their respective signatures.

6. Signatures.

Deschutes County  
By:

|                      |              |       |       |
|----------------------|--------------|-------|-------|
| _____                | _____        | _____ | _____ |
| Authorized Signature | Printed Name | Title | Date  |

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

|                      |              |       |       |
|----------------------|--------------|-------|-------|
| _____                | _____        | _____ | _____ |
| Authorized Signature | Printed Name | Title | Date  |

Approved by: Director, OHA Health Systems Division  
By:

|                      |              |       |       |
|----------------------|--------------|-------|-------|
| _____                | _____        | _____ | _____ |
| Authorized Signature | Printed Name | Title | Date  |

Approved for Legal Sufficiency:

|                                |       |
|--------------------------------|-------|
| Exempt per OAR 137-045-0050(2) | _____ |
| Oregon Department of Justice   | Date  |

ATTACHMENT 1

EXHIBIT C

Financial Pages

| MODIFICATION INPUT REVIEW REPORT            |      |      |      |          |                      |             |              |              |        |      |        |      |
|---|------|------|------|----------|----------------------|-------------|--------------|--------------|--------|------|--------|------|
| MOD#: M0945                                 |      |      |      |          |                      |             |              |              |        |      |        |      |
| CONTRACT#: 026008                           |      |      |      |          |                      |             |              |              |        |      |        |      |
| CONTRACTOR: DESCHUTES COUNTY                |      |      |      |          |                      |             |              |              |        |      |        |      |
| INPUT CHECKED BY: _____ DATE CHECKED: _____ |      |      |      |          |                      |             |              |              |        |      |        |      |
| SE#   | FUND | CODE | CPMS | PROVIDER | EFFECTIVE            | SLOT        | OPERATING    | STARTUP PART | PART   | PAAF | CLIENT | SP#  |
|   |      |      |      |          | DATES                | CHANGE/TYPE | DOLLARS      | DOLLARS ABC  | IV     | CD   | BASE   | CODE |
| FISCAL YEAR: 2023-2024                      |      |      |      |          |                      |             |              |              |        |      |        |      |
| BASE AID & ASSIST PROJECT                   |      |      |      |          |                      |             |              |              |        |      |        |      |
| 4   | 806  |      | AAP  |          | 1/1/2024 - 6/30/2024 | 0 /NA       | \$0.00       | \$99,029.95  | \$0.00 | A    | 1      | Y    |
| TOTAL FOR SE# 4                             |      |      |      |          |                      |             | \$99,029.95  | \$0.00       |        |      |        |      |
| TOTAL FOR 2023-2024                         |      |      |      |          |                      |             | \$99,029.95  | \$0.00       |        |      |        |      |
| FISCAL YEAR: 2024-2025                      |      |      |      |          |                      |             |              |              |        |      |        |      |
| BASE AID & ASSIST PROJECT                   |      |      |      |          |                      |             |              |              |        |      |        |      |
| 4   | 806  |      | AAP  |          | 7/1/2024 - 6/30/2025 | 0 /NA       | \$0.00       | \$198,059.89 | \$0.00 | A    | 1      | Y    |
| TOTAL FOR SE# 4                             |      |      |      |          |                      |             | \$198,059.89 | \$0.00       |        |      |        |      |
| TOTAL FOR 2024-2025                         |      |      |      |          |                      |             | \$198,059.89 | \$0.00       |        |      |        |      |
| TOTAL FOR M0945 026008                      |      |      |      |          |                      |             | \$297,089.84 | \$0.00       |        |      |        |      |

OREGON HEALTH AUTHORITY  
Financial Assistance Award Amendment (FAAA)

CONTRACTOR: DESCHUTES COUNTY  
DATE: 08/26/2024

Contract#: 026008  
REF#: 009

REASON FOR FAAA (for information only):

Aid and Assist Client Services (MHS 04) funds have been awarded per Community Restoration Memo.

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:

PO-44300-00026008-7-7

Legal name (tax filing):

Deschutes County Oregon

DBA name (if applicable):

Billing address:

1300 NW Wall Street

City:

Bend

OR

97703

Phone:

541-322-7500

FEIN:

93-6002292

- OR -

SSN:

**Certificate Of Completion**

Envelope Id: A9C469B810A44F059197D0AED16F0A45

Status: Sent

Subject: PO-44300-00026008-7 Deschutes County

Source Envelope:

Document Pages: 5

Signatures: 0

Envelope Originator:

Certificate Pages: 5

Initials: 0

Larry Briggs

AutoNav: Enabled

Larry.O.Briggs@odhsoha.oregon.gov

Envelopeld Stamping: Enabled

IP Address: 209.112.106.2

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

**Record Tracking**

Status: Original

Holder: Larry Briggs

Location: DocuSign

8/27/2024 7:20:20 PM

Larry.O.Briggs@odhsoha.oregon.gov

Security Appliance Status: Connected

Pool: StateLocal

Storage Appliance Status: Connected

Pool: Carahsoft OBO Oregon Health Authority - CLM Location: 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: 9/22/2021 9:13:25 AM  
ID: 1c2f1b1a-bce9-4e77-a9ac-00927d21eb03

Sent: 8/27/2024 7:21:54 PM

Viewed: 8/28/2024 11:13:17 AM

**Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp**

| Carbon Copy Events  | Status           | Timestamp            |
|---|------------------|----------------------|
| HSD In<br>HSD.Contracts@odhsoha.oregon.gov<br>Security Level: Email, Account Authentication (None)<br><b>Electronic Record and Signature Disclosure:</b><br>Not Offered via DocuSign<br><br>Shawn Kintner<br>shawn.Kintner@oha.oregon.gov<br>Security Level: Email, Account Authentication (None)<br><b>Electronic Record and Signature Disclosure:</b><br>Not Offered via DocuSign |                  |                      |
| Witness Events  | Signature        | Timestamp            |
| Notary Events   | Signature        | Timestamp            |
| Envelope Summary Events   | Status           | Timestamps           |
| Envelope Sent   | Hashed/Encrypted | 8/27/2024 7:21:54 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.mitchell@dhsosha.state.or.us](mailto:mick.j.mitchell@dhsosha.state.or.us)

#### **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.mitchell@dhsosha.state.or.us](mailto:mick.j.mitchell@dhsosha.state.or.us) 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.mitchell@dhsosha.state.or.us](mailto:mick.j.mitchell@dhsosha.state.or.us) 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.mitchell@dhsosha.state.or.us](mailto:mick.j.mitchell@dhsosha.state.or.us) 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 25, 2024

**SUBJECT:** Approval of Resolution No. 2024-043 recognizing carryover FY24 funds and additional FY25 funding for the Veterans' Services Department

**RECOMMENDED MOTION:**

Move approval of Resolution 2024-043 recognizing additional revenue and increasing appropriations within the Veterans' Services Department.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Deschutes County Veterans' Services Department receives funding from the Oregon Department of Veterans' Affairs (ODVA). This resolution would recognize \$85,532 in FY24 carryover ODVA funds as well as an additional \$5,000 of approved ODVA funding for Suicide Awareness and Prevention and increase Veterans' Services Program budget by \$90,532.

**BUDGET IMPACTS:**

This resolution increases appropriations by \$90,532 in the Veterans' Services Department.

**ATTENDANCE:**

Cam Sparks, Budget & Financial Planning Manager

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON

|  |   |                         |
|--|---|-------------------------|
| A Resolution to Increase Appropriations    | * |                         |
| Within the 2024-25 Deschutes County Budget | * | RESOLUTION NO. 2024-043 |
|  | * |                         |

WHEREAS, the Deschutes County Veterans' Services Department is recognizing an additional \$85,532 in Oregon Department of Veterans' Affairs (ODVA) carryover funding and an additional \$5,000 in fiscal year 2025 funds, and

WHEREAS, ORS 294.471 allows a supplemental budget adjustment when authorized by resolution of the governing body, and

WHEREAS, it is necessary to increase appropriations by \$90,532 within General Fund – Veterans’ Services to accommodate this request, now, therefore;

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

**Section 1.** That the following revenue be budgeted in the 2024-25 County Budget:

## General Fund - Veterans' Services

State Grant

\$ 90,532

### Total General Fund - Veterans' Services

**\$ 90,532**

**Section 2.** That the following amounts be appropriated in the 2024-25 County Budget:

### General Fund - Veterans' Services

## Program Expense

\$ 90,532

### Total General Fund - Veterans' Services

**\$ 90,532**

Section 3. That the Chief Financial Officer make the appropriate entries in the Deschutes County Financial System to show the above appropriations:

DATED this\_\_\_\_\_ day of September, 2024.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

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

ATTEST:

\_\_\_\_\_  
ANTHONY DEBONE, Vice-Chair

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

\_\_\_\_\_  
PHIL CHANG, Commissioner

Deschutes County  
Supplemental Budget

**REVENUE**

| Item         | Project Code | Segment 2 | Org     | Object | Description                                    | Current Budgeted Amount | To (From)        | Revised Budget   |
|--------------|--------------|-----------|---------|--------|--|-------------------------|------------------|------------------|
| 1            |              |           | 0012350 | 334032 | Transfer In - ODVA Grant                       | \$ -                    | \$ 85,532        | \$ 85,532        |
| 3            |              |           | 0012350 | 335021 | Veteran Suicide Awareness and Prevention Grant | -                       | 5,000            | \$ 5,000         |
| <b>TOTAL</b> |              |           |         |        |  | <b>\$ -</b>             | <b>\$ 90,532</b> | <b>\$ 90,532</b> |

**APPROPRIATION**

|       |              |           |         |        | Category   | Description   |                               |           |                |
|-------|--------------|-----------|---------|--------|--|---|-------------------------------|-----------|----------------|
|       |              |           |         |        | (Pers, M&S, CapEx,<br>Transfers,<br>Contingency) | (Object, e.g. Time Mgmt, Temp Help,<br>Computer Hardware) | Current<br>Budgeted<br>Amount |           |                |
| Item  | Project Code | Segment 2 | Org     | Object |  |   |                               | To (From) | Revised Budget |
| 1     |              |           | 0012350 | 430378 |  | Temp Help Administration                                  |                               | \$ 20,000 | \$ 20,000      |
| 2     |              |           | 0012350 | 450410 |  | Promo & Announcement                                      |                               | 40,000    | \$ 40,000      |
| 3     |              |           | 0012350 | 460140 |  | Office Supplies   |                               | 5,000     | \$ 5,000       |
| 2     |              |           | 0012350 | 160175 |  | Uniforms  |                               | 2,532     | \$ 2,532       |
| 3     |              |           | 0012350 | 460220 |  | Gas-Diesel-Oil  |                               | 1,500     | \$ 1,500       |
| 4     |              |           | 0012350 | 490422 |  | Automobiles and SUVs                                      |                               | 16,500    | \$ 16,500      |
| 3     |              |           | 0012350 | 450094 |  | Program Expense   |                               | 5,000     | \$ 5,000       |
| TOTAL |              |           |         |        |  |   | \$ -                          | \$ 90,532 | \$ 90,532      |

Fund:

Dept:

Requested by:

Date:

|                   |
|-------------------|
| 001               |
| Veterans Services |
| Sean Kirk         |
| 9/25/2025         |



**OREGON DEPARTMENT  
of VETERANS' AFFAIRS**

## COUNTY APPLICATION FOR ODVA FUNDS FY2025: JULY 1, 2024 TO JUNE 30, 2025

A county must complete and submit this form along with the required documents listed below to the Oregon Department of Veterans' Affairs **no later than 8/30/2024** in order to receive state funds for the county's Veteran Services Office. Please submit the documents to: [ODVA\\_CVSO-NSOFunding@odva.oregon.gov](mailto:ODVA_CVSO-NSOFunding@odva.oregon.gov).

**SUBMIT TO:** [ODVA\\_CVSO-NSOFunding@odva.oregon.gov](mailto:ODVA_CVSO-NSOFunding@odva.oregon.gov)

### CONTACT INFORMATION

Oregon Department of Veterans' Affairs, Strategic Partnerships Division  
700 Summer St NE Salem, OR 97301-1285  
For questions, please email:  
[ODVA\\_CVSO-NSOFunding@odva.oregon.gov](mailto:ODVA_CVSO-NSOFunding@odva.oregon.gov)

### TIME PERIOD

July 1, 2024 to June 30, 2025

### COUNTY

Deschutes County

### Budgeted Revenue for July 1, 2024 to June 30, 2025

| ITEM  | AMOUNT                 |
|---|------------------------|
| County Funds  | \$ 811,593.00          |
| *Carry forward of unspent budgeted funds from previous fiscal year (if applicable)* | \$ 85,532              |
| ODVA Funds for 2024-25  | \$ 194,446             |
| Other Funds (Identify source)   | \$                     |
| <b>TOTAL REVENUE</b>  | <b>\$ 1,091,571.00</b> |

### Budgeted Expenditures for July 1, 2024 to June 30, 2025

**TOTAL BUDGETED EXPENDITURES** \$ 1,0091,571.00

(NOTE: Budgeted expenditures should match budgeted revenue)

### Required Documents

- ☒ A copy of the approved budget for county Veteran Services Office for the fiscal year 2025.
- ☐ A copy of the actual revenue and expenditures for the prior fiscal year, **if changed since submission with fourth quarter report.**
- ☒ \*A description of the planned use of the carry-forward funds from FY 2024, if applicable.\*
- ☐ If the county contracts for the provision of veteran services, attach a signed copy of the contract.

### CERTIFICATION

By my signature below, I hereby certify the following: the county is applying for funds for the county Veteran Services Office from the Oregon Department of Veterans' Affairs; the county will use these funds only as provided in ORS 406.310 and ORS 406.450 – 406.460; the county will comply with the Oregon Administrative Rules in Chapter 274, Division 030 that govern these funds; and the county will submit quarterly reports of activities and expenditures to the Oregon Department of Veterans' Affairs no later than the 30<sup>th</sup> day of the month following the end of each quarter.

Printed Name of County Commissioner/Judge (or designee)

*Erik Kropp*

Signature of Authorized County Representative named above

*Erik Kropp*

Date Signed

*8/28/24*

Title of Signer

*Deputy County Administrator*

Email Address

*erik.kropp@deschutes.org*

Telephone Number

*541-388-6584*

ODVA APPROVED FOR FUNDING

Authorized Signature

Date

Sheronne Blasi, Strategic Partnerships Director

*Sheronne BLASI*

*8/28/2024*





## Veterans' Services

28 August 2024

Deschutes County Veterans' Services planned usage of carry over funding:

1. Conduct outreach to Veterans throughout the county.
2. Provide advocate services at three offsite locations (La Pine Office, Redmond Office, and Central Oregon Community College).
3. Purchase promotional materials for advertising and handout material while attending events.
4. Develop an advertising campaign using multiple forms of market media.
5. Update office equipment for Veteran support.
6. Work with and expand relationships with other local Veteran agencies.
7. When possible, organize community events with other support agencies.
8. Work with homeless and suicide prevention coordinators to assist in providing services.

All costs are an estimate since the definitive final cost is unknown and may change depending on service costs, equipment costs, and all other outside costs that may be associated with the planned use of increased funding. Some services cannot be estimated or established until the additional funding has been approved allowing us a final figure to determine how much can be utilized for each individual service.

Enclosed is the current approved budget for FY24

Due to carry forward funding a budget amendment will be submitted for approval by the County Administrator, Finance Officer, and the Board of County Commissioners. The amendment will not be completed prior to August 31, 2024 deadline. Upon approval of the amendment, we'll forward the revision to Oregon Department of Veterans Affairs.

*Sean Kirk*

Sean Kirk  
Manager  
Deschutes County Veterans' Services

| Projection | Organization | Object | Account Description          | 2025 Department Budget |
|------------|--------------|--------|------------------------------|------------------------|
| 93025      | 0012350      | 334032 | ODVA Grant                   | (\$194,446.00)         |
| 93025      | 0012350      | 335021 | State Reimbursement          | \$0.00                 |
| 93025      | 0012350      | 410101 | Regular Employees            | \$420,787.00           |
| 93025      | 0012350      | 410201 | Extra Help (Temp Employee)   | \$0.00                 |
| 93025      | 0012350      | 410202 | On Call                      | \$15,708.00            |
| 93025      | 0012350      | 410301 | Overtime                     | \$0.00                 |
| 93025      | 0012350      | 410401 | Time Management              | \$0.00                 |
| 93025      | 0012350      | 420101 | Health-Dental Ins (ISF)      | \$136,965.00           |
| 93025      | 0012350      | 420201 | PERS Employee-Employer       | \$97,159.00            |
| 93025      | 0012350      | 420202 | PERS - Fund 575 for D-S      | \$3,790.00             |
| 93025      | 0012350      | 420203 | PERS - Reserve Fund          | \$0.00                 |
| 93025      | 0012350      | 420301 | FICA                         | \$33,763.00            |
| 93025      | 0012350      | 420401 | Workers' Comp Insurance      | \$2,393.00             |
| 93025      | 0012350      | 420501 | Unemployment Insurance       | \$1,425.00             |
| 93025      | 0012350      | 420601 | Life-Long Term Disability    | \$1,955.00             |
| 93025      | 0012350      | 420701 | Admin Fees - Section 125     | \$0.00                 |
| 93025      | 0012350      | 420801 | Paid Leave Oregon            | \$1,636.00             |
| 93025      | 0012350      | 430364 | Public Information           | \$0.00                 |
| 93025      | 0012350      | 430378 | Temp Help-Admin              | \$27,000.00            |
| 93025      | 0012350      | 430530 | Equip Repair & Maintenance   | \$0.00                 |
| 93025      | 0012350      | 430620 | ISF Facilities               | \$42,953.00            |
| 93025      | 0012350      | 430625 | ISF Administration           | \$6,298.00             |
| 93025      | 0012350      | 430628 | ISF BOCC                     | \$2,428.00             |
| 93025      | 0012350      | 430630 | ISF Finance                  | \$7,870.00             |
| 93025      | 0012350      | 430631 | ISF Finance-HR Proj Reserve  | \$0.00                 |
| 93025      | 0012350      | 430640 | ISF Legal                    | \$0.00                 |
| 93025      | 0012350      | 430650 | ISF Human Resources          | \$8,399.00             |
| 93025      | 0012350      | 430660 | ISF Information Technology   | \$45,611.00            |
| 93025      | 0012350      | 430661 | ISF IT Reserve               | \$6,599.00             |
| 93025      | 0012350      | 440110 | Electricity                  | \$3,800.00             |
| 93025      | 0012350      | 440120 | Water and Sewer              | \$1,700.00             |
| 93025      | 0012350      | 440130 | Natural Gas                  | \$2,200.00             |
| 93025      | 0012350      | 440305 | Building and Grounds R & M   | \$3,825.00             |
| 93025      | 0012350      | 440330 | Maintenance Agreements       | \$0.00                 |
| 93025      | 0012350      | 440420 | Building Rental              | \$0.00                 |
| 93025      | 0012350      | 440440 | Copier-Printer Rental-Leases | \$5,500.00             |
| 93025      | 0012350      | 440460 | Inter-fund Building Rental   | \$1,250.00             |
| 93025      | 0012350      | 440480 | Rental Equipment, Non-Office | \$0.00                 |
| 93025      | 0012350      | 440499 | Miscellaneous Rentals        | \$1,000.00             |
| 93025      | 0012350      | 440610 | Media-Subscrip Books Video   | \$750.00               |
| 93025      | 0012350      | 450010 | Memberships & Dues           | \$800.00               |
| 93025      | 0012350      | 450030 | Conferences & Seminars       | \$3,750.00             |
| 93025      | 0012350      | 450040 | Education & Training         | \$1,000.00             |
| 93025      | 0012350      | 450070 | Software Licenses            | \$3,500.00             |
| 93025      | 0012350      | 450094 | Program Expense              | \$2,000.00             |
| 93025      | 0012350      | 450098 | Dept Employee Recognition    | \$100.00               |

|               |        |                                |             |
|---------------|--------|--------------------------------|-------------|
| 93025 0012350 | 450110 | Fees & Permits                 | \$0.00      |
| 93025 0012350 | 450210 | General Liability Charges      | \$1,901.00  |
| 93025 0012350 | 450220 | Property Damage Charges        | \$1,198.00  |
| 93025 0012350 | 450230 | Vehicle Insurance Charges      | \$495.00    |
| 93025 0012350 | 450310 | Communication-Phone/Pager      | \$1,500.00  |
| 93025 0012350 | 450320 | Data Lines (Fiber T-1)         | \$0.00      |
| 93025 0012350 | 450401 | Advertising - Public Notices   | \$5,000.00  |
| 93025 0012350 | 450410 | Advertising - Promo & Announce | \$35,000.00 |
| 93025 0012350 | 450510 | Printing&Binding-General       | \$2,000.00  |
| 93025 0012350 | 450820 | Travel-Accommodations          | \$8,300.00  |
| 93025 0012350 | 450830 | Travel-Airfare                 | \$6,000.00  |
| 93025 0012350 | 450840 | Travel-Car Rental              | \$1,500.00  |
| 93025 0012350 | 450850 | Travel-Ground Trans-Parking    | \$250.00    |
| 93025 0012350 | 450860 | Travel-Meals                   | \$3,400.00  |
| 93025 0012350 | 450870 | Travel-Mileage Reimb           | \$2,500.00  |
| 93025 0012350 | 450998 | Refunds & Adjustments          | \$0.00      |
| 93025 0012350 | 450999 | Cash (Over) Short              | \$0.00      |
| 93025 0012350 | 460112 | Bldg & Grounds Supplies        | \$0.00      |
| 93025 0012350 | 460115 | Custodial-Janitorial Supp      | \$100.00    |
| 93025 0012350 | 460140 | Office Supplies                | \$5,000.00  |
| 93025 0012350 | 460145 | Postage                        | \$3,000.00  |
| 93025 0012350 | 460175 | Uniforms                       | \$2,500.00  |
| 93025 0012350 | 460199 | Miscellaneous Supplies         | \$0.00      |
| 93025 0012350 | 460220 | Gas-Diesel-Oil                 | \$250.00    |
| 93025 0012350 | 460320 | Meeting Supp (Food etc.)       | \$6,000.00  |
| 93025 0012350 | 460610 | Computers & Peripherals        | \$15,000.00 |
| 93025 0012350 | 460620 | Equipment - Office             | \$2,000.00  |
| 93025 0012350 | 460640 | Furn & Fixt Office             | \$5,000.00  |
| 93025 0012350 | 460655 | Signage                        | \$1,000.00  |
| 93025 0012350 | 460665 | Tools & Equipment              | \$0.00      |
| 93025 0012350 | 472325 | Interfund Pmts To Fund 325     | \$0.00      |
| 93025 0012350 | 490422 | Automobiles & SUVs             | \$0.00      |
| 93025 0012350 | 490430 | Furniture & Fixtures           | \$0.00      |
| 93025 0012350 | 491463 | Transfers Out - Campus Improve | \$0.00      |
| 93025 0012350 | 491680 | Transfers Out-Vehicle Replcmt  | \$3,231.00  |



COUNTY/TRIBES VETERAN SUICIDE  
AWARENESS AND PREVENTION FUND REQUEST

**Important Submission Instructions**

Grant funding is available to all Oregon Counties and federally recognized Tribes. The funds are meant to heighten community awareness and publicize mental health supports available to veterans and their families. If you wish to participate and receive grant funding, please complete this form. Funding for each grant is available for up to \$5,000. ODVA requests that you provide a summary of how these grant funds were used and any outcomes, including (as applicable) number of veterans and others served/reached, informational materials distributed, etc. Please provide this information immediately following the event (if applicable) or campaign. Email completed application to [ODVA\\_DL\\_CVSO-NSO Funding](#).

|   |   |
|---|---|
| Name<br><div>Sean Kirk</div>                  | County or Tribe<br><div>Deschutes County</div>        |
| Address<br><div>1130 NW Harriman Street</div> | City<br><div>Bend</div> <div>Zip Code<br/>97703</div> |
| Phone<br><div>(541) 385-3214</div>            | Email<br><div>seank@deschutescounty.gove</div>        |

In the space provided below, please indicate the amount requested and describe your intended use of the funds. If planning a future event, please indicate the time frame the event will be scheduled. This does not have to be detailed, or include specific costs. If more space is needed, please continue in the space provided on page 2.

Amount requested: \$ 5,000.00

We have a plan to run a commercial campaign specifically regarding suicide awareness and avenues of assistance. Additionally, we are going to include information about the Central Oregon Secure Firearm Storage Project. This is highly important to include considering Oregon is one of the highest ranked states for firearm suicide by children. Suicide affects everyone; not just Veterans.

Plan is to contract production of the commercial with local Veterans and run the campaign for a year. We will provide any additional needed funding.

Below is a link to an ad ran in the past through this grant:  
<https://vimeo.com/716949964/9fc1a9bd16>



COUNTY/TRIBES VETERAN SUICIDE  
AWARENESS AND PREVENTION FUND REQUEST

Intended use of funds (continued):

|  |  |   |  |
|--|--|---|--|
| Certification and Signature  |  |   |  |
| By signing below, I certify that I am qualified to represent my County or Tribe in their request for the Veteran suicide awareness and prevention funds. |  |   |  |
| Name of Signer <i>(Printed)</i><br>Sean Kirk   |  | Authorized Signature<br>SEAN KIRK (Affiliate) | Digitally signed by SEAN KIRK (Affiliate)<br>Date: 2024.09.09 11:15:42 -07'00' |
| Title of Signer<br>Manager, Deschutes County Veterans' Services  |  |   | Date Signed<br>September 9, 2024   |

|                              |   |       |   |           |                          |        |
|------------------------------|---|-------|---|-----------|--------------------------|--------|
| FOR ODVA USE ONLY            |   |       |   |           |                          |        |
|                              | PAID  |       | VOU   | Date Paid |                          |        |
|                              | PCA   | 43120 | AOBJ  | 6702      | COMM                     | 915-73 |
| Approved Payment<br>\$ 5,000 | Approved by Name <i>(Printed)</i><br>Sheronne Blasi |       | Approved by Signature<br><i>[Signature]</i> |           | Date Approved<br>9/10/24 |        |



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 25, 2024

**SUBJECT:** Approval of an Interlocal Agreement with the Cities of Bend and Redmond to support a Behavioral Health Specialist position on the Mobile Crisis Team

**RECOMMENDED MOTION:**

Move to authorize the County Administrator to sign Document No. 2024-728, an intergovernmental agreement with the Cities of Bend and Redmond to support a Behavioral Health Specialist position on the Mobile Crisis Team.

**BACKGROUND AND POLICY IMPLICATIONS:**

In October of 2022, the Board of County Commissioners approved an agreement between the City of Bend (City) and Deschutes County Health Services whereby the City granted American Rescue Plan Act funding to expand the Mobile Crisis Team response to mental health crises in the community. Funding supported a Behavioral Health Specialist I position through January 31, 2025 (as amended), which increased the ability for the Mobile Crisis Team to respond to certain calls without law enforcement.

To continue this work, the City of Bend will provide \$60,000 of its opioid settlement fund allocation, the City of Redmond will provide \$30,000, and the Deschutes County Sheriff's Office will contribute \$30,000. Together, these funds will support a Behavioral Health Specialist I position through December 31, 2025.

**BUDGET IMPACTS:**

\$90,000 revenue in addition to a \$30,000 transfer from the Sheriff's Office to Health Services (formal budget resolution forthcoming).

**ATTENDANCE:**

Holly Harris, Behavioral Health Director

## **INTERGOVERNMENTAL AGREEMENT AMONG THE CITY OF BEND, CITY OF REDMOND, AND DESCHUTES COUNTY TO FUND BEHAVIORAL HEALTH SPECIALIST 1, CRISIS TEAM POSITION**

This Intergovernmental Agreement (“Agreement”) is among the City of Bend, an Oregon municipal corporation (“Bend”), the City of Redmond, Oregon, an Oregon municipal corporation (“Redmond”), and Deschutes County, a political subdivision of the State of Oregon, acting by and through Deschutes County Health Services, Behavioral Health Division (the “County”), each a Party and together the Parties.

### **RECITALS**

A. ORS 190.003 through 190.110 authorize state and local governmental entities and agencies to enter into intergovernmental agreements for the performance of any or all functions which a party to the agreement has the authority to perform.

B. The County, by and through its Health Services Department, provides behavioral health services to residents of Deschutes County. These services include paraprofessional and professional behavioral health services designed to decrease the impact of mental and emotional disturbances to clients, including those suffered in connection the opioid crisis.

C. The State of Oregon has reached agreement on national lawsuits against several companies for their role in the opioid crisis. The settlement funds have been distributed to participating local governments within the state, including the Parties.

D. On August 30, 2023, the County approved use of its opioid settlement funds for a multi-year strategy five-year plan that adds capacity and expands existing efforts by: (1) adding targeted expert Opioid Use Disorder (OUD) prevention; (2) increasing coordination of surveillance and overdose prevention activities; (3) sustaining existing crisis interventions; (4) adding direct coordination of services to forensic population; and (5) adding recovery peer services.

E. On December 15, 2021, the Bend City Council authorized the City Manager to sign final allocation agreement with the State of Oregon for Bend’s share of the opioid settlement funds.

F. Bend now desires to provide \$60,000 of its opioid settlement fund allocation to the County to fund a Behavioral Health Specialist I position that was originally funded through American Rescue Plan Act (ARPA) dollars as a way to extend the ability for Mobile Crisis to respond without Law Enforcement to certain call types.

G. Redmond agrees to provide \$30,000 to the County to fund the Behavioral Health Specialist I position.

H. The Parties acknowledge and agree that the funding of the FTE Behavioral Health Specialist I position is an Allowable Use, consistent with Exhibit E of the opioid settlement agreement(s), attached as Exhibit B.

## TERMS OF AGREEMENT

1. Effective Date/Duration. This Agreement is effective when signed by all parties ("Effective Date") and shall remain in effect through December 31, 2025.
2. Termination. This Agreement may be terminated by the County upon 30-days written notice to the other Parties. Any Party may terminate this Agreement upon not less than thirty (30) calendar days written notice of any uncured breaches of the Agreement. In the event of termination, all Misexpended Funds or Unexpended Funds, as defined below, shall be promptly returned to Bend and/or Redmond, as applicable.
3. Obligations.
  - a. Bend shall pay to the County \$60,000 within 30 days of the Effective Date for the sole purpose of funding the Position.
  - b. Redmond shall pay to the County \$30,000 within 30 days of the Effective Date for the sole purpose of funding the Position.
  - c. Bend and Redmond each acknowledge that the Deschutes County Sheriff is paying to the County \$30,000 for the same purpose.
  - d. The County agrees to pay any additional monies as might be required to fully fund the position.
  - e. The obligation to fund the position under this IGA shall be for one year.
  - f. The job description for the FTE Behavioral Health Specialist I shall be substantially similar to the job description attached hereto as Exhibit A.
  - g. The County acknowledges that without ongoing continued funding from the State or local entities the position may not be retained beyond December 2025.
4. Compliance with Federal, State and Local Laws. County shall comply with and obey all applicable federal, state and local laws, regulations, executive orders, and ordinances.
5. Recovery of Overpayments. Any funds disbursed to the County under this Agreement that are expended in violation or contravention of one (1) 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 the Bend or Redmond, respectively. The right to recovery provided in this section is in addition to and not in lieu of any right which Oregon law provides for breach of contract.

6. Maintenance of Records; Public Records. Each Party shall have access to the books, documents, and other records of the which are related to this Agreement for the purpose of examination, copying and audit, unless otherwise limited by law.
7. Independent Parties; Conflict of Interest. None of the Parties is not an officer, employee, or agent of other as those terms are used in ORS 30.265 or otherwise. None of the Parties, by virtue of this Agreement, is a partner or joint venture with the other party in connection with the activities carried out under this Agreement.
8. Indemnification. The County shall defend, indemnify, and hold the each of Bend and Redmond, its officers, agents, employees and volunteers harmless against all liability, claims, losses, demands, suits, fees and judgments (collectively known as 'claims') that may be based on, or arise out of damage or injury (including death) to persons or property caused by or resulting from any act or omission sustained in connection with the performance of this Agreement or by conditions created thereby or based upon violation of any statute, ordinance or regulation. This indemnification required shall not apply to claims caused by the sole negligence or willful misconduct of the Bend or Redmond, respectively, its officers, agents, employees and volunteers. The County agrees that it is not an agent of Bend or Redmond and is not entitled to indemnification and defense under ORS 30.285 and ORS 30.287.
9. Insurance. The County shall have adequate insurance to cover the risks arising out of this Agreement. The County shall be required responsible for providing workers' compensation insurance as required by law. County's program of self-insurance shall satisfy the requirements of this paragraph.
10. Governing Law and Venue. This Agreement shall be governed by and interpreted and enforced in accordance with the laws of the State of Oregon without regard to principles of conflicts of law.
11. Notices. All notices and demands of a legal nature that either party may be required or may desire to serve upon the other party shall be in writing and shall be served upon the other party be personal service, by facsimile transmission, E-Mail followed by mail delivery of the original of the notice, by overnight courier with proof of receipt, or by certified mail, return receipt requested, postage prepaid, addressed as follows:

City of Bend:  
 710 NW Wall Street, Bend, Oregon 97703  
 Attn: Eric King, City Manager,  
 Phone: 541-388-5505  
 Fax: 541-385-6676

Email: [eking@bendoregon.gov](mailto:eking@bendoregon.gov)

City of Redmond City of Redmond  
 ADDRESS 411 SW 9<sup>th</sup> St  
 ADDRESS Redmond, OR. 97756  
 Phone: 541-923-7710  
 Fax: 541-548-0706  
 Email: keith.witcosky@redmondoregon.gov

Deschutes County  
 ADDRESS 2577 NE Courtney Drive  
 ADDRESS Bend, OR 97701  
 Phone: 541-322-7508  
 Fax:  
 Email: [holly.harris@deschutes.org](mailto:holly.harris@deschutes.org); cc: grace.evans@deschutes.org

Service by mail shall be deemed complete on the date of actual delivery or three business days after being sent via certified mail. Service by facsimile transmission or email shall be deemed served upon receipt of the facsimile or email, followed by mail delivery.

12. Entire Agreement. The Parties agree that this Agreement, including referenced exhibits, is the complete expression of the terms agreed to by the Parties. No other understandings or representations, oral or otherwise, regarding the subject matter of this contract shall be deemed to exist or to bind the Parties. The Parties may amend this agreement by a written amendment properly executed by both Parties.
13. No Third-Party Beneficiaries. Bend, Redmond and the County 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 unless such third persons are identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.
14. Waiver. The Parties' failure to enforce a provision of this Agreement shall not constitute a continuing waiver, shall not constitute a relinquishment of that Parties' right to performance in the future and shall not operate as a waiver of the Parties' right to enforce any other provision of this Agreement.
15. Severability. In the event any term or condition of this Agreement or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications of this Agreement that can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this Agreement are declared severable.

16. Counterparts. This Agreement 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 so executed shall constitute an original.

DATED: August \_\_, 2024

CITY OF BEND

\_\_\_\_\_  
Eric King, City Manager

CITY OF REDMOND

\_\_\_\_\_  
Keith Witcosky, City Manager

DESCHUTES COUNTY

\_\_\_\_\_  
Nick LeLack, County Administrator

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Bend City Attorney

\_\_\_\_\_  
Redmond City Attorney

\_\_\_\_\_  
County Counsel



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 25, 2024

**SUBJECT:** Approval of Document No. 2024-790, a Water Rights Conveyance Agreement with Central Oregon Irrigation District

**RECOMMENDED MOTION:**

Move approval of Document No. 2024-790.

**BACKGROUND AND POLICY IMPLICATIONS:**

Deschutes County Road Department ("Department") acquired a portion ("Subject Land") of Tax Lot 171318D000500, owned by Jesse R. and Kimberly A. Dent ("Grantors"), as right of way for the Powell Butte Highway/Butler Market Road Intersection Improvement project. The Subject Land had existing Central Oregon Irrigation District (COID) water rights, and the Grantors did not quitclaim those rights to COID or transfer those rights to another portion of their property prior to right of way dedication, which was recorded on December 27, 2023 (Instrument No. 2023-31591); transfer or quitclaiming of water rights by the Grantors prior to the Grantors' execution of the dedication deed was a provision of the purchase agreement. In accordance with ORS 368.256(1)(a), the water rights cannot be exercised within the public road right of way. The Grantors later executed a quitclaim deed with COID for the water rights, which was recorded on August 20, 2024 (Instrument No. 2024-21477)

In accordance with ORS 540.580, COID must submit a petition request to the Oregon Water Resources Department ("State") for approval of a permanent transfer of the place of use of water rights appurtenant to the Subject Land. The State has provided COID with an opinion that the County is an "affected land owner" under the provisions of ORS 540.580 and a "user" as defined in OAR 690-385-0100(16); effectively, the State has asserted that the Grantors conveyed the irrigation rights for the Subject Land to the County with the right of way dedication. As such, the State is requiring the County to authorize the transfer of the irrigation rights.

Department staff have asserted that the County does not acquire appurtenant rights such as water rights with acquisition of a right of way dedication for several reasons, which include:

- A right of way dedication does not convey fee title of the subject land; fee title is still

vested with the grantor. A right of way dedication effectively creates an easement for public ingress and egress; appurtenant rights, such as water and other natural resource rights, are not conveyed with an easement.

- The County acquires right of way in accordance with ORS 035, which pertains to eminent domain and public acquisition of property. Under that chapter of state law, a condemner can only acquire the property interest necessary for the proposed use. Water rights are unnecessary for a public road.
- The purchase agreement provisions used by the Department in right of way acquisitions explicitly state that water rights appurtenant to the subject property are not conveyed.
- Water rights are not valued in a right of way appraisal and, as such, are not included in the purchase amount in a right of way acquisition.

Nonetheless, in an effort to assist COID with their petition request to the State, the Department, in coordination with County Legal Department staff, drafted a water rights conveyance agreement for COID's use. Under this agreement, the County authorizes COID to transfer the subject water rights while making no claims in holding any water rights.

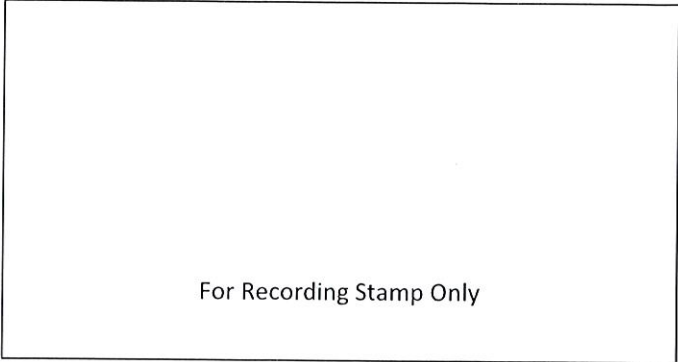
**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Cody Smith, County Engineer/Assistant Road Department Director

After recording return to:  
Central Oregon Irrigation District  
1055 S.W. Lake Court  
Redmond, OR 97756



**PUBLIC RIGHT OF WAY  
WATER RIGHT CONVEYANCE AGREEMENT**

This agreement is made and entered into by and between DESCHUTES COUNTY, a political subdivision of the State of Oregon ("County") and CENTRAL OREGON IRRIGATION DISTRICT, a municipal corporation of the State of Oregon ("District").

**RECITALS**

1. Jesse R. Dent and Kimberly A. Dent ("Grantors") are understood to be the rightful owner, holding title in fee according to law, of the real property described and depicted in the attached Exhibit "A" ("Subject Land").
2. By the authority granted in ORS 35 and ORS 368.096, County acquired a public road right of way interest over the Subject Land from Grantor (Instrument Number 2023-31591).
3. With the aforementioned acquisition, Grantor did not convey and County did not accept title in fee for the Subject Land or any rights, title, or interest in water rights appurtenant to the Subject Land.
4. County makes no claims in holding, on behalf of the public, any rights, title, responsibility, or interest in water rights appurtenant to the Subject Land.
5. In accordance with ORS 368.256(1)(a), Grantor cannot exercise water rights on Subject Land as public road right of way.
6. In accordance with ORS 540.580, District desires to submit a petition request to the Oregon Water Resources Department ("State") for approval of a permanent transfer of the place of use of water rights appurtenant to the Subject Land.
7. While County asserts that County is neither an affected landowner under the provisions of ORS 540.580 nor a "user" as defined in OAR 690-385-0100(16), State



has provided District with an opinion that County is an affected landowner in matters regarding water rights appurtenant to dedicated public road rights of way under County jurisdiction.

**NOW THEREFORE**, it is agreed by and between the Parties hereto as follows:

### **TERMS OF AGREEMENT**

1. County authorizes transfer of any water rights that may exist as a result of its acquisition of a public road right of way interest appurtenant to the Subject Land to the District.
2. County authorizes District and the District shall enter into a separate agreement with Grantor to release and quitclaim to District or otherwise transfer all rights, title, and interest in water rights appurtenant to the Subject Land.
3. County authorizes District to make payment for any consideration regarding release and quitclaim of water rights appurtenant to the Subject Land to Grantor.
4. County shall not be liable for any assessments, penalties, or charges associated with water rights appurtenant to the Subject Land.
5. To the extent allowed by the Oregon Constitution, and within the limits of the Oregon Tort Claims Act, District shall defend, indemnify, and save County, its officers, agents and employees harmless from any and all claims, actions, costs, judgments, damages and other expenses resulting from injury to any person (including injury resulting in death) or damage to property (including loss or destruction), of whatsoever nature, proximately caused by the negligence or other wrongful acts of District, its officers, agents and employees, pertaining to the project, the services, or arising out of this Agreement or any and all claims, actions, costs, judgments, damages and other expenses resulting from the transfer of any water rights by the County to the District.

### **GENERAL PROVISIONS**

1. This Agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the Parties to this Agreement.
2. This Agreement will be governed by and construed in accordance with laws of the State of Oregon. Each Party shall perform its obligations under this agreement in accordance with all applicable statutes, ordinances, rules and regulations.



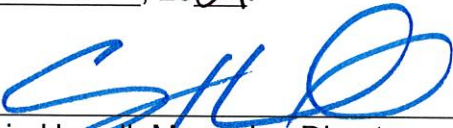
3. Any notice required to be given under this agreement must be in writing and must be given by personal delivery or mail, except that any notice required by law must be given in the manner specified by such law.
4. If any provision of this Agreement is determined to be invalid by any court with jurisdiction over this Agreement, such invalidity will not affect any other provision of this agreement. Unless the invalid provision is essential to the purpose or performance of this Agreement, this Agreement will be construed as if such invalid provision had never been included.
5. This Agreement and attached exhibits constitute the final and complete agreement of the parties concerning the project and supersedes all prior and existing written or oral understandings except as otherwise continued in effect by the terms of this agreement. No modification of this Agreement will be valid unless it is in writing and signed by the Parties.

**(SIGNATURE PAGES TO FOLLOW)**

THE PARTIES, by execution of this Agreement, hereby acknowledge that its signing representatives have read this Agreement, understand it and agree to be bound by its terms and conditions.

CENTRAL OREGON IRRIGATION DISTRICT

DATED this 20 day of August, 2024.

  
Craig Horrell, Managing Director

STATE OF OREGON )  
County of Deschutes ) SS.

Before me, a Notary Public, personally appeared Craig Horrell, and acknowledged the foregoing instrument.

Dated this 20 day of August, 2024



  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: June 28, 2025

**DESCHUTES COUNTY, acting by and through its Board of County Commissioners**

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
PATTI ADAIR, CHAIR

\_\_\_\_\_  
ANTHONY DEBONE, VICE-CHAIR

ATTEST: \_\_\_\_\_  
PHIL CHANG, COMMISSIONER

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

STATE OF OREGON            )  
  ) SS.  
County of Deschutes        )

Before me, a Notary Public, personally appeared Patti Adair, Anthony DeBone, and Phil Chang, the above-named Board of County Commissioners of Deschutes County, Oregon, acknowledged the foregoing instrument, on behalf of Deschutes County, Oregon.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: \_\_\_\_\_

## Exhibit "A"

### LEGAL DESCRIPTION

CWE-01

April 28, 2023

Page 1 OF 1

### RIGHT OF WAY DEDICATION

A tract of land, being a portion of that property described in Document Number 2018-01199 Deschutes County Official Records, located in the Southeast one-quarter of the Southeast one-quarter of Section 18, Township 17 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

All of that property described in said Document Number 2018-01199 falling south and east of the following line:

**Beginning** at a point on the centerline of Butler Market Road No.5 ("A" - Main) alignment at station 293+68.69;

Thence, North 00°00'35" West a distance of 31.19 feet to the north Right-of-Way of Butler Market Road No.5 ("A" - Main);

Thence, continuing North 00°00'35" West a distance of 65.52 feet;

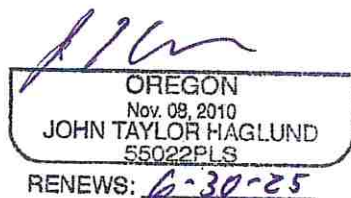
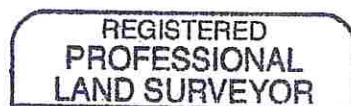
Thence, North 31°12'33" East a distance of 253.27 feet to a point on the west Right-of-Way of Powell Butte Highway, said point being 40.00 feet left of Powell Butte Highway ("C") centerline station 4+44.97;

Thence, continuing North 31°12'33" East a distance of 77.17 feet to a point on the centerline of Powell Butte Highway ("C") at station 5+10.97, said centerline also being the east line of Section 18;

Contains 18,595 square feet more or less.

Bearings and road centerline stationing are based on CS21027, Deschutes County Survey Records.

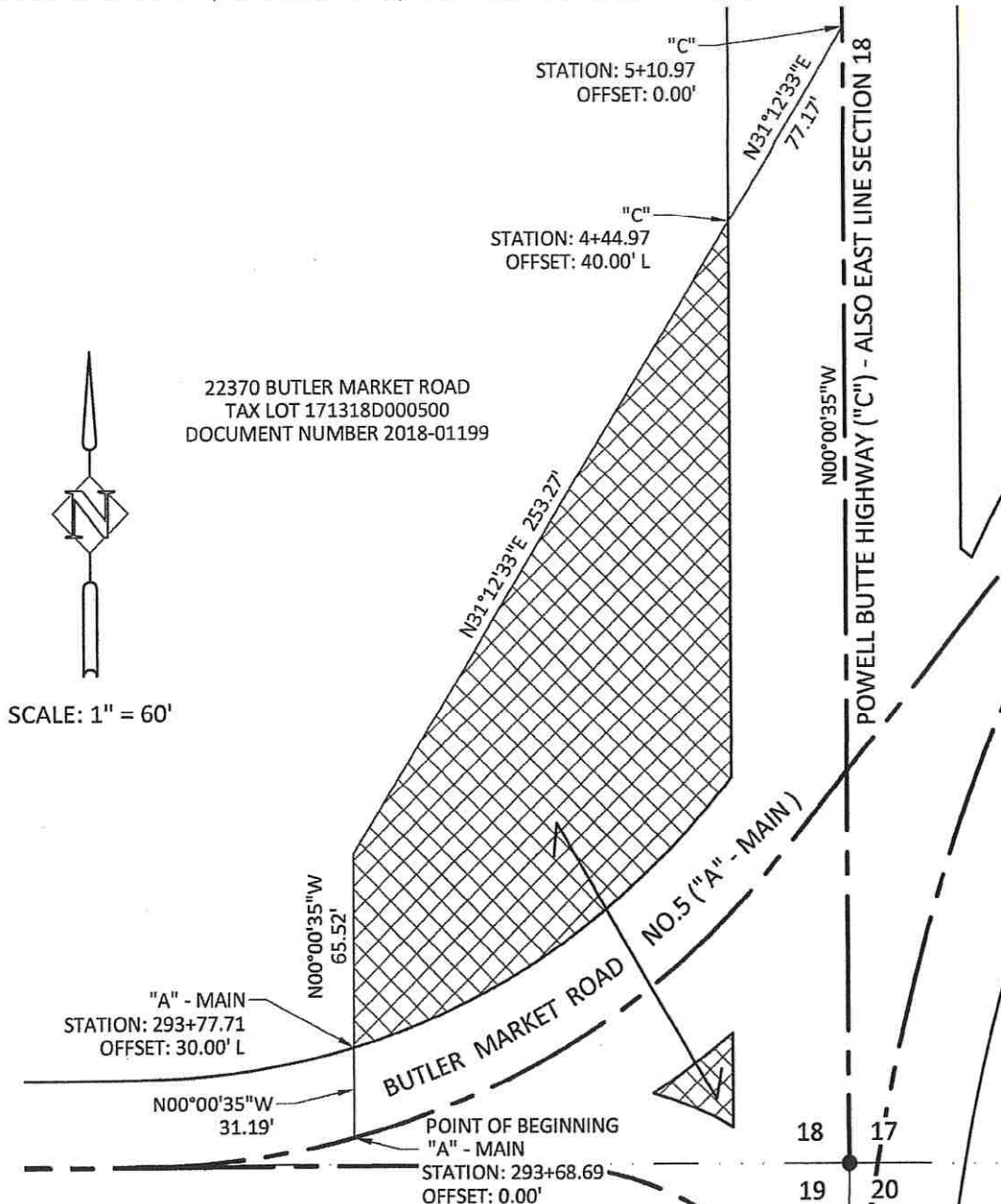
See the attached Exhibit "B", entitled "RIGHT-OF-WAY DEDICATION", which is made a part hereof.





# RIGHT-OF-WAY DEDICATION

LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 18,  
TOWNSHIP 17 SOUTH, RANGE 13 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON



BEARINGS AND ROAD STATIONING  
ARE PER CS21027 DESCHUTES  
COUNTY SURVEY RECORDS.

## LEGEND

- RIGHT-OF-WAY DEDICATION  
± 18,595 SQUARE FEET (0.43 ACRES)
- FOUND MONUMENT PER CS21027

SEE ATTACHED LEGAL DESCRIPTION  
EXHIBIT A

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
NOVEMBER 08, 2010  
**JOHN TAYLOR HAGLUND**  
55022

RENEWES: 6-30-2025



**Harper  
Houf Peterson  
Righellis Inc.**

ENGINEERS • PLANNERS  
LANDSCAPE ARCHITECTS • SURVEYORS  
250 NW Franklin Avenue, Suite 404, Bend, OR 97703  
phone: 541.318.1161 www.hhpr.com fax: 541.318.1141

CWE-01 CLG 4/28/2023 SHEET 1 OF 1



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 25, 2024

**SUBJECT:** Resolution 2024-044 to add 1.00 regular duration FTE within the Health Services department for a Psychiatric Nurse Practitioner

**RECOMMENDED MOTION:**

Move approval of Resolution No. 2024 -044 adding 1.00 regular duration FTE within the 2024-25 Deschutes County Budget.

**BACKGROUND AND POLICY IMPLICATIONS:**

In the interest of transitioning from telehealth providers to in-person providers, the Behavioral Health Medical Team seeks Board approval to reallocate funds from a telehealth provider which is ending its contract with DCHS to a full time in-person position on the Behavioral Health Medical Team. Previously allocated contract funding of \$254,687 would be used for a 1.00 regular FTE Psychiatric Nurse Practitioner position. This funding would be transferred from the current Iris contract and reallocated to the personnel budget.

**BUDGET IMPACTS:**

The estimated cost for adding a 1.00 FTE Psychiatric Nurse Practitioner is \$254,687. The proposal is to reduce the current telehealth contract from \$1,130,000 to \$875,313 and increase personnel appropriations from \$2,632,645 to \$2,887,332.

Because Oregon local budget regulations allow transfers within the Program Expense category, no formal budget adjustment is needed.

**ATTENDANCE:**

Chandra Mola, Behavioral Health Medical Team Program Manager  
Cam Sparks, Budget & Financial Planning Manager

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

---

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON

\*  
\*  
\*

RESOLUTION NO. 2024-044

WHEREAS, the Deschutes County Health Services department presented to the Board of County Commissioners on September 25, 2024, with regards to adding a 1.00 regular duration Psychiatric Nurse Practitioner FTE in support of the Behavioral Health medical team, and

WHEREAS, Deschutes County Policy HR-1 requires that the creation of or increase in FTE outside the adopted budget be approved by the Board of County Commissioners; now, therefore,

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

**Section 1.** That the following FTE be added to the FY 2024-25 Deschutes County Budget

| Job Class                             | Position Number | Type             | Effective Hiring Date | FTE         |
|---------------------------------------|-----------------|------------------|-----------------------|-------------|
| Psychiatric Nurse Practitioner (1275) | n/a             | Regular Duration | 9/25/2024             | 1.00        |
| <b>Total FTE</b>                      |                 |                  |                       | <b>1.00</b> |

Section 2. That the Human Resources Director make the appropriate entries in the Deschutes County FTE Authorized Positions Roster to reflect the above FTE changes.

DATED this \_\_\_\_\_ day of September 2024.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

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

ATTEST:

\_\_\_\_\_  
ANTHONY DEBONE, Vice-Chair

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

\_\_\_\_\_  
PHIL CHANG, Commissioner



## REVENUE

[illegible]

## APPROPRIATION

|              | Line Number  |           |         |        | Category                          | Description  |                         |           |                  |
|--------------|--------------|-----------|---------|--------|-----------------------------------|--|-------------------------|-----------|------------------|
| Item         | Project Code | Segment 2 | Org     | Object | (Pers, M&S, Cap Out, Contingency) | (Element-Object, e.g. Time Mgmt, Temp Help, Computer Hardware) | Current Budgeted Amount | To (From) | Revised Budget   |
| 1            | HSMEDICAL    | HS2OTHER  | 2743152 | 430312 | M&S                               | Contracts  | 1,020,000               | (254,687) | 765,313          |
| 2            | HSMEDICAL    | HS2OTHER  | 2743152 | 410101 | Personnel                         | Regular Employees  | 1,795,221               | 160,358   | 1,955,579        |
| 3            | HSMEDICAL    | HS2OTHER  | 2743152 | 420101 | Personnel                         | Health-Dental Ins (ISF)  | 285,945                 | 35,513    | 321,458          |
| 4            | HSMEDICAL    | HS2OTHER  | 2743152 | 420201 | Personnel                         | PERS Employee-Employer   | 417,291                 | 44,932    | 462,223          |
| 6            | HSMEDICAL    | HS2OTHER  | 2743152 | 420301 | Personnel                         | Taxes (FICA)   | 118,204                 | 12,269    | 130,473          |
| 7            | HSMEDICAL    | HS2OTHER  | 2743152 | 420401 | Personnel                         | Workers' Comp Insurance  | 626                     | 58        | 684              |
| 8            | HSMEDICAL    | HS2OTHER  | 2743152 | 420501 | Personnel                         | Unemployment Insurance   | 3,506                   | 284       | 3,790            |
| 9            | HSMEDICAL    | HS2OTHER  | 2743152 | 420601 | Personnel                         | Life-Long Term Disability                                      | 4,810                   | 632       | 5,442            |
| 10           | HSMEDICAL    | HS2OTHER  | 2743152 | 420801 | Personnel                         | Paid Leave Oregon  | 7,041                   | 641       | 7,682            |
|              |              |           |         |        |                                   |  | -                       | -         | -                |
|              |              |           |         |        |                                   |  | -                       | -         | -                |
|              |              |           |         |        |                                   |  | -                       | -         | -                |
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|              |              |           |         |        |                                   |  | -                       | -         | -                |
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|              |              |           |         |        |                                   |  | -                       | -         | -                |
|              |              |           |         |        |                                   |  | -                       | -         | -                |
|              |              |           |         |        |                                   |  | -                       | -         | -                |
|              |              |           |         |        |                                   |  | -                       | -         | -                |
|              |              |           |         |        |                                   |  | -                       | -         | -                |
|              |              |           |         |        |                                   |  | -                       | -         | -                |
|              |              |           |         |        |                                   |  | -                       | -         | -                |
|              |              |           |         |        |                                   |  | -                       | -         | -                |
| <b>TOTAL</b> |              |           |         |        |                                   |  | <b>3,652,643</b>        | <b>-</b>  | <b>3,652,643</b> |

|  |
|--|
|  |
|--|

Fund:  
Dept:  
Requested by:  
Date:

|                 |
|-----------------|
| 274             |
| Health Services |
| Chandra Mola    |
| 9/6/2024        |



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 25, 2024

**SUBJECT:** Public Hearing and Resolution amending the Deschutes County 2024-2025 Fee Schedule to add new and revised fees in Health Services, Information Technology and Community Development Departments

**RECOMMENDED MOTION:**

Following the public hearing, move approval of Resolution No. 2024-045 to amend the Deschutes County 2024-2025 Fee Schedule and adopt new and revised fees within Health Services, Information Technology and Community Development Departments.

**BACKGROUND AND POLICY IMPLICATIONS:**

At the September 16, 2024 Board of Commissioners work session, staff presented proposed fee schedule amendments. The Board expressed support for proceeding with a public hearing on proposed new or revised fees from three departments as listed below.

Health Services proposes an 8% increase to Environmental Health fees, effective October 1, 2024, to cover approximately \$116,000 in increased costs to the department.

Information Technology (IT) proposes a new fee to cover staff time and resources used when assisting other cities and counties in developing technology solutions such as Dial, Community Justice dashboards, ROCS, dog licensing applications, and more. The department is frequently approached for assistance with the design, development, integration, deployment and support of databases and systems of other jurisdictions. With this fee, IT would be able to cover the associated costs of providing such assistance.

Community Development Department proposes the fee increases listed below, which would generate an estimated \$106,000 to cover increased costs to the department. These changes would be effective November 1, 2024.

- Code Enforcement - .01%
- Electrical Permits – 2%
- Onsite Wastewater Applications – 2%
- Land Use Applications – 2%
- Public Information Counter - .01%
- Advanced Planning - .01%

The proposed amended fee schedule is attached to this staff report.

**BUDGET IMPACTS:**

Anticipated additional revenue from new and revised fees listed.

**ATTENDANCE:**

Peter Gutowsky, Community Development Director  
Cheryl Smallman, Business Officer, Health Services  
Tania Mahood, Information Technology Director  
Laura Skundrick, Management Analyst

REVIEWED

LEGAL COUNSEL

09/25/2024 Item #10.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

A Resolution Amending the Deschutes  
County 2024-2025 Fee Schedule

\*  
\*  
\*

RESOLUTION NO. 2024-045

WHEREAS, various departments of Deschutes County charge fees for services and permits; and

WHEREAS, it is necessary to amend the Deschutes County Fee Schedule and to adopt the revised Community Development, Health Services and Information Technology Fees to include new and revised fees, now, therefore,

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

Section 1. That the fees set forth in Exhibit “A”, attached hereto and, by this reference, incorporated herein, are hereby amended in the 2024-2025 fees and charges of Deschutes County, Oregon.

Section 2. The fees and charges for services and permits adopted in Exhibit “A” of this Resolution are effective by dates as shown on Exhibit “A”.

Section 3. All fees and charges for services and permits in effect prior to the effective date on Exhibit “A” are hereby continued or superseded as provided herein.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

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

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

ATTEST:

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

\_\_\_\_\_  
PHIL CHANG, Commissioner

| ITEM NO. | DESCRIPTION   | FY 2025 FEE  | UNIT                   | ENACTMENT AUTHORITY                             | Proposed Revised Fee | Proposed Effective Date |
|----------|---|--------------|------------------------|---|----------------------|-------------------------|
|          | <b>Community Development</b>  |              |                        |   |                      |                         |
| CDD 1    | Refund request processing<br>No refunds if refund amount is less than \$40.00. Other amounts may be deducted from refund for work already performed.  | \$ 40.00     |                        |   |                      |                         |
| CDD 2    | Address Issuance<br>New use with separate address (charged at time of building permit or site plan review, except revised site plan review)   | \$ 43.00     | per dwelling           |   |                      |                         |
| CDD 3    | Site plan review  | \$ 127.00    |                        |   | \$ 130.00            | 11/1/2024               |
| CDD 4    | Advanced planning fee (supports long-range planning and regular code updates and review)  | \$ 0.0043    | of bldg valuation      |   | 0.0044               | 11/1/2024               |
| CDD 5    | Public Information fee (supports public information and assistance in Bend, Redmond and LaPine and allows for consolidated permit processing at one location)   | \$ 0.0044    | of bldg valuation      |   | 0.0045               | 11/1/2024               |
| CDD 6    | Code enforcement fee (supports code enforcement program)  | \$ 0.0034    | of bldg valuation      |   | 0.0035               | 11/1/2024               |
| CDD 8    | Code enforcement court fine or fee  | ACS          |                        | Circuit court or hearings officer determination |                      |                         |
| CDD 9    | Research/file review supervision  | \$ 406.00    | per hour               |   |                      |                         |
| CDD 10   | Road Access Permit  | \$ 93.00     |                        |   |                      |                         |
| CDD 11   | Second Road Access Permit   | \$ 46.00     |                        |   |                      |                         |
| CDD 12   | Three or more Road Access Permits   | \$ 23.00     | each                   |   |                      |                         |
| CDD 13   | Consultation by CDD professional staff  | ACS          |                        |   |                      |                         |
| CDD 14   | Consultation by CDD building safety staff   | ACS          |                        |   |                      |                         |
| CDD 15   | Consultation by CDD electrical staff  | ACS          |                        |   |                      |                         |
| CDD 16   | Consultation by CDD code enforcement staff  | ACS          |                        |   |                      |                         |
| CDD 17   | Consultation by CDD onsite wastewater staff   | ACS          |                        |   |                      |                         |
| CDD 18   | Consultation by CDD current planning staff  | ACS          |                        |   |                      |                         |
| CDD 19   | Consultation by CDD long range planning staff   | ACS          |                        |   |                      |                         |
|          | <b>Policy Regarding Refunds:</b>  |              |                        |   |                      |                         |
|          | A 75% refund may be made after an application has been received. The 25% withheld covers work associated with the application, including zoning, septic and site plan review, file creation and staff assignment. An additional percentage will be withheld as each additional phase of the permitting process is completed (i.e. plan review, inspections, staff report preparation). Refunds must be requested within 180 days of application. In every case, the \$40 refund request processing fee will be charged to cover the cost of refund check processing and issuance. |              |                        |   |                      |                         |
| CDD 20   | Bend Park and Recreations SDC for Accessory Dwelling Unit (ADU)   | \$ 4,867.00  |                        |   |                      |                         |
| CDD 21   | Bend Park and Recreations SDC for Multi Family Average  | \$ 7,661.00  |                        |   |                      |                         |
| CDD 22   | Bend Park and Recreations SDC for Hotel/Motel, each unit  | \$ 7,776.00  | per room               |   |                      |                         |
| CDD 23   | Bend Park and Recreations SDC for Single Family Home (< 600 sq ft)  | \$ 8,066.00  |                        |   |                      |                         |
| CDD 24   | Bend Park and Recreations SDC for Single Family Home (600-1,200 sq ft)  | \$ 9,058.00  |                        |   |                      |                         |
| CDD 25   | Bend Park and Recreations SDC for Single Family Home (1,201- 1,600 sq ft)   | \$ 10,004.00 |                        |   |                      |                         |
| CDD 26   | Bend Park and Recreations SDC for Single Family Home (1,601 - 2,200 sq ft)  | \$ 10,680.00 |                        |   |                      |                         |
| CDD 27   | Bend Park and Recreations SDC for Single Family Home (2,201 - 3,000 sq ft)  | \$ 11,311.00 |                        |   |                      |                         |
| CDD 28   | Bend Park and Recreations SDC for Single Family Home (> 3,001 sq ft)  | \$ 12,348.00 |                        |   |                      |                         |
| CDD 29   | Bend Park and Recreation SDC for Manufactured/Mobile Home Placement Permit (in a Park)  | \$ 10,184.00 |                        |   |                      |                         |
| CDD 30   | Transportation SDCs - base rate   | \$ 5,670.00  | Per peak hour trip     |   |                      |                         |
| CDD 31   | Transportation SDCs - Single Family Home  | \$ 4,593.00  | Per single family home |   |                      |                         |
| CDD 32   | System development charge payment plan administrative fee   | \$ 300.00    |                        |   |                      |                         |
|          | <b>CDD - Building Safety Division</b>   |              |                        |   |                      |                         |

|      |    |   |           |  |  |  |   |                                |  |  |
|------|----|---|-----------|--|--|--|---|--------------------------------|--|--|
|      |    |   |           |  |  |  | plus 10% of the total project building permit fee not to exceed \$1,500.00 for each phase or portion of the project |                                |  |  |
| CDBS | 1  | Phased Project Plan Review Fee – in addition to project plan review fees  | \$ 604.75 |  |  |  |   |                                |  |  |
| CDBS | 2  | Deferred Submittal Plan Review Fee – in addition to project plan review fees  | 65%       |  |  |  | calculated using the value of the deferred portion with a \$250 minimum   |                                |  |  |
|      | 3  | <b>Expedited Review (optional program):</b>   |           |  |  |  |   |                                |  |  |
| CDBS | 4  | Structures require engineer/architect stamped plans   | \$ 461.50 |  |  |  | in addition to bldg permit fee  |                                |  |  |
| CDBS | 5  | All others  | \$ 196.30 |  |  |  | in addition to bldg permit fee  |                                |  |  |
| CDBS | 6  | Special Inspection - applies to all disciplines   | \$ 125.00 |  |  |  | or ACS  |                                |  |  |
| CDBS | 7  | Agricultural building exemption fee   | \$ 67.75  |  |  |  |   |                                |  |  |
| CDBS | 8  | Building inspections outside of normal business hours (min charge - two hours) - applies to all disciplines   | \$ 187.50 |  |  |  | per hour  |                                |  |  |
| CDBS | 9  | Re-inspection fee - applies to all disciplines  | \$ 125.00 |  |  |  | each  |                                |  |  |
| CDBS | 10 | Additional inspection above allowable - applies to all disciplines  | \$ 125.00 |  |  |  |   |                                |  |  |
| CDBS | 11 | Reinstatement Fee - applies to all disciplines  | \$ 150.50 |  |  |  |   |                                |  |  |
| CDBS | 12 | Structural Permit Extension Fee   | \$ 100.00 |  |  |  |   |                                |  |  |
| CDBS | 13 | Investigation Fee - applies to all disciplines  | \$ 125.00 |  |  |  |   |                                |  |  |
| CDBS | 14 | Inspections for which no fee is specifically indicated (min charge - ½ hour) - applies to all disciplines   | \$ 125.00 |  |  |  | per hour  |                                |  |  |
| CDBS | 15 | Additional plan review required by changes, addition or revisions to approved plans (min charge - ½ hour)   | \$ 125.00 |  |  |  | per hour  |                                |  |  |
| CDBS | 16 | Demolition permits  | \$ 194.00 |  |  |  |   |                                |  |  |
| CDBS | 17 | Consultation fee (min 1 hour)   | \$ 125.00 |  |  |  | per hour  |                                |  |  |
| CDBS | 18 | Temporary certificate of occupancy - valid 180 days (commercial)  | \$ 572.75 |  |  |  |   |                                |  |  |
| CDBS | 19 | Temporary certificate of occupancy - valid 180 days (residential)   | \$ 161.25 |  |  |  |   |                                |  |  |
| CDBS | 20 | Solar Building Permit - Prescriptive (includes plan review)   | \$ 109.75 |  |  |  |   | ORS 455.020 & OAR 918-050-0180 |  |  |
| CDBS | 21 | Solar Building Permit - Non-Prescriptive Path System - valuation to include the solar panels, racking, mounting elements, rails and the cost of labor to install. Solar electrical equipment including collector panels and inverters shall be excluded from the Structural Permit valuation. |           |  |  |  | Fee as per Structural Permit Fee table by valuation   |                                |  |  |
|      |    | New construction and additions shall be calculated using the ICC Building Valuation Data Table current as of April 1st of each year.  |           |  |  |  |   |                                |  |  |
|      |    | CDD may charge the average or actual additional cost for an investigation fee ensuring a building, structure or system is in conformance with state building code for work commenced prior to permit issuance.  |           |  |  |  |   |                                |  |  |
|      |    | <b>Residential Fire Suppression</b>   |           |  |  |  |   |                                |  |  |
| CDBS | 22 | Residential Sprinklers 0-2000 sq ft, includes plan review, applies to standalone and multipurpose/continuous loop (plumbing)  | \$ 200.00 |  |  |  |   | OAR 918-050-0140               |  |  |
| CDBS | 23 | Residential Sprinklers 2001-3600 sq ft, includes plan review, applies to standalone and multipurpose/continuous loop (plumbing)   | \$ 250.00 |  |  |  |   | OAR 918-050-0140               |  |  |
| CDBS | 24 | Residential Sprinklers 3601-7200 sq ft, includes plan review, applies to standalone and multipurpose/continuous loop (plumbing)   | \$ 325.00 |  |  |  |   | OAR 918-050-0140               |  |  |
| CDBS | 25 | Residential Sprinklers 7201 sq ft and greater, includes plan review, applies to standalone and multipurpose/continuous loop (plumbing)  | \$ 410.00 |  |  |  |   | OAR 918-050-0140               |  |  |
|      |    | <b>Commercial Fire Suppression</b>  |           |  |  |  |   |                                |  |  |

|        |    |   |           |  |  |  |  |                  |  |  |
|--------|----|---|-----------|--|--|--|--|------------------|--|--|
| CDBS   | 26 | Commercial Fire Suppression   |           |  |  |  | See Structural Permit Fee table by valuation   | OAR 918-050-0100 |  |  |
| CDBS   | 27 | Re-inspection fee: A \$125 re-inspection fee shall be charged for inspections of violations found by the division on or after the second inspection and for inspections requested but which cannot be performed due to inability to get access to work to be inspected. | \$ 125.00 |  |  |  |  |                  |  |  |
|        |    | <b>PLAN REVIEW:</b>   |           |  |  |  |  |                  |  |  |
| CDBS   | 28 | Plan check fee  | 65%       |  |  |  | bldg permit fee  |                  |  |  |
| CDBS   | 29 | Plan check fee for electrical and mechanical systems of commercial/residential buildings  | 25%       |  |  |  | bldg permit fee  |                  |  |  |
| CDBS   | 30 | Plan check fee for plumbing of commercial/residential bldgs   | 30%       |  |  |  | bldg permit fee  |                  |  |  |
| CDBS   | 31 | Plan check fee for fire/life safety/over 4,000 sq ft  | 40%       |  |  |  | bldg permit fee  |                  |  |  |
| CDBS   | 32 | Plan check for manufactured dwelling/rec park plan review   | 65%       |  |  |  | permit fee   |                  |  |  |
|        |    | <b>The current State of Oregon surcharge is added to all fees, including reinstatement fees and excluding extension fees, in the Building Safety Division. Additional State fees may apply.</b>   |           |  |  |  |  |                  |  |  |
|        |    | Total valuation:  |           |  |  |  |  |                  |  |  |
| CDBS   | 33 | \$1.00 to \$500.00  | \$ 10.25  |  |  |  |  |                  |  |  |
| CDBS   | 34 | \$501.00 to \$2,000.00  | \$ 10.25  |  |  |  | first \$500 + \$1.75 for each additional \$100 or fraction thereof, to and including \$2,000       |                  |  |  |
| CDBS   | 35 | \$2,001.00 to \$25,000.00   | \$ 36.50  |  |  |  | first \$2,000 +\$6.50 for each additional \$1,000 or fraction thereof, to and including \$25,000   |                  |  |  |
| CDBS   | 36 | \$25,001.00 to \$50,000.00  | \$ 186.00 |  |  |  | first \$25,000 +\$5.00 for each additional \$1,000 or fraction thereof, to and including \$50,000  |                  |  |  |
| CDBS   | 37 | \$50,001.00 to \$100,000.00   | \$ 311.00 |  |  |  | first \$50,000 +\$4.50 for each additional \$1,000 or fraction thereof, to and including \$100,000 |                  |  |  |
| CDBS   | 38 | \$100,001.00 and up   | \$ 536.00 |  |  |  | first \$100,000 +\$5.50 for each additional \$1,000 or fraction thereof                            |                  |  |  |
| CDBS   | 39 | Minimum Fee - Structural  | \$ 150.00 |  |  |  |  |                  |  |  |
|        |    | <b>Plumbing: includes one kitchen, first 100 feet each of site utilities, hose bibbs, icemakers, underfloor low-point drains, and rain drain packages that include the piping, gutters, downspouts, and perimeter system. Half bath counted as whole.</b>               |           |  |  |  |  |                  |  |  |
| CDBSPL | 1  | One and Two Family / 1 bath   | \$ 371.25 |  |  |  |  |                  |  |  |
| CDBSPL | 2  | One and Two Family / 2 bath   | \$ 477.25 |  |  |  |  |                  |  |  |
| CDBSPL | 3  | One and Two Family / 3 bath   | \$ 530.50 |  |  |  |  |                  |  |  |
| CDBSPL | 4  | Baths greater than-4 3  | \$ 53.00  |  |  |  |  |                  |  |  |



|        |    |   |           |  |  |  |           |  |  |  |
|--------|----|---|-----------|--|--|--|-----------|--|--|--|
| CDBSPL | 5  | One and two family/solar (when connected with potable water)  | \$ 143.75 |  |  |  |           |  |  |  |
|        |    | Residential and U1 plumbing:  |           |  |  |  |           |  |  |  |
|        |    | Fixtures:   |           |  |  |  |           |  |  |  |
| CDBSPL | 6  | Sink/basin/lavatory   | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 7  | Water heater  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 8  | Garbage disposal  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 9  | Water closet  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 10 | Catch basin or area drain   | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 11 | Tub/shower/shower pan   | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 12 | Absorption valve  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 13 | Clothes washer  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 14 | Backwater valve   | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 15 | Other Plumbing  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 16 | Floor drain/floor sink/hub drain  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 17 | Backflow Preventer  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 18 | Urinal  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 19 | Hose bibs   | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 20 | Dishwasher  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 21 | Drinking fountain   | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 22 | Trench drain  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 23 | Ejectors/sump pump  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 24 | Expansion tank  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 25 | Fixture cap   | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 26 | Ice maker   | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 27 | Primer  | \$ 29.50  |  |  |  |           |  |  |  |
|        |    | Water service/sanitary/storm sewer:   |           |  |  |  |           |  |  |  |
| CDBSPL | 28 | Water service (first 100 feet or fraction thereof)  | \$ 101.50 |  |  |  |           |  |  |  |
| CDBSPL | 29 | Water service (second 100 ft. or fraction thereof)  | \$ 57.75  |  |  |  |           |  |  |  |
| CDBSPL | 30 | Building sewer (first 100 feet or fraction thereof)   | \$ 101.50 |  |  |  |           |  |  |  |
| CDBSPL | 31 | Building sewer (each additional 100 ft. or fraction thereof)  | \$ 57.75  |  |  |  |           |  |  |  |
| CDBSPL | 32 | Building storm sewer or rain drain (each 100 feet or fraction thereof)  | \$ 101.50 |  |  |  |           |  |  |  |
| CDBSPL | 33 | Storm or rain drain (each additional 100 feet or fraction thereof)  | \$ 57.75  |  |  |  |           |  |  |  |
| CDBSPL | 34 | Alternate potable water heating system (coil, heat pumps, extractor, water treatment equipment, etc.)             | \$ 101.50 |  |  |  |           |  |  |  |
|        |    | <b>Manufactured Homes:</b>  |           |  |  |  |           |  |  |  |
| CDBSPL | 35 | M/H park sewer connection & water distribution system   | \$ 101.50 |  |  |  | per space |  |  |  |
| CDBSPL | 36 | Prefabricated structures site inspections (includes site development & connection of the prefabricated structure) | \$ 101.50 |  |  |  |           |  |  |  |
|        |    | <b>Commercial Plumbing</b>  |           |  |  |  |           |  |  |  |
|        |    | (all buildings other than R-3 & U-1):   |           |  |  |  |           |  |  |  |
| CDBSPL | 37 | Minimum Fee   | \$ 149.25 |  |  |  |           |  |  |  |
| CDBSPL | 38 | Fixture cap- commercial   | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 39 | Backflow preventer  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 40 | Sink/basin/lavatory   | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 41 | Absorption valve  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 42 | Tub/shower/shower pan   | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 43 | Backwater valve   | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 44 | Water closets   | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 45 | Dishwashers   | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 46 | Garbage disposal  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 47 | Clothes washer  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 48 | Water heater  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 49 | Urinal  | \$ 29.50  |  |  |  |           |  |  |  |
| CDBSPL | 50 | Hose bibs   | \$ 29.50  |  |  |  |           |  |  |  |

|        |    |   |           |  |  |  |   |  |  |
|--------|----|---|-----------|--|--|--|---|--|--|
| CDBSPL | 51 | Trench drain  | \$ 29.50  |  |  |  |   |  |  |
| CDBSPL | 52 | Catch Basins or area drain  | \$ 29.50  |  |  |  |   |  |  |
| CDBSPL | 53 | Drinking fountain   | \$ 29.50  |  |  |  |   |  |  |
| CDBSPL | 54 | Expansion tank  | \$ 29.50  |  |  |  |   |  |  |
| CDBSPL | 55 | Interceptor/grease trap   | \$ 29.50  |  |  |  |   |  |  |
| CDBSPL | 56 | Floor drains/floor sink/hub drain   | \$ 29.50  |  |  |  |   |  |  |
| CDBSPL | 57 | Ejectors/sump pump  | \$ 29.50  |  |  |  |   |  |  |
| CDBSPL | 58 | Ice maker   | \$ 29.50  |  |  |  |   |  |  |
| CDBSPL | 59 | Primer  | \$ 29.50  |  |  |  |   |  |  |
| CDBSPL | 60 | Roof drain (commercial)   | \$ 29.50  |  |  |  |   |  |  |
| CDBSPL | 61 | Storm drain - first 100 feet  | \$ 63.25  |  |  |  |   |  |  |
| CDBSPL | 62 | Storm drain - each additional 100 feet  | \$ 29.50  |  |  |  |   |  |  |
| CDBSPL | 63 | Swimming pool piping  | \$ 96.75  |  |  |  |   |  |  |
| CDBSPL | 64 | Solar   | \$ 29.50  |  |  |  |   |  |  |
| CDBSPL | 65 | Other - plumbing  | \$ 29.50  |  |  |  |   |  |  |
| CDBSPL | 66 | Water service - first 100 feet  | \$ 101.50 |  |  |  |   |  |  |
| CDBSPL | 67 | Water service (each additional 100 ft)  | \$ 57.75  |  |  |  |   |  |  |
| CDBSPL | 68 | Sewer - first 100 feet  | \$ 101.50 |  |  |  |   |  |  |
| CDBSPL | 69 | Sewer - each additional 100 feet  | \$ 57.75  |  |  |  |   |  |  |
|        |    | Medical Gas – fee based on installation costs and system equipment, including but not limited to inlets, outlets, fixtures and appliances |           |  |  |  |   |  |  |
| CDBSPL | 70 | Storm sewer - first 100 feet  | \$ 101.50 |  |  |  |   |  |  |
| CDBSPL | 71 | Storm sewer - each additional 100 feet  | \$ 57.75  |  |  |  |   |  |  |
|        |    | Valuation:  |           |  |  |  |   |  |  |
| CDBSPL | 72 | \$0 - \$25,000  | \$ 142.50 |  |  |  |   |  |  |
| CDBSPL | 73 | \$25,001 - \$50,000   | \$ 142.50 |  |  |  | \$142.50 for the first \$25,000 plus \$3.25 for each additional \$1,000 or fraction thereof, to and including \$50,000  |  |  |
| CDBSPL | 74 | \$50,001 - \$100,000  | \$ 223.75 |  |  |  | \$223.75 for the first \$50,000 plus \$2.25 for each additional \$1,000 or fraction thereof, to and including \$100,000 |  |  |
| CDBSPL | 75 | \$100,001 and above   | \$ 336.25 |  |  |  | \$336.00 for the first \$100,000 plus \$1.25 for each additional \$1,000 or fraction thereof                            |  |  |
| CDBSPL | 76 | M/H park sewer collection/water distribution system   | \$ 96.75  |  |  |  | per space   |  |  |
| CDBSPL | 77 | Alternative potable water heating systems (coils, extractors, heat pumps, etc.)   | \$ 61.75  |  |  |  |   |  |  |
| CDBSPL | 78 | M/H Park Installation Connection  | \$ 78.00  |  |  |  |   |  |  |
|        |    | <b>Recreational Vehicle and Manufactured Dwelling Parks</b>   |           |  |  |  |   |  |  |
| CDBSPL | 79 | Five or fewer spaces  | \$ 308.75 |  |  |  |   |  |  |
| CDBSPL | 80 | Six to 19 spaces  | \$ 308.75 |  |  |  | plus \$53.00 per space  |  |  |
| CDBSPL | 81 | Twenty or more spaces   | \$ 742.00 |  |  |  | plus \$40.50 per space  |  |  |

|       |    |   |           |  |  |   |                 |  |  |
|-------|----|---|-----------|--|--|---|-----------------|--|--|
|       |    | <b>MECHANICAL:</b>  |           |  |  |   |                 |  |  |
| CDBSM | 1  | Minimum Fee   | \$ 87.75  |  |  | each  |                 |  |  |
| CDBSM | 2  | Furnace - up to 100,000 BTU   | \$ 21.75  |  |  | each  |                 |  |  |
| CDBSM | 3  | Furnace - greater than 100,000 BTU  | \$ 25.25  |  |  | each  |                 |  |  |
| CDBSM | 4  | Furnace/burner including duct work/vent/liner   | \$ 21.75  |  |  |   |                 |  |  |
| CDBSM | 5  | Floor furnace, including vent   | \$ 16.25  |  |  | each  |                 |  |  |
| CDBSM | 6  | Chimney/liner/flue/vent   | \$ 16.25  |  |  |   |                 |  |  |
| CDBSM | 7  | Flue vent for water heater or gas fireplace   | \$ 16.25  |  |  |   |                 |  |  |
| CDBSM | 8  | Installation or relocation of suspended heater, recessed wall heater or floor-mounted heater              | \$ 16.25  |  |  | each  |                 |  |  |
| CDBSM | 9  | Water heater  | \$ 16.25  |  |  |   |                 |  |  |
| CDBSM | 10 | Wood/pellet stove   | \$ 32.00  |  |  |   |                 |  |  |
| CDBSM | 11 | Pool or spa heater, kiln  | \$ 16.25  |  |  |   |                 |  |  |
| CDBSM | 12 | Appliance vent installation, relocation or replacement not included in an appliance permit                | \$ 9.75   |  |  | each  |                 |  |  |
| CDBSM | 13 | Heat pump   | \$ 21.75  |  |  | each  |                 |  |  |
| CDBSM | 14 | Air-handling unit up to 10,000 cubic feet per minute (cfm)  | \$ 12.00  |  |  | each  |                 |  |  |
| CDBSM | 15 | Air-handling unit of 10,000 cfm and over  | \$ 21.75  |  |  | each  |                 |  |  |
| CDBSM | 16 | Evaporative cooler other than portable  | \$ 12.00  |  |  | each  |                 |  |  |
| CDBSM | 17 | Air conditioner   | \$ 12.00  |  |  |   |                 |  |  |
| CDBSM | 18 | Attic/crawl space fans  | \$ 12.00  |  |  |   |                 |  |  |
| CDBSM | 19 | Ventilation fan connected to single duct  | \$ 10.00  |  |  | each  |                 |  |  |
| CDBSM | 20 | Ductwork - no appliance/fixture   | \$ 10.00  |  |  |   |                 |  |  |
| CDBSM | 21 | Ventilation system that is not a portion of any heating or air-conditioning system authorized by a permit | \$ 12.50  |  |  | each  |                 |  |  |
| CDBSM | 22 | Hood served by mechanical exhaust, including ducts for hood   | \$ 12.50  |  |  | each  |                 |  |  |
| CDBSM | 23 | Range hood/other kitchen equipment  | \$ 12.50  |  |  |   |                 |  |  |
| CDBSM | 24 | Clothes dryer exhaust   | \$ 12.50  |  |  |   |                 |  |  |
| CDBSM | 25 | Other environment exhaust/ventilation   | \$ 12.50  |  |  |   |                 |  |  |
| CDBSM | 26 | Gas or wood fireplace/insert  | \$ 32.00  |  |  | each  |                 |  |  |
| CDBSM | 27 | Decorative gas fireplace  | \$ 32.00  |  |  |   |                 |  |  |
| CDBSM | 28 | Other heating/cooling   | \$ 32.00  |  |  | each  |                 |  |  |
| CDBSM | 29 | Other fuel appliance  | \$ 12.50  |  |  | each  |                 |  |  |
| CDBSM | 30 | Gas fuel piping outlets   | \$ 8.25   |  |  |   |                 |  |  |
| CDBSM | 31 | Additional plan review required by changes, additions or revisions to approved plans (min charge ½ hour)  | \$ 125.00 |  |  | per hour / 1/2 hour minimum charge  |                 |  |  |
| CDBSM | 32 | Hydronic hot water system   | \$ 80.00  |  |  |   |                 |  |  |
| CDBSM | 33 | Fuel fired or electrical heat exchanger (to be used in a hydronic heating system)                         | \$ 30.75  |  |  |   |                 |  |  |
| CDBSM | 34 | Mini split system   | \$ 41.50  |  |  |   |                 |  |  |
|       |    | <b>Commercial Mechanical Permit Fee Table</b>   |           |  |  |   | OAR 918-050-100 |  |  |
|       |    | Commercial and Multifamily New, Alterations, Additions, Repairs & Accessory Structures                    |           |  |  |   |                 |  |  |
|       |    | <b>Total Valuation</b>  |           |  |  |   |                 |  |  |
| CDBSM | 35 | \$1 to \$2,000  | \$ 76.50  |  |  |   |                 |  |  |
| CDBSM | 36 | \$2001 to \$25,000  | \$ 76.50  |  |  | first \$2,000 plus 11.50 for each additional \$1,000 or fraction thereof, to and including \$25,000 |                 |  |  |

|       |    |  |             |  |  |  |  |             |           |  |
|-------|----|--|-------------|--|--|--|--|-------------|-----------|--|
| CDBSM | 37 | \$25,001 to \$50,000   | \$ 341.00   |  |  |  | first \$25,000 plus 9.50 for each additional \$1,000 or fraction thereof, to and including \$50,000    |             |           |  |
| CDBSM | 38 | \$50,001 to \$100,000  | \$ 578.50   |  |  |  | first \$50,000 plus 6.25 for each additional \$1,000 or fraction thereof up to and including \$100,000 |             |           |  |
| CDBSM | 39 | \$100,001 and up   | \$ 891.00   |  |  |  | first \$100,000 plus 4.25 for each additional \$1,000 or fraction thereof                              |             |           |  |
|       |    | <b>ELECTRICAL:</b>   |             |  |  |  |  |             |           |  |
|       |    | Residential - New 1 & 2 family dwellings or new multi-family per dwelling unit. Service included.  |             |  |  |  | # of inspections per permit allowed  |             |           |  |
| CDBSE | 1  | 1,000 square feet or less  | \$ 359.25   |  |  |  | 4  | \$ 366.50   | 11/1/2024 |  |
| CDBSE | 2  | Each additional 500 square feet, or portion thereof  | \$ 61.00    |  |  |  |  | \$ 62.25    | 11/1/2024 |  |
|       |    | Multi-family building containing three or more apartments; Determine fee for the largest unit using the sq. ftg. rates above, additional units are charged at 50%. |             |  |  |  | 4  |             |           |  |
| CDBSE | 3  | Each manufactured home or modular dwelling service or feeder   | \$ 167.25   |  |  |  | 2  | \$ 170.75   | 11/1/2024 |  |
|       |    | Service/feeders: installation, alteration or relocation:   |             |  |  |  |  |             |           |  |
| CDBSE | 4  | 200 amps or less   | \$ 204.00   |  |  |  | 2  | \$ 208.25   | 11/1/2024 |  |
| CDBSE | 5  | 201 amps to 400 amps   | \$ 248.75   |  |  |  | 2  | \$ 253.75   | 11/1/2024 |  |
| CDBSE | 6  | 401 amps to 600 amps   | \$ 406.25   |  |  |  | 2  | \$ 414.50   | 11/1/2024 |  |
| CDBSE | 7  | 601 amps to 1000 amps  | \$ 507.00   |  |  |  | 2  | \$ 517.25   | 11/1/2024 |  |
| CDBSE | 8  | Over 1000 amps or volts  | \$ 1,230.75 |  |  |  | 2  | \$ 1,255.25 | 11/1/2024 |  |
| CDBSE | 9  | Reconnect only   | \$ 167.00   |  |  |  | 2  | \$ 170.25   | 11/1/2024 |  |
|       |    | Temporary service or feeders - installation, alterations or relocation   |             |  |  |  |  |             |           |  |
| CDBSE | 10 | 200 amps or less   | \$ 167.00   |  |  |  | 2  | \$ 170.25   | 11/1/2024 |  |
| CDBSE | 11 | 201 amps to 400 amps   | \$ 228.25   |  |  |  | 2  | \$ 233.00   | 11/1/2024 |  |
| CDBSE | 12 | Over 401 amps to 600 amps  | \$ 303.25   |  |  |  | 2  | \$ 309.50   | 11/1/2024 |  |
| CDBSE | 13 | Over 601 amps to 1000 volts - see "service/feeders" (10 branch circuits included) above  | \$ 393.50   |  |  |  |  | \$ 401.50   | 11/1/2024 |  |
| CDBSE | 14 | Over 1,000 amps or volts   | \$ 553.50   |  |  |  |  | \$ 564.75   | 11/1/2024 |  |
|       |    | Branch circuits - new, alteration or extension per panel   |             |  |  |  |  |             |           |  |
|       |    | Fee for branch circuits with purchase of service or feeder fee   |             |  |  |  |  |             |           |  |
| CDBSE | 15 | Each branch circuit  | \$ 16.00    |  |  |  | 2  | \$ 16.25    | 11/1/2024 |  |
|       |    | Fee for branch circuits without purchase of service or feeder fee  |             |  |  |  |  |             |           |  |
| CDBSE | 16 | First branch circuit   | \$ 156.50   |  |  |  | 2  | \$ 159.75   | 11/1/2024 |  |
| CDBSE | 17 | Each additional branch circuit   | \$ 16.00    |  |  |  | 2  | \$ 16.25    | 11/1/2024 |  |
|       |    | Miscellaneous (service or feeder not included)   |             |  |  |  | # of inspections per permit allowed  |             |           |  |
| CDBSE | 18 | Each water or sewage pump or irrigation circle   | \$ 167.25   |  |  |  | 2  | \$ 170.75   | 11/1/2024 |  |
| CDBSE | 19 | Each sign or outline lighting  | \$ 167.25   |  |  |  | 2  | \$ 170.75   | 11/1/2024 |  |
| CDBSE | 20 | Signal circuit(s) or a limited energy panel, alteration or extension - commercial use  | \$ 167.25   |  |  |  | 2  | \$ 170.75   | 11/1/2024 |  |
|       |    | <b>Renewable Energy Systems</b>  |             |  |  |  |  |             |           |  |

|        |    |  |           |  |         |  |                                     |           |           |
|--------|----|--|-----------|--|---------|--|-------------------------------------|-----------|-----------|
| CDBSE  | 21 | 5 KVA or less  | \$ 79.00  |  | maximum | 2  | OAR 918-309-0070                    |           |           |
| CDBSE  | 22 | 5.01 KVA to 15KVA  | \$ 94.00  |  | maximum | 2  | OAR 918-309-0070                    |           |           |
| CDBSE  | 23 | 15.01 KVA to 25 KVA  | \$ 156.00 |  | maximum | 2  | OAR 918-309-0070                    |           |           |
| CDBSE  | 24 | For solar generation systems in excess of 25 KVA and up to 100 KVA   | \$ 7.50   |  | maximum | 2 per KVA / \$7.50 per kva over 25 kva, \$156.00 for first 25 kva – maximum fee at 100 kva | OAR 918-309-0070                    |           |           |
|        |    | <b>Wind Generation Systems</b>   |           |  |         |  |                                     |           |           |
| CDBSE  | 25 | 25.01KVA to 50 KVA   | \$ 204.00 |  |         | maximum  | OAR 918-309-0070                    |           |           |
| CDBSE  | 26 | 50.01KVA to 100 KVA  | \$ 469.00 |  |         | maximum  | OAR 918-309-0070                    |           |           |
|        |    | <b>Solar Farms</b>   |           |  |         |  |                                     |           |           |
| CDBSE  | 27 | The first 25 KVA   | \$ 156.00 |  | maximum |  | OAR 918-309-0070                    |           |           |
| CDBSE  | 28 | For solar generation systems in excess of 25 KVA and up to 100 KVA   | \$ 7.50   |  | maximum | 2 per KVA / \$7.50 per kva over 25 kva, \$156.00 for first 25 kva – maximum fee at 100 kva | OAR 918-309-0070                    |           |           |
|        |    | <b>Limited energy - residential use</b>  |           |  |         |  |                                     |           |           |
| CDBSE  | 29 | One and two family   | \$ 82.00  |  |         |  |                                     | \$ 83.75  | 11/1/2024 |
| CDBSE  | 30 | Multi-family limited energy and/or protective signaling  | \$ 152.50 |  |         | per floor; 2 inspections allowed per floor   |                                     | \$ 155.75 | 11/1/2024 |
| CDBSE  | 31 | Master permit - renewed annually at no additional fee other than required annual inspections.  | \$ 100.00 |  |         | maximum  | OAR 918-309-0100                    |           |           |
| CDBSE  | 32 | Additional plan review required by changes, additions or revisions to approved plans   | \$ 125.00 |  |         | per hour   |                                     |           |           |
|        |    | <b>MANUFACTURED DWELLINGS:</b>   |           |  |         |  |                                     |           |           |
| CDBSMF | 1  | Manufactured dwelling and cabana installation permit   | \$ 798.75 |  |         | per installation + applicable state fee(s)   |                                     |           |           |
| CDBSMF | 2  | Manufactured dwelling and cabana re-inspection fee   | \$ 184.00 |  |         | per re-inspection  |                                     |           |           |
| CDBSMF | 3  | State Cabana Fee   | \$ 30.00  |  |         | maximum  | OAR 918-500-0105                    |           |           |
|        |    | <b>New Manufactured Home Park Fee Schedule:</b>  |           |  |         |  |                                     |           |           |
|        |    | The Area Development Permit fee to be calculated based on the valuations shown in Table 2 of OAR 918-600-0030 for Manufactured Dwelling/Mobile Home Parks and Table 2 of OAR 918-650-0030 for Recreational Park & Organizational Camp – and applying the valuation amount to Table 1 as referenced for each. |           |  |         | maximum  | OAR 918-600-0030 & OAR 918-650-0030 |           |           |
| CDBSMP | 1  | Additional plan review required by changes, additions or revisions to approved plans (min charge - ½ hour)   | \$ 125.00 |  |         | per hour   |                                     |           |           |
|        |    | State surcharge on manufactured home park permit fee is 12% of total   |           |  |         |  |                                     |           |           |
|        |    | Plan check fee for manufactured home park is 65% of building permit fee  |           |  |         |  |                                     |           |           |
|        |    | Prefabricated Structural Inspections (includes site development and connection of the prefabricated structure)   |           |  |         |  |                                     |           |           |
| CDBSMP | 2  | MH Park Installation connection  | \$ 70.00  |  |         |  |                                     |           |           |
|        |    | <b>CDD - Onsite Wastewater Division</b>  |           |  |         |  | <b>OAR 340-071-0140</b>             |           |           |

|      |    |  |             |  |  |  |   |                      |           |
|------|----|--|-------------|--|--|--|---|----------------------|-----------|
|      |    | <b>Site evaluations, construction installation permits, renewal permits, alteration permits, authorization notices and existing system evaluation reports incur an additional <del>\$100</del> \$117 surcharge per OAR 340-071-0140</b>  |             |  |  |  |   |                      |           |
|      |    | <b>On-site sewage disposal systems:</b>  |             |  |  |  |   |                      |           |
| CDES | 1  | New site evaluation - single family dwelling   | \$ 1,032.00 |  |  |  |   | \$ 1,053.00          | 11/1/2024 |
| CDES | 2  | Site evaluation - springtime observation *   | \$ 560.00   |  |  |  |   | \$ 571.25            | 11/1/2024 |
|      |    | <b>Commercial Facility Systems:</b>  |             |  |  |  |   |                      |           |
| CDES | 3  | First 1,000 gallons projected daily sewage flow  | \$ 1,032.00 |  |  |  |   | \$ 1,053.00          | 11/1/2024 |
| CDES | 4  | For each additional 500 gallons or part thereof above 1,000 gallons projected daily sewage flow up to 5,000 gallons  | \$ 294.00   |  |  |  |   | \$ 300.00            | 11/1/2024 |
|      |    | Each fee paid for a site evaluation report entitles the applicant to as many site inspections on a single parcel or lot as are necessary to determine site suitability for a single system. The applicant may request additional site inspections within ninety (90) days of the initial site evaluation at no extra cost. Separate fees shall be required if site inspections are to determine site suitability for more than one (1) system on a single parcel or lot. |             |  |  |  |   |                      |           |
|      |    | <b>* Not subject to surcharge</b>  |             |  |  |  |   |                      |           |
|      |    | <b>Consultation Fee:</b>   |             |  |  |  |   |                      |           |
| CDES | 5  | Onsite Wastewater staff in office  | ACS         |  |  |  | based on loaded salary rate of staff performing the service |                      |           |
| CDES | 6  | Onsite Wastewater staff in the field (one hour minimum)  | ACS         |  |  |  | based on loaded salary rate of staff performing the service |                      |           |
|      |    | <b>Construction installation permit:</b>   |             |  |  |  |   |                      |           |
| CDES | 7  | First 1,000 gallons projected daily sewage flow - standard on-site system  | \$ 1,465.00 |  |  |  |   | \$ 1,495.00          | 11/1/2024 |
| CDES | 8  | For each additional 500 gallons or part thereof above 1,000 gallons  | \$ 214.00   |  |  |  |   | \$ 218.00            | 11/1/2024 |
|      |    | <b>Alternative systems:</b>  |             |  |  |  |   |                      |           |
| CDES | 9  | Alternative Treatment Technology (ATT) System to Drain Field   | \$ 2,063.00 |  |  |  |   | \$ 2,104.00          | 11/1/2024 |
| CDES | 10 | Alternative Treatment Technology (ATT) System to Sand Filter   | \$ 2,358.00 |  |  |  |   | \$ 2,405.00          | 11/1/2024 |
| CDES | 11 | Capping fill   | \$ 2,063.00 |  |  |  |   | \$ 2,104.00          | 11/1/2024 |
| CDES | 12 | Gray water waste disposal sump   | \$ 635.00   |  |  |  |   | \$ 648.00            | 11/1/2024 |
| CDES | 13 | Pressure distribution  | \$ 1,879.00 |  |  |  |   | \$ 1,917.00          | 11/1/2024 |
| CDES | 14 | Recirculating gravel filters   | \$ 2,510.00 |  |  |  |   | \$ 2,560.00          | 11/1/2024 |
| CDES | 15 | Sand filter  | \$ 2,358.00 |  |  |  |   | \$ 2,405.00          | 11/1/2024 |
| CDES | 16 | Seepage trench   | \$ 1,465.00 |  |  |  |   | \$ 1,494.00          | 11/1/2024 |
| CDES | 17 | Steep slope  | \$ 1,465.00 |  |  |  |   | \$ 1,494.00          | 11/1/2024 |
| CDES | 18 | Tile dewatering  | \$ 3,977.00 |  |  |  |   | \$ 4,057.00          | 11/1/2024 |
|      |    |  |             |  |  |  |   |                      |           |
| CDES | 19 | At the discretion of the Department, the permittee may be assessed a reinspection fee, not to exceed \$230.00, when a precover inspection correction notice requires correction of improper construction and at a subsequent inspection, the Department finds system construction deficiencies have not been corrected. The Department may elect not to make further precover inspections until the reinspection fee is paid.  | \$ 230.00   |  |  |  | maximum   | OAR 340-071-0170 (4) |           |
|      |    | <b>Commercial Facility Systems (includes ADU when combined with residential), Plan Review:</b>   |             |  |  |  |   |                      |           |
| CDES | 20 | For system with projected daily sewage flow of 600 gallons, but not more than 1,000 gallons projected daily sewage flow  | \$ 500.00   |  |  |  |   | \$ 510.00            | 11/1/2024 |
| CDES | 21 | For each additional 500 gallons or part thereof above 1,000 gallons to a maximum sewage flow limit of 5,000 gallons per day  | \$ 96.00    |  |  |  |   | \$ 98.00             | 11/1/2024 |
|      |    | <b>Residential Systems Variance, Plan Review</b>   |             |  |  |  |   |                      |           |
| CDES | 22 | For system with projected daily sewage flow of less than 600 gallons and is designed by certified professional.  | \$ 500.00   |  |  |  |   | \$ 510.00            | 11/1/2024 |
|      |    | <b>Permit Transfer, Re-instatement or Renewal:</b>   |             |  |  |  |   |                      |           |
| CDES | 23 | Field visit required   | \$ 500.00   |  |  |  |   | \$ 510.00            | 11/1/2024 |

|      |    |  |                      |  |  |  |          |                       |             |           |
|------|----|--|----------------------|--|--|--|----------|-----------------------|-------------|-----------|
| CDES | 24 | No field visit required  | \$ 331.00            |  |  |  |          |                       | \$ 338.00   | 11/1/2024 |
|      |    | <b>Alteration Permit</b>   |                      |  |  |  |          |                       |             |           |
| CDES | 25 | Major  | \$ 1,326.00          |  |  |  |          |                       | \$ 1,353.00 | 11/1/2024 |
| CDES | 26 | Minor  | \$ 662.00            |  |  |  |          |                       | \$ 675.00   | 11/1/2024 |
|      |    | <b>Repair Permit - single family dwelling</b>  |                      |  |  |  |          |                       |             |           |
| CDES | 27 | Major  | \$ 662.00            |  |  |  |          |                       | \$ 675.00   | 11/1/2024 |
| CDES | 28 | Minor  | \$ 413.00            |  |  |  |          |                       | \$ 421.00   | 11/1/2024 |
|      |    | <b>Authorization notice:</b>   |                      |  |  |  |          |                       |             |           |
| CDES | 29 | Field visit required   | \$ 796.00            |  |  |  |          |                       | \$ 812.00   | 11/1/2024 |
| CDES | 30 | No field visit required  | \$ 383.00            |  |  |  |          |                       | \$ 391.00   | 11/1/2024 |
|      |    | <b>Septic location approval:</b>   |                      |  |  |  |          |                       |             |           |
| CDES | 31 | Site/system verification - Field visit required  | \$ 413.00            |  |  |  |          |                       | \$ 421.00   | 11/1/2024 |
| CDES | 32 | No field visit required  | \$ 109.00            |  |  |  |          |                       | \$ 111.00   | 11/1/2024 |
| CDES | 33 | Pumper truck inspection*   | \$ 251.00            |  |  |  |          |                       | \$ 256.00   | 11/1/2024 |
| CDES | 34 | Existing system evaluation report  | \$ 663.00            |  |  |  |          |                       | \$ 677.00   | 11/1/2024 |
| CDES | 35 | Holding Tanks  | \$ 1,260.00          |  |  |  |          |                       | \$ 1,285.00 | 11/1/2024 |
|      |    | <b>Report Fees</b>   |                      |  |  |  |          |                       |             |           |
| CDES | 36 | Holding Tanks  | \$ 46.00             |  |  |  |          |                       | \$ 47.00    | 11/1/2024 |
| CDES | 37 | Other Alternative systems - Individual Customer and Service Providers  | \$ 96.00             |  |  |  |          | OAR 340-071-0130 (17) |             |           |
| CDES | 38 | Other Alternative Systems - Compliance Recovery Fee, <b>per each violation</b>   | \$ 125.00            |  |  |  |          | OAR 340-071-0140 (7)  |             |           |
| CDES | 39 | Septic tank abandonment inspection   | \$ 251.00            |  |  |  | per site |                       | \$ 256.00   | 11/1/2024 |
|      |    | CDD may charge twice the established fee for a septic permit or approval as a compliance recovery fee.   |                      |  |  |  |          | OAR 340-071-0140 (7)  |             |           |
|      |    | <p>Surcharges: 340-071-0140 Onsite System Fees</p> <p>(10) DEQ surcharge. (a) To offset a portion of the administrative and program oversight costs of the statewide onsite wastewater management program, DEQ and contract counties must levy a surcharge for each site evaluation, report permit and other activity for which an application is required in this division. The surcharge fee is listed in Table 9F as determined by DEQ. This surcharge does not apply to pumper truck inspections, annual report evaluation fees, or certification of installers or maintenance providers. Proceeds from surcharges collected by DEQ and contract counties must be accounted for separately. Each contract county must forward the proceeds to DEQ in accordance with its agreement with the DEQ.</p> |                      |  |  |  |          |                       |             |           |
|      |    | Activity   | Surcharge            |  |  |  |          |                       |             |           |
|      |    | <b>Site evaluation, for each site examined, based on a projected flow of: (Effective through July 2024)</b>  |                      |  |  |  |          |                       |             |           |
| CDES | 40 | A. 1,000 gallons or less   | <del>\$ 100.00</del> |  |  |  |          |                       |             |           |
| CDES | 41 | B. to 2,000 gallons  | <del>\$ 100.00</del> |  |  |  |          |                       |             |           |
| CDES | 42 | C. 2,001 to 3,000 gallons  | <del>\$ 100.00</del> |  |  |  |          |                       |             |           |
| CDES | 43 | D. 3,001 to 4,000 gallons  | <del>\$ 100.00</del> |  |  |  |          |                       |             |           |
| CDES | 44 | E. 4,001 gallons or more   | <del>\$ 100.00</del> |  |  |  |          |                       |             |           |
| CDES | 45 | Construction - installation permit   | <del>\$ 100.00</del> |  |  |  |          |                       |             |           |
| CDES | 46 | Renewal permit   | <del>\$ 100.00</del> |  |  |  |          |                       |             |           |
| CDES | 47 | Alteration permit  | <del>\$ 100.00</del> |  |  |  |          |                       |             |           |
| CDES | 48 | Authorization notice   | <del>\$ 100.00</del> |  |  |  |          |                       |             |           |
| CDES | 49 | Existing system evaluation report  | <del>\$ 100.00</del> |  |  |  |          |                       |             |           |
|      |    | <b>Site evaluation, for each site examined, based on a projected flow of: (Effective beginning August 2024)</b>  |                      |  |  |  |          |                       |             |           |
| CDES | 50 | A. 1,000 gallons or less   | \$ 117.00            |  |  |  |          |                       |             |           |
| CDES | 51 | B. to 2,000 gallons  | \$ 117.00            |  |  |  |          |                       |             |           |
| CDES | 52 | C. 2,001 to 3,000 gallons  | \$ 117.00            |  |  |  |          |                       |             |           |
| CDES | 53 | D. 3,001 to 4,000 gallons  | \$ 117.00            |  |  |  |          |                       |             |           |
| CDES | 54 | E. 4,001 gallons or more   | \$ 117.00            |  |  |  |          |                       |             |           |
| CDES | 55 | Construction - installation permit   | \$ 117.00            |  |  |  |          |                       |             |           |

|   |    |  |              |  |  |                                   |                 |              |           |
|---|----|--|--------------|--|--|-----------------------------------|-----------------|--------------|-----------|
| CDES  | 56 | Renewal permit   | \$ 117.00    |  |  |                                   |                 |              |           |
| CDES  | 57 | Alteration permit  | \$ 117.00    |  |  |                                   |                 |              |           |
| CDES  | 58 | Authorization notice   | \$ 117.00    |  |  |                                   |                 |              |           |
| CDES  | 59 | Existing system evaluation report  | \$ 117.00    |  |  |                                   |                 |              |           |
| <b>CDD - Planning Division</b>                                  |    |  |              |  |  |                                   |                 |              |           |
| CDPN  | 1  | Accessory Dwelling Unit Review   | \$ 861.00    |  |  |                                   |                 | \$ 878.00    | 11/1/2024 |
| CDPN  | 2  | Administrative determination with notice - Major   | \$ 2,347.00  |  |  |                                   |                 | \$ 2,394.00  | 11/1/2024 |
| CDPN  | 3  | Administrative determination with notice - Minor   | \$ 1,503.00  |  |  |                                   |                 | \$ 1,533.00  | 11/1/2024 |
| CDPN  | 4  | Administrative determination - EFU alteration of a dwelling; Historic ADU  | \$ 784.00    |  |  |                                   |                 | \$ 800.00    | 11/1/2024 |
| CDPN  | 5  | Appeals - Administrative   | \$ 250.00    |  |  | maximum                           | ORS 215.416(11) |              |           |
| CDPN  | 6  | Appeals to Board of Commissioners - Deposit  | \$ 4,069.00  |  |  | +20% of original fee/Deposit/ ACS |                 | \$ 4,150.00  | 11/1/2024 |
| CDPN  | 7  | Appeals to Board of Commissioners - not accepted   | ACS          |  |  |                                   |                 |              |           |
| CDPN  | 8  | Appeals - LUBA Remand Hearing  | \$ 5,000.00  |  |  | Deposit/ACS                       |                 |              |           |
| CDPN  | 9  | Conditional Use (template dwelling)  | \$ 4,272.00  |  |  |                                   |                 | \$ 4,357.00  | 11/1/2024 |
| CDPN  | 10 | Conditional Use (template dwelling proposed in Haner Park, Section 36, Skyline Subdivision, 1st edition and a portion of Squaw Creek Canyon Recreational Estates, 1st edition) | \$ 2,991.00  |  |  |                                   |                 | \$ 3,051.00  | 11/1/2024 |
| CDPN  | 11 | Conditional Use (Home Occupation - Type 1 for EFU or F Zone)   | \$ 1,533.00  |  |  |                                   |                 | \$ 1,564.00  | 11/1/2024 |
| CDPN  | 12 | Conditional Use (Home Occupation - Type 2)   | \$ 2,052.00  |  |  |                                   |                 | \$ 2,093.00  | 11/1/2024 |
| CDPN  | 13 | Conditional Use (Home Occupation - Type 3)   | \$ 4,177.00  |  |  |                                   |                 | \$ 4,261.00  | 11/1/2024 |
| CDPN  | 14 | Conditional Use (new destination resort)   | \$ 24,050.00 |  |  | or ACS                            |                 | \$ 24,531.00 | 11/1/2024 |
| CDPN  | 15 | Conditional Use (non-farm dwelling)  | \$ 5,312.00  |  |  |                                   |                 | \$ 5,418.00  | 11/1/2024 |
| CDPN  | 16 | Conditional Use (non-farm dwelling proposed in Squaw Creek Canyon Recreational Estates, 1st edition and Meadow Crest Acres)  | \$ 3,719.00  |  |  |                                   |                 | \$ 3,793.00  | 11/1/2024 |
| CDPN  | 17 | Conditional Use (power transmission line and communication tower or pole)  | \$ 7,291.00  |  |  | or ACS                            |                 | \$ 7,437.00  | 11/1/2024 |
| CDPN  | 18 | Conditional Use (P.U.D. or cluster development)  | \$ 8,842.00  |  |  |                                   |                 | \$ 9,019.00  | 11/1/2024 |
| CDPN  | 19 | Conditional Use (schools with 100 students or more)  | \$ 6,101.00  |  |  | or ACS                            |                 | \$ 6,223.00  | 11/1/2024 |
| CDPN  | 20 | Consultant Fee (for consultant or expert retained by County and paid for by applicant)   | ACS          |  |  |                                   |                 |              |           |
| CDPN  | 21 | Declaratory Ruling (status determined under Chap. 22.40)   | \$ 2,308.00  |  |  |                                   |                 | \$ 2,354.00  | 11/1/2024 |
| CDPN  | 22 | Declaratory Ruling for Destination Resorts   | ACS          |  |  |                                   |                 |              |           |
| CDPN  | 23 | Destination Resort Overnight Lodging Tracking (Eagle Crest)  | \$ 5,000.00  |  |  | Deposit/ACS                       |                 |              |           |
| CDPN  | 24 | Expedited Land Divisions   | \$ 6,864.00  |  |  | or ACS                            |                 | \$ 7,001.00  | 11/1/2024 |
| CDPN  | 25 | Extension Request  | \$ 563.00    |  |  |                                   |                 | \$ 574.00    | 11/1/2024 |
| CDPN  | 26 | Filming Activities   | \$ 4,976.00  |  |  |                                   |                 | \$ 5,076.00  | 11/1/2024 |
| CDPN  | 27 | Final Plat Review (all plats)  | \$ 203.00    |  |  | plus \$125 \$127 per lot          |                 | \$ 207.00    | 11/1/2024 |
| <b>Historic Landmarks Commission Public Hearing and Review:</b> |    |  |              |  |  |                                   |                 |              |           |
| CDPN  | 28 | Add historic structure/site to Goal 5 Inventory  | \$ 2,815.00  |  |  |                                   |                 | \$ 2,871.00  | 11/1/2024 |
| CDPN  | 29 | Appeal of Landmarks Commission Decision to Board   | \$ 1,322.00  |  |  |                                   |                 | \$ 1,348.00  | 11/1/2024 |
| CDPN  | 30 | Exterior alteration - major  | \$ 625.00    |  |  |                                   |                 | \$ 637.00    | 11/1/2024 |
| CDPN  | 31 | Delete Historic Site/Building from Goal 5 Inventory  | \$ 2,815.00  |  |  |                                   |                 | \$ 2,871.00  | 11/1/2024 |
| CDPN  | 32 | Demolish a Historic Landmark Structure   | \$ 2,815.00  |  |  |                                   |                 | \$ 2,871.00  | 11/1/2024 |
| CDPN  | 33 | Moving a Historic Landmark Structure   | \$ 625.00    |  |  |                                   |                 | \$ 637.00    | 11/1/2024 |
| <b>Historic Administrative Review (Staff)</b>                   |    |  |              |  |  |                                   |                 |              |           |
| CDPN  | 34 | Appeal of Administrative Decision  | \$ 250.00    |  |  | maximum                           | ORS 215.416(11) |              |           |
| CDPN  | 35 | Exterior Alteration - Pilot Butte Canal Historic District  | \$ 139.00    |  |  |                                   |                 | \$ 142.00    | 11/1/2024 |
| CDPN  | 36 | Exterior alteration - minor  | \$ 438.00    |  |  |                                   |                 | \$ 447.00    | 11/1/2024 |
| CDPN  | 37 | Improvement Agreement - Modified   | \$ 2,290.00  |  |  |                                   |                 | \$ 2,336.00  | 11/1/2024 |
| CDPN  | 38 | Improvement Agreement - New  | \$ 3,817.00  |  |  |                                   |                 | \$ 3,893.00  | 11/1/2024 |
| CDPN  | 39 | Land Use Verification Letter and/or Information Sheet  | \$ 339.00    |  |  |                                   |                 | \$ 346.00    | 11/1/2024 |
| CDPN  | 40 | Landscape Management Review (not visible from road or stream)  | \$ 861.00    |  |  |                                   |                 | \$ 878.00    | 11/1/2024 |
| CDPN  | 41 | Landscape Management Review (river)  | \$ 2,033.00  |  |  |                                   |                 | \$ 2,074.00  | 11/1/2024 |
| CDPN  | 42 | Landscape Management Review (road)   | \$ 1,448.00  |  |  |                                   |                 | \$ 1,477.00  | 11/1/2024 |



|      |    |   |              |  |  |  |                                   |                |              |           |
|------|----|---|--------------|--|--|--|-----------------------------------|----------------|--------------|-----------|
| CDPN | 43 | Landscape Management Review (property includes river frontage, applies to non-conforming river setbacks)            | \$ 3,051.00  |  |  |  |                                   |                | \$ 3,112.00  | 11/1/2024 |
| CDPN | 44 | Landscape Management Review (river setback exception)   | \$ 3,945.00  |  |  |  |                                   |                | \$ 4,024.00  | 11/1/2024 |
| CDPN | 45 | Landscape Management Review (and less than 50 feet from rimrock)  | \$ 2,808.00  |  |  |  |                                   |                | \$ 2,864.00  | 11/1/2024 |
| CDPN | 46 | Limited Land Use Decision   | \$ 6,864.00  |  |  |  | plus <del>\$38</del> \$39 per lot |                | \$ 7,001.00  | 11/1/2024 |
|      |    | <b>Limited Use Permit (Agri-tourism &amp; other events in EFU zone)</b>   |              |  |  |  |                                   |                |              |           |
| CDPN | 47 | Type 1 or Renewal of Type 1, 2 or 3   | \$ 784.00    |  |  |  |                                   |                | \$ 800.00    | 11/1/2024 |
| CDPN | 48 | Type 2  | \$ 1,533.00  |  |  |  |                                   |                | \$ 1,563.00  | 11/1/2024 |
| CDPN | 49 | Type 3  | \$ 1,533.00  |  |  |  |                                   |                | \$ 1,563.00  | 11/1/2024 |
| CDPN | 50 | Lot of Record Verification (each proposed lot)  | \$ 1,411.00  |  |  |  |                                   |                | \$ 1,439.00  | 11/1/2024 |
| CDPN | 51 | Major Code Change (applicant will be billed for M56 Notice)   | \$ 17,994.00 |  |  |  | plus ACS (Notice)                 |                | \$ 18,354.00 | 11/1/2024 |
| CDPN | 52 | Master Plan (including final master plan for destination resort)  | \$ 8,966.00  |  |  |  |                                   |                | \$ 9,145.00  | 11/1/2024 |
| CDPN | 53 | Master Plan (ORS 197 - Skyline Forest)  | \$ 31,296.00 |  |  |  |                                   |                | \$ 31,922.00 | 11/1/2024 |
| CDPN | 54 | Minor code changes  | \$ 9,038.00  |  |  |  |                                   |                | \$ 9,219.00  | 11/1/2024 |
| CDPN | 55 | Modification of Conditions  | \$ 2,347.00  |  |  |  |                                   |                | \$ 2,395.00  | 11/1/2024 |
| CDPN | 56 | Modification of Submitted Application   | \$ 1,503.00  |  |  |  |                                   |                | \$ 1,533.00  | 11/1/2024 |
| CDPN | 57 | No Shooting Zone  | \$ 4,469.00  |  |  |  |                                   |                | \$ 4,558.00  | 11/1/2024 |
| CDPN | 58 | Noise Ordinance Variance/Permit   | \$ 2,347.00  |  |  |  |                                   |                | \$ 2,394.00  | 11/1/2024 |
| CDPN | 59 | Noise Ordinance Variance Appeal   | \$ 1,357.00  |  |  |  |                                   |                | \$ 1,384.00  | 11/1/2024 |
| CDPN | 60 | Non-Conforming Use Alteration (without prior verification)  | \$ 3,098.00  |  |  |  |                                   |                | \$ 3,160.00  | 11/1/2024 |
| CDPN | 61 | Non-Conforming Use Verification   | \$ 2,467.00  |  |  |  |                                   |                | \$ 2,516.00  | 11/1/2024 |
| CDPN | 62 | Non-Conforming Use Alteration (with prior verification)   | \$ 2,467.00  |  |  |  |                                   |                | \$ 2,516.00  | 11/1/2024 |
| CDPN | 63 | Non-Conforming Use Verification (River/Wetland/Flood Plain)   | \$ 4,565.00  |  |  |  |                                   |                | \$ 4,656.00  | 11/1/2024 |
| CDPN | 64 | Outdoor Mass Gathering  | \$ 4,469.00  |  |  |  |                                   |                | \$ 4,558.00  | 11/1/2024 |
| CDPN | 65 | Outdoor Mass Gathering Renewal  | \$ 555.00    |  |  |  |                                   |                | \$ 566.00    | 11/1/2024 |
| CDPN | 66 | Extended Outdoor Mass Gathering   | \$ 4,469.00  |  |  |  |                                   |                | \$ 4,558.00  | 11/1/2024 |
| CDPN | 67 | Extended Outdoor Mass Gathering Renewal   | \$ 806.00    |  |  |  |                                   |                | \$ 822.00    | 11/1/2024 |
| CDPN | 68 | Partition   | \$ 4,976.00  |  |  |  | plus <del>\$54</del> \$55 per lot |                | \$ 5,076.00  | 11/1/2024 |
| CDPN | 69 | Petition for Incorporation  | \$ 16,286.00 |  |  |  |                                   | ORS 197.175    | \$ 16,612.00 | 11/1/2024 |
|      |    | <b>Permit sign-off for other agency (Role change, Land Use Compatibility Statement, DMV, Water Resources, etc.)</b> |              |  |  |  |                                   |                |              |           |
| CDPN | 70 | Land Use  | \$ 2,347.00  |  |  |  |                                   |                | \$ 2,394.00  | 11/1/2024 |
| CDPN | 71 | LUCS sign off   | \$ 139.00    |  |  |  |                                   |                | \$ 142.00    | 11/1/2024 |
| CDPN | 72 | Renewal   | \$ 55.00     |  |  |  |                                   |                | \$ 56.00     | 11/1/2024 |
| CDPN | 73 | Plan Amendment (without goal exception)   | \$ 11,670.00 |  |  |  |                                   |                | \$ 11,903.00 | 11/1/2024 |
| CDPN | 74 | Plan Amendment (including goal exception/UGB expansion)   | \$ 16,286.00 |  |  |  | or ACS                            |                | \$ 16,612.00 | 11/1/2024 |
| CDPN | 75 | Planning Inspection Fee   | \$ 1,174.00  |  |  |  |                                   |                | \$ 1,197.00  | 11/1/2024 |
| CDPN | 76 | Pre-application meeting   | ACS          |  |  |  |                                   |                |              |           |
| CDPN | 77 | Property Line Adjustment  | \$ 861.00    |  |  |  |                                   |                | \$ 878.00    | 11/1/2024 |
| CDPN | 78 | Property Line Adjustment with notice  | \$ 1,503.00  |  |  |  |                                   |                | \$ 1,533.00  | 11/1/2024 |
| CDPN | 79 | Property Line Adjustment (consolidation)  | \$ 657.00    |  |  |  |                                   |                | \$ 670.00    | 11/1/2024 |
| CDPN | 80 | Reconsideration by Hearing Officer  | \$ 1,863.00  |  |  |  |                                   |                | \$ 1,900.00  | 11/1/2024 |
| CDPN | 81 | Recreational Vehicle Used for Residential Purposes  | \$ 861.00    |  |  |  |                                   |                | \$ 878.00    | 11/1/2024 |
| CDPN | 82 | Rimrock Setback Site Plan (within 50 feet of rim outside LM zone)   | \$ 1,409.00  |  |  |  |                                   |                | \$ 1,437.00  | 11/1/2024 |
| CDPN | 83 | Road Dedication   | \$ 1,503.00  |  |  |  |                                   |                | \$ 1,533.00  | 11/1/2024 |
| CDPN | 84 | Road Name Change  | \$ 1,409.00  |  |  |  |                                   |                | \$ 1,437.00  | 11/1/2024 |
| CDPN | 85 | Road Vacation without public hearing  | \$ 1,770.00  |  |  |  |                                   | ORS 368.341(4) | \$ 1,805.00  | 11/1/2024 |
| CDPN | 86 | Road Vacation with public hearing   | \$ 3,540.00  |  |  |  |                                   | ORS 368.341(4) | \$ 3,611.00  | 11/1/2024 |
| CDPN | 87 | Sign Permit   | \$ 806.00    |  |  |  |                                   |                | \$ 822.00    | 11/1/2024 |
| CDPN | 88 | Sign Permit (change of approved sign)   | \$ 242.00    |  |  |  |                                   |                | \$ 247.00    | 11/1/2024 |
| CDPN | 89 | Sign Permit with Variance   | \$ 1,987.00  |  |  |  |                                   |                | \$ 2,027.00  | 11/1/2024 |

|      |     |  |              |  |  |  |                        |                 |              |           |
|------|-----|--|--------------|--|--|--|------------------------|-----------------|--------------|-----------|
| CDPN | 90  | Similar Use Ruling   | \$ 2,191.00  |  |  |  |                        |                 | \$ 2,235.00  | 11/1/2024 |
|      |     | <b>Site Plan:</b>  |              |  |  |  |                        |                 |              |           |
| CDPN | 91  | Alteration or Enlargement of 25% or less (in structural area or required parking)** if site conforms with all existing standards | \$ 1,503.00  |  |  |  |                        |                 | \$ 1,533.00  | 11/1/2024 |
| CDPN | 92  | Alteration or Enlargement, 26% to 100% (in structural area or required parking)**  | \$ 3,592.00  |  |  |  |                        |                 | \$ 3,664.00  | 11/1/2024 |
| CDPN | 93  | Alteration or Enlargement of over 100% (in structural area or required parking)**  | \$ 4,976.00  |  |  |  |                        |                 | \$ 5,076.00  | 11/1/2024 |
| CDPN | 94  | Change of Use (no change in structural area or required parking) site conforms with all existing standards                       | \$ 1,503.00  |  |  |  |                        |                 | \$ 1,533.00  | 11/1/2024 |
| CDPN | 95  | Site Plan with New Development** (no previous site plan approval)  | \$ 5,774.00  |  |  |  |                        |                 | \$ 5,889.00  | 11/1/2024 |
|      |     | **All new site plans and major and minor alterations are subject to the following additional fees:                               |              |  |  |  |                        |                 |              |           |
| CDPN | 96  | Per 1,000 sq. feet of structure  | \$ 79.00     |  |  |  |                        |                 | \$ 81.00     | 11/1/2024 |
| CDPN | 97  | Per developed acre (over 1 acre)   | \$ 188.00    |  |  |  | over 1 acre            |                 | \$ 192.00    | 11/1/2024 |
| CDPN | 98  | Site Plan/Surface Mining   | \$ 6,768.00  |  |  |  |                        |                 | \$ 6,903.00  | 11/1/2024 |
|      |     | <b>Site Plan/Surface Mining Combining Zone (SMIA):</b>   |              |  |  |  |                        |                 |              |           |
| CDPN | 99  | 1/4 mile from mining site and two dwellings closer   | \$ 806.00    |  |  |  |                        |                 | \$ 822.00    | 11/1/2024 |
| CDPN | 100 | 250 feet to 1/4 mile from mining site  | \$ 1,409.00  |  |  |  |                        |                 | \$ 1,437.00  | 11/1/2024 |
| CDPN | 101 | Within 250 feet of mining site or special ESEE standards apply   | \$ 2,456.00  |  |  |  |                        |                 | \$ 2,505.00  | 11/1/2024 |
| CDPN | 102 | Site Plan/Wildlife Review  | \$ 1,503.00  |  |  |  |                        |                 | \$ 1,533.00  | 11/1/2024 |
| CDPN | 103 | Partition/subdivision SMIA review  | \$ 1,566.00  |  |  |  |                        |                 | \$ 1,597.00  | 11/1/2024 |
| CDPN | 104 | Solar Access Permit  | \$ 1,260.00  |  |  |  |                        |                 | \$ 1,285.00  | 11/1/2024 |
| CDPN | 105 | Solar Shade Exemption  | \$ 2,458.00  |  |  |  |                        |                 | \$ 2,507.00  | 11/1/2024 |
| CDPN | 106 | Solar Variance   | \$ 1,503.00  |  |  |  |                        |                 | \$ 1,533.00  | 11/1/2024 |
| CDPN | 107 | Special operating permit   | \$ 3,529.00  |  |  |  |                        |                 | \$ 3,600.00  | 11/1/2024 |
| CDPN | 108 | Subdivision Name Change  | \$ 1,503.00  |  |  |  |                        |                 | \$ 1,533.00  | 11/1/2024 |
| CDPN | 109 | Subdivision (cemetery)   | \$ 3,826.00  |  |  |  |                        |                 | \$ 3,903.00  | 11/1/2024 |
| CDPN | 110 | Subdivision Replat   | \$ 3,960.00  |  |  |  | plus \$54 \$55 per lot |                 | \$ 4,039.00  | 11/1/2024 |
| CDPN | 111 | Subdivision (Tentative Plat)   | \$ 8,842.00  |  |  |  | plus \$64 \$65 per lot |                 | \$ 9,019.00  | 11/1/2024 |
|      |     | <b>Temporary Use:</b>  |              |  |  |  |                        |                 |              |           |
| CDPN | 112 | All other  | \$ 1,503.00  |  |  |  |                        |                 | \$ 1,533.00  | 11/1/2024 |
| CDPN | 113 | Land Use Permit  | \$ 1,503.00  |  |  |  |                        |                 | \$ 1,533.00  | 11/1/2024 |
| CDPN | 114 | Manufactured Home Storage  | \$ 546.00    |  |  |  |                        |                 | \$ 557.00    | 11/1/2024 |
| CDPN | 115 | Temporary Residence For Medical Condition  | \$ 861.00    |  |  |  |                        |                 | \$ 878.00    | 11/1/2024 |
| CDPN | 116 | Temporary Residence for Medical Condition/Hardship Dwelling EFU or Forest Zone   | \$ 1,363.00  |  |  |  |                        |                 | \$ 1,390.00  | 11/1/2024 |
| CDPN | 117 | RV as Temporary Residence  | \$ 546.00    |  |  |  |                        | DCC 18.116.095  | \$ 557.00    | 11/1/2024 |
| CDPN | 118 | RV as Temporary Residence Renewal  | \$ 173.00    |  |  |  |                        | DCC 18.116.095  | \$ 176.00    | 11/1/2024 |
| CDPN | 119 | Variance   | \$ 4,224.00  |  |  |  |                        |                 | \$ 4,308.00  | 11/1/2024 |
| CDPN | 120 | Variance Type II (variance from less than 25% of the standards in urban area/less than 10% of standards in the county)           | \$ 2,456.00  |  |  |  |                        |                 | \$ 2,505.00  | 11/1/2024 |
| CDPN | 121 | Zone Change  | \$ 11,437.00 |  |  |  | plus ACS (notice)      |                 | \$ 11,666.00 | 11/1/2024 |
|      |     | <b>Note:</b> Where ACS is noted, applicant may be required to pay an advance deposit reflecting the estimated cost of service.   |              |  |  |  |                        |                 |              |           |
| CDPN | 122 | Oregon Liquor and Cannabis Commission License - Original Application   | \$ 100.00    |  |  |  | maximum                | ORS 471.166 (8) |              |           |
| CDPN | 123 | Oregon Liquor and Cannabis Commission License - Change in Ownership, Location or Privilege                                       | \$ 75.00     |  |  |  | maximum                | ORS 471.166 (8) |              |           |
| CDPN | 124 | Oregon Liquor and Cannabis Commission License - Renewal or Temporary Application   | \$ 35.00     |  |  |  | maximum                | ORS 471.166 (8) |              |           |
|      |     | <b>Public Health - Environmental Health Division</b>   |              |  |  |  |                        |                 |              |           |
|      |     | <b>LICENSES:</b> Food Service  |              |  |  |  |                        |                 |              |           |

|    |    |   |             |  |  |           |                 |             |           |
|----|----|---|-------------|--|--|-----------|-----------------|-------------|-----------|
|    |    | <b>Note:</b> A supplementary inspection charge equal to 50% of the annual license fee shall be assessed for each complete inspection required because of failure to meet applicable standards when such complete inspection is performed during the license period in addition to the two semi-annual inspections normally performed. Charges accrued and not paid during the current license period will be added to the license fee for the next license period and will be subject to the late penalties specified. New licensees will not be assessed any surcharges accrued by the previous license holder. Any licensed facility opened in Oct/Nov/Dec will be charged 1/2 fee. |             |  |  |           |                 |             |           |
|    |    | <b>Full service restaurant seating:</b>   |             |  |  |           |                 |             |           |
| EH | 1  | 0 - 15  | \$ 944.32   |  |  |           |                 | \$ 1,020.00 | 10/1/2024 |
| EH | 2  | 16 - 50   | \$ 1,032.72 |  |  |           |                 | \$ 1,116.00 | 10/1/2024 |
| EH | 3  | 51 - 150  | \$ 1,237.60 |  |  |           |                 | \$ 1,337.00 | 10/1/2024 |
| EH | 4  | 151 and over  | \$ 1,399.84 |  |  |           |                 | \$ 1,512.00 | 10/1/2024 |
| EH | 5  | Commissary  | \$ 380.64   |  |  |           |                 | \$ 412.00   | 10/1/2024 |
| EH | 6  | Warehouse   | \$ 304.72   |  |  |           |                 | \$ 330.00   | 10/1/2024 |
| EH | 7  | Limited service   | \$ 774.80   |  |  |           |                 | \$ 837.00   | 10/1/2024 |
|    |    | Government Entities - fee is 100% of full service restaurant fees, based on restaurant seating.   |             |  |  |           | Senate Bill 631 |             |           |
|    |    | <b>Mobile Unit Annual Operating License per OAR 333-162-0020</b>  |             |  |  |           |                 |             |           |
| EH | 8  | Class I   | \$ 341.00   |  |  |           |                 | \$ 369.00   | 10/1/2024 |
| EH | 9  | Class II  | \$ 400.40   |  |  |           |                 | \$ 433.00   | 10/1/2024 |
| EH | 10 | Class III   | \$ 571.20   |  |  |           |                 | \$ 617.00   | 10/1/2024 |
| EH | 11 | Class IV  | \$ 742.30   |  |  |           |                 | \$ 802.00   | 10/1/2024 |
|    |    | <b>Temporary Restaurant License</b>   |             |  |  |           |                 | \$ -        |           |
| EH | 12 | Temporary Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify  | \$ 60.32    |  |  | per event |                 | \$ 66.00    | 10/1/2024 |
| EH | 13 | Temporary for Profit  | \$ 191.36   |  |  | per event |                 | \$ 207.00   | 10/1/2024 |
| EH | 14 | Temporary Prior to Event: Temporary Restaurant Applications must be received at least 7 calendar days before the day the event starts.  | \$ 122.72   |  |  | per event |                 | \$ 133.00   | 10/1/2024 |
| EH | 15 | Temporary at Event (operating without a license)  | \$ 304.72   |  |  | per event |                 | \$ 330.00   | 10/1/2024 |
| EH | 16 | Temporary Event - Events with five or more applicants (received 7 calendar days before the event)   | \$ 106.08   |  |  | per event |                 | \$ 115.00   | 10/1/2024 |
| EH |    | Exempt Foods Agreement Form Fee - foods exempt from licensure but still requiring review  | \$ 45.00    |  |  |           |                 | \$ 49.00    | 10/1/2024 |
|    |    | <b>Seasonal or Intermittent Temporary Restaurant License</b>  |             |  |  |           |                 |             |           |
| EH | 18 | Seasonal/Intermittent Temporary Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify  | \$ 94.64    |  |  |           |                 | \$ 103.00   | 10/1/2024 |
| EH | 19 | Seven days or more before event start date (for profit)   | \$ 191.36   |  |  |           |                 | \$ 207.00   | 10/1/2024 |
| EH | 20 | Less than seven days before event start date (for profit)   | \$ 227.76   |  |  |           |                 | \$ 246.00   | 10/1/2024 |
| EH | 21 | Operational Review (for profit)   | \$ 127.92   |  |  |           |                 | \$ 139.00   | 10/1/2024 |
|    |    | Operational Review Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify   |             |  |  |           |                 |             |           |
| EH | 22 | Re-check fee for Temporary Restaurant   | \$ 127.92   |  |  |           |                 | \$ 139.00   | 10/1/2024 |
|    |    | <b>School Cafeteria &amp; Kitchens:</b>   |             |  |  |           |                 |             |           |
| EH | 23 | School Inspection (production kitchen)  | \$ 304.72   |  |  |           |                 | \$ 330.00   | 10/1/2024 |
| EH | 24 | School Inspection (satellite branch)  | \$ 227.76   |  |  |           |                 | \$ 246.00   | 10/1/2024 |
| EH | 25 | Bed and breakfast (food facility)   | \$ 570.96   |  |  |           |                 | \$ 617.00   | 10/1/2024 |
|    |    | <b>Vending machines (of potentially hazardous foods):</b>   |             |  |  |           |                 |             |           |
| EH | 26 | 1 - 10  | \$ 183.04   |  |  |           |                 | \$ 198.00   | 10/1/2024 |
| EH | 27 | 11 - 20   | \$ 242.32   |  |  |           |                 | \$ 262.00   | 10/1/2024 |
| EH | 28 | 21 - 30   | \$ 304.72   |  |  |           |                 | \$ 330.00   | 10/1/2024 |
| EH | 29 | 31 - 40   | \$ 366.08   |  |  |           |                 | \$ 396.00   | 10/1/2024 |
| EH | 30 | 41 - 50   | \$ 424.32   |  |  |           |                 | \$ 459.00   | 10/1/2024 |
| EH | 31 | Food handlers certification   | \$ 10.00    |  |  |           |                 | \$ 11.00    | 10/1/2024 |
| EH | 32 | Certification card replacement  | \$ 5.00     |  |  |           |                 | \$ 6.00     | 10/1/2024 |
|    |    | <b>Plan Review-prior to construction</b>  |             |  |  |           |                 |             |           |
| EH | 33 | New (restaurant)  | \$ 761.28   |  |  |           |                 | \$ 823.00   | 10/1/2024 |
| EH | 34 | Remodel (restaurant)  | \$ 456.56   |  |  |           |                 | \$ 494.00   | 10/1/2024 |
| EH | 35 | School cafeteria plan review  | \$ 761.28   |  |  |           |                 | \$ 823.00   | 10/1/2024 |

|    |    |  |           |  |  |  |                            |           |           |
|----|----|--|-----------|--|--|--|----------------------------|-----------|-----------|
| EH | 36 | Childcare Plan Review  | \$ 303.68 |  |  |  |                            | \$ 328.00 | 10/1/2024 |
| EH | 37 | Childcare Remodel Plan   | \$ 114.40 |  |  |  |                            | \$ 124.00 | 10/1/2024 |
| EH | 38 | Commissary/Base of Operation   | \$ 380.64 |  |  |  |                            | \$ 412.00 | 10/1/2024 |
| EH | 39 | Tourist Facility Plan review   | \$ 304.72 |  |  |  |                            | \$ 330.00 | 10/1/2024 |
| EH | 40 | Non-profit organization plan review  | \$ 380.64 |  |  |  |                            | \$ 412.00 | 10/1/2024 |
|    |    | <b>Mobile Food Unit (review of mobile unit plan prior to construction)</b>   |           |  |  |  |                            |           |           |
| EH | 41 | Class I  | \$ 327.60 |  |  |  |                            | \$ 354.00 | 10/1/2024 |
| EH | 42 | Class II   | \$ 409.76 |  |  |  |                            | \$ 443.00 | 10/1/2024 |
| EH | 43 | Class III  | \$ 570.96 |  |  |  |                            | \$ 617.00 | 10/1/2024 |
| EH | 44 | Class IV   | \$ 606.32 |  |  |  |                            | \$ 655.00 | 10/1/2024 |
|    |    | <b>Note:</b> A penalty of \$150.00 shall be added if payment is 30 days after the license expiration date. An additional penalty of \$150.00 shall be added on the first day of each succeeding month of delinquency.  |           |  |  |  |                            |           |           |
|    |    | <b>Tourist facilities:</b>   |           |  |  |  |                            |           |           |
| EH | 45 | Organizational camp or picnic park   | \$ 205.92 |  |  |  | plus fee for each space    | \$ 223.00 | 10/1/2024 |
|    |    | Traveler's accommodation   |           |  |  |  |                            |           |           |
| EH | 46 | 1-25 units   | \$ 364.80 |  |  |  |                            | \$ 394.00 | 10/1/2024 |
| EH | 47 | 26-50 units  | \$ 445.50 |  |  |  |                            | \$ 482.00 | 10/1/2024 |
| EH | 48 | 51-75 units  | \$ 538.50 |  |  |  |                            | \$ 582.00 | 10/1/2024 |
| EH | 49 | 76-100 units   | \$ 656.20 |  |  |  |                            | \$ 709.00 | 10/1/2024 |
| EH | 50 | 101+ units   | \$ 656.20 |  |  |  | plus \$3.00/unit over 100  | \$ 709.00 | 10/1/2024 |
|    |    | Recreation park  |           |  |  |  |                            | \$ -      | 10/1/2024 |
| EH | 51 | 1-25 units   | \$ 393.12 |  |  |  |                            | \$ 425.00 | 10/1/2024 |
| EH | 52 | 26-50 units  | \$ 517.92 |  |  |  |                            | \$ 560.00 | 10/1/2024 |
| EH | 53 | 51-75 units  | \$ 615.68 |  |  |  |                            | \$ 665.00 | 10/1/2024 |
| EH | 54 | 76-100 units   | \$ 749.84 |  |  |  |                            | \$ 810.00 | 10/1/2024 |
| EH | 55 | 101+ units   | \$ 749.84 |  |  |  | plus \$2.00/unit over 100  | \$ 810.00 | 10/1/2024 |
|    |    | <b>Note:</b> Any person initially licensed under ORA 446.310 to 446.350 for engaging in the recreation park or travelers accommodation business who has failed to renew a license on or before the expiration date is delinquent. If delinquency extends 15 days past the expiration date, a penalty fee of 50% of the annual license fee shall be added. The penalty fee shall be increased by 50% of the license fee on the first day of each succeeding month of delinquency. |           |  |  |  |                            |           |           |
|    |    | <b>Swimming Pools:</b>   |           |  |  |  |                            |           |           |
| EH | 56 | License (first public pool, spa, bathhouse)  | \$ 875.68 |  |  |  |                            | \$ 946.00 | 10/1/2024 |
| EH | 57 | Second pool or spa (same location)   | \$ 584.48 |  |  |  |                            | \$ 632.00 | 10/1/2024 |
| EH | 58 | Additional pools or spas (same location)   | \$ 522.08 |  |  |  |                            | \$ 564.00 | 10/1/2024 |
| EH | 59 | Pool plan review fee   | \$ 698.88 |  |  |  |                            | \$ 755.00 | 10/1/2024 |
| EH | 60 | Pool construction inspections  | \$ 698.88 |  |  |  |                            | \$ 755.00 | 10/1/2024 |
| EH | 61 | Surcharges for pools, spas & tourist facilities will be based on the amount set forth by the Oregon Health Division for local govts..  | Varies    |  |  |  |                            |           |           |
|    |    | <b>Miscellaneous:</b>  |           |  |  |  |                            |           |           |
| EH | 62 | Children's Service: Foster/Child Care Center Inspection  | \$ 304.72 |  |  |  |                            | \$ 330.00 | 10/1/2024 |
| EH | 63 | Fee for licensed facility that requires + two re-check inspections / year  | \$ 227.76 |  |  |  |                            | \$ 246.00 | 10/1/2024 |
| EH | 64 | Miscellaneous Inspection or Plan Review  | \$ 304.72 |  |  |  |                            | \$ 330.00 | 10/1/2024 |
| EH | 65 | Limited Inspection or Plan Review  | ACS       |  |  |  |                            |           |           |
| EH | 66 | Outdoor Mass Gathering   | \$ 304.72 |  |  |  |                            | \$ 330.00 | 10/1/2024 |
| EH | 67 | Convenience/Handling Fee (On-line renewal of license)  | Varies    |  |  |  | 3.4% of transaction amount |           |           |
| EH | 68 | Food Manager Training & Certification  | \$ 125.00 |  |  |  |                            |           |           |
| EH | 69 | Food Manager Training (no book, no exam or missed class)   | \$ 50.00  |  |  |  |                            |           |           |
| EH | 70 | Food Manager Training (paper or online exam only)  | \$ 50.00  |  |  |  |                            |           |           |

|     |    |   |             |  |  |  |                                     |     |           |
|-----|----|---|-------------|--|--|--|-------------------------------------|-----|-----------|
| EH  | 71 | Food Manager Training (class, exam, no book)  | \$ 100.00   |  |  |  |                                     |     |           |
|     |    |   |             |  |  |  |                                     |     |           |
| EH  | 72 | Food Manager Training (book & exam);minimum 10 attendees  | \$ 1,250.00 |  |  |  | Plus \$110.00 per student / over 10 |     |           |
|     |    | Note: A penalty of \$150.00 shall be added if payment is 30 days after the license expiration date.<br>An additional penalty of \$150.00 shall be added on the first day of each succeeding month of delinquency. |             |  |  |  |                                     |     |           |
|     |    | <b>Information Technology</b>   |             |  |  |  |                                     |     |           |
| NEW | 1  | Consultation by IT Staff  | \$ -        |  |  |  | 1                                   | ACS | 10/1/2024 |



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 25, 2024

**SUBJECT:** Public Hearing: Highway 97 Mini-Storage Text Amendment

**RECOMMENDED MOTIONS:**

Open the public hearing to gather testimony on file no. 247-23-000732-TA.

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.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Board of County Commissioners will hold a public hearing on September 25, 2024, to gather testimony regarding file no. 247-23-000732-TA. The proposal is an applicant-initiated text amendment to allow mini-storage as a conditional use in certain areas of the MUA-10 zone along Highway 97.

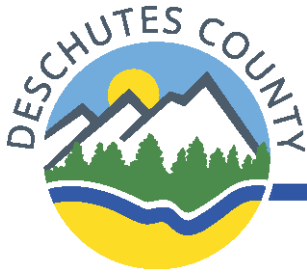
The full record is located on the project hearing page: [www.deschutes.org/Hwy97Storage](http://www.deschutes.org/Hwy97Storage).

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

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



## COMMUNITY DEVELOPMENT

### MEMORANDUM

**TO:** Deschutes County Board of Commissioners ("Board")

**FROM:** Nicole Mardell, AICP, Senior Planner

**DATE:** September 18, 2024

**SUBJECT:** Public Hearing: Mini-Storage in MUA-10 Zone Adjacent to Hwy 97

The Board will conduct a public hearing to gather testimony on this proposal during the Board's regularly scheduled meeting on September 25, 2024, in the Barnes and Sawyer Rooms, 1300 NW Wall Street, Bend and virtually via zoom. The proposal is an applicant-initiated legislative amendment. The applicant seeks to allow mini-storage as a conditional use on certain MUA-10 properties adjacent to U.S. Highway 97 (file no. 247-23-000732-TA). There is a separate applicant-initiated text amendment to allow mini-storage along Highway 20, which is not associated with this application.

All record materials can be found on the project website: <http://www.deschutes.org/Hwy97Storage>.

#### I. PROPOSAL

In October 2023, the applicant Schwabe, Williamson, and Wyatt, applied for a legislative amendment related to mini-storage in the Multiple Use Agricultural – 10 Acre Minimum (MUA-10) zone. Attached to this memo are the applicant's proposed amendments (Attachment A), proposed findings (Attachment B), and a map of eligible properties (Attachment C). The applicant proposes to add mini-storage as a conditional use in the zone, if the following siting criteria are met:

- The property is at least 10 acres in size and no greater than 30 acres in size
  - (multiple contiguous parcels may be considered in the aggregate to meet the requirements of this section);
- Adjacent to State Highway 97;
- Within 2,500 feet of an urban growth boundary (UGB); and
- The property is not within an urban reserve area<sup>1</sup>.

In addition to these locational criteria, future applications would also need to comply with requirements for 18.128 Conditional Uses, including the general compatibility standards (18.128.015) and specific

<sup>1</sup> The applicant amended their proposal to include this criterion during the Planning Commission review process.

requirements for mini-storage uses (18.128.300) related to screening, parking, and landscaping (Attachment D). The Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) was sent on April 18, 2024.

## II. BACKGROUND

Mini-storage is defined in the Deschutes County Code as “commercial development of multiple storage units for rental to the public”.<sup>2</sup> The table below summarizes the existing zones in which the use is allowed and related siting standards or requirements.

| Zone                                 | Standards / Requirements  |
|--------------------------------------|---|
| <b>Unincorporated Communities</b>    |   |
| Terrebonne Commercial (TeC)          | Conditional use, limited to buildings not exceeding 4,000 square feet of floor space with no exterior displays or storage of industrial equipment, vehicles, or products.   |
| Terrebonne Commercial – Rural (TeCR) | Conditional use, limited to buildings not exceeding 10,000 square feet of floor space. Additional compatibility, traffic, and parking requirements. Additional requirements for large scale use if over 4,000 square feet.      |
| Terrebonne Industrial (Tul)          | Allowed subject to site plan review, not to exceed 40,000 square feet of floor area. 50-foot setback from residential properties. Maximum 45-foot height adjacent to residential properties. Design and compatibility criteria. |
| Sunriver Business Park (SUBP)        | Conditional use, limited to buildings not exceeding 20,000 square feet of floor area. Additional limitations related to traffic and screening. Additional setbacks required when adjacent to residential uses.                  |
| <b>Other Zones</b>                   |   |
| Rural Commercial (RC)                | Conditional use, limited to 2,500 square feet in Spring River, 35,000 square feet in other RC zoned areas. Additional setbacks required when adjacent to farm and forest land.  |
| Rural Industrial (RI)                | Conditional use, limited to 7,500 square feet. Requirements related to traffic, parking, ingress/egress, screening, hours of operation. Additional setbacks required when adjacent to residential uses.                         |

With the exception of the Terrebonne Industrial zone, mini-storage is generally allowed through a conditional use permit in Deschutes County and contains zone-specific criteria in addition to the general criteria.

<sup>2</sup> 18.04 Definitions



### III. SUMMARY OF TESTIMONY

Notice of the public hearing was sent to agencies on May 28, 2024 and posted in the Bend Bulletin on June 10 and again on September 11, 2024. Comments from the following agencies were received:

- Oregon Department of Transportation (ODOT): noted that access would need to be addressed at the time of individual property development, if the amendment moved forward. Requested additional transportation analysis and trip generation rates for mini-storage facilities.
- City of Redmond: sought clarification regarding properties that may be eligible for the proposed text amendment that are in the Redmond Urban Reserve Area (RURA). This area is intended to be an urban holding zone and identifies priority lands for future urban growth boundary expansions.

One member of the public provided oral testimony during the hearing, expressing concern regarding the proposal and expressed concerns regarding compliance with Goal 14, limiting urban uses on rural land.

Two written comments were received. Central Oregon Landwatch raised additional concerns regarding compliance with Comprehensive Plan goals and policies, Statewide Planning Goal 5, and compatibility with the zone's purpose statement. An additional comment expressed opposition due to aesthetics of storage facilities and lack of need for facilities in rural areas.

During the hearing, the applicant clarified they are amending the proposal to exclude property in urban reserve areas from eligibility. The applicant provided additional information during the open record period following the hearing, including a transportation analysis and additional findings related to issues raised in public comment

An additional agency comment was received following the Planning Commission process from the County's Senior Transportation Planner and provided context on additional transportation analysis needed prior to development, if the amendment were to move forward.

### IV. PLANNING COMMISSION REVIEW

Staff presented information on the proposed amendments at a Planning Commission work session on June 13, 2024<sup>3</sup>. The Planning Commission had scheduled a public hearing on June 27<sup>4</sup> although the hearing was continued to July 11<sup>5</sup> due to a lack of quorum. Following public testimony, the Commission closed the oral portion of the hearing and left the record open until July 18 at 4:00 p.m.

The Planning Commission held deliberations on August 8<sup>6</sup>, ultimately voting 4-0 to approve the amendments, with the additional criteria to exclude urban reserve area properties from eligibility.

Commissioners in support of the proposal expressed the following benefits of the proposal:

<sup>3</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-49>

<sup>4</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-52>

<sup>5</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-53>

<sup>6</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-54>

- Minor traffic and visual impacts as noted in the application materials, less intensive than existing conditional uses, not many employees or vehicle trips.
- Provides a transition between urban development in the UGB and rural development, could be redeveloped in the future.
- Conditional use process provides for additional input from residents.
- There is ambiguity in case law on this topic, but the use is already allowed in other rural zones.

A similar application, related to mini-storage along Highway 20, received a recommendation of denial by the Planning Commission at their July 25, 2024, meeting with a vote of 3-2. The Planning Commission requested that staff note this decision to the Board, as the members in attendance at each meeting varied.

## **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.

### Attachments:

- A. Proposed Text Amendments
- B. Proposed Findings
- C. Eligible Property Map
- D. Conditional Use Standards

## Attachment A: Proposed Text Amendments

### Chapter 18.32 Multiple Use Agricultural Zone; MUA-10

#### 18.32.030 Conditional Uses Permitted

The following uses may be allowed subject to DCC 18.128:

- A. Public use.
- B. Semipublic use.
- C. Commercial activities in conjunction with farm use. The commercial activity shall be associated with a farm use occurring on the parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced in Deschutes County or an adjoining County.
- D. Dude ranch.
- E. Kennel and/or veterinary clinic.
- F. Guest house.
- G. Manufactured home as a secondary accessory farm dwelling, subject to the requirements set forth in DCC 18.116.070.
- H. Exploration for minerals.
- I. Private parks, playgrounds, hunting and fishing preserves, campgrounds, motorcycle tracks and other recreational uses.
- J. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. No aircraft may be based on a personal use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- K. Golf courses.
- L. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
- M. A facility for primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in DCC 18.32.030, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in DCC 18.32.030, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
- N. Destination resorts.
- O. Planned developments.
- P. Cluster developments.
- Q. A disposal site which includes a land disposal site for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- R. Time share unit or the creation thereof.
- S. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.

- T. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland cement concrete, when such uses are in conjunction with the maintenance or construction of public roads or highways.
- U. Bed and breakfast inn.
- V. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.
- W. Religious institutions or assemblies, subject to DCC 18.124 and 18.128.080.
- X. Private or public schools, including all buildings essential to the operation of such a school.
- Y. Utility facility necessary to serve the area subject to the provisions of DCC 18.124.
- Z. Cemetery, mausoleum or crematorium.
- AA. Commercial horse stables.
- AB. Horse events, including associated structures, not allowed as a permitted use in this zone.
- AC. Manufactured home park or recreational vehicle park on a parcel in use as a manufactured home park or recreational vehicle park prior to the adoption of PL 15 in 1979 and being operated as of June 12, 1996, as a manufactured home park or recreational vehicle park, including any expansion of such uses on the same parcel, as configured on June 12, 1996.
- AE. A new manufactured home/recreational vehicle park, subject to Oregon Administrative Rules 660-004-0040(8)(g) that:
  - a. Is on property adjacent to an existing manufactured home/recreational vehicle park;
  - b. Is adjacent to the City of Bend Urban Growth Boundary; and
  - c. Has no more than 10 dwelling units.
- AE. The full or partial conversion from a manufactured home park or recreational vehicle park described in DCC 18.32.030 (CC) to a manufactured home park or recreational vehicle park on the same parcel, as configured on June 12 1996.
- AF. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- AG. Guest lodge.
- AH. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- AI. Mini-storage facilities, including watercraft, and RV storage. Mini-storage facilities are allowed on parcels that are:
  - a. Not within a designated urban reserve area; and
  - b. Within 2,500 feet of an urban growth boundary; and
  - c. Adjacent to State Highway 97; and
  - d. A minimum of 10 acres in size and not to exceed 30 acres in size. Multiple contiguous parcels may be considered in the aggregate to meet the requirements of this section.

#### HISTORY

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

*Amended by Ord. [80-206](#) §3 on 10/13/1980*

*Amended by Ord. [83-033](#) §2 on 6/15/1983*

*Amended by Ord. [86-018](#) §7 on 6/30/1986*

*Amended by Ord. [90-014](#) §§27 and 35 on 7/12/1990*

Amended by Ord. [91-002](#) §7 on 2/6/1991  
Amended by Ord. [91-005](#) §§19 and 20 on 3/4/1991  
Amended by Ord. [91-020](#) §1 on 5/29/1991  
Amended by Ord. [91-038](#) §1 on 9/30/1991  
Amended by Ord. [92-055](#) §2 on 8/17/1992  
Amended by Ord. [93-043](#) §§4A and B on 8/25/1993  
Amended by Ord. [94-008](#) §11 on 6/8/1994  
Amended by Ord. [94-053](#) §2 on 12/7/1994  
Amended by Ord. [96-038](#) §1 on 6/12/1996  
Amended by Ord. [97-017](#) §2 on 3/12/1997  
Amended by Ord. [97-029](#) §2 on 5/14/1997  
Amended by Ord. [97-063](#) §3 on 11/12/1997  
Amended by Ord. [2001-016](#) §2 on 3/28/2001  
Amended by Ord. [2001-039](#) §2 on 12/12/2001  
Amended by Ord. [2004-002](#) §4 on 4/28/2004  
Amended by Ord. [2009-018](#) §1 on 11/5/2009  
Amended by Ord. [2015-002](#) §1 on 7/8/2015  
Amended by Ord. [2016-015](#) §3 on 7/1/2016  
Amended by Ord. [2020-001](#) §4 on 4/21/2020  
Amended by Ord. [2021-004](#) §2 on 5/27/2021  
Amended by Ord. [2021-013](#) §5 on 4/5/2022  
Amended by Ord. [2023-001](#) §4 on 5/30/2023

## Attachment B: Applicant Findings

**Community Development Department**

Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005  
 (541)388-6575 FAX (541)385-1764  
<http://www.co.deschutes.or.us/cdd/>

**PLAN/ZONE/TEXT AMENDMENT**

|                                  |                                  |                                 |
|----------------------------------|----------------------------------|---------------------------------|
| <b>ZONE MAP AMENDMENT:</b> _____ | <b>PLAN MAP AMENDMENT:</b> _____ | <b>TEXT AMENDMENT:</b> <u>X</u> |
| <b>FEE:</b> _____                | <b>FEE:</b> _____                | <b>FEE:</b> \$7,659.00          |

Applicant's Name (print): Schwabe, Williamson & Wyatt (c/o Keenan Ordon-Bakalian) Phone: (503 ) 796-2470Mailing Address: 360 SW Bond Street, Suite 500 City/State/Zip: Bend, Oregon 97702

Property Owner's Name (if different): \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Property Description: Township n/a Range n/a Section n/a Tax Lot n/a

Lot of Record? (state reason): \_\_\_\_\_

Current Zoning: n/a Proposed Zoning: n/aCurrent Plan Designation: n/a Proposed Designation: n/aApplicable State Goals: Goals 1-14 Exception Proposed? \_\_\_\_\_ Yes X NoSize of Affected Area: n/a Acres**INSTRUCTIONS FOR COMPLETING THIS APPLICATION:**

1. Complete this application form including the appropriate signatures. If color exhibits are submitted, black and white copies with captions or shading delineating the color areas shall also be provided.
2. Include a detailed statement describing the proposal and how it meets all requirements of the appropriate State rules and statutes, and County codes and Comprehensive Plan policies. Text amendment applications must include the proposed language and the basis for the change.
3. If multiple properties are involved in this application, then identify each property on a separate page and follow with the property owners' signatures.
4. Submit the correct application fee.
5. Submit a copy of the current deed(s) for the property(ies).

**A PRE-APPLICATION APPOINTMENT IS REQUIRED FOR ALL AMENDMENTS**Applicant's Signature: *Keenan Ordon-Bakalian* Date: 10/18/2023Property Owner's Signature (if different)\*: n/a Date: n/a

Agent's Name (if applicable): \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

**\*If this application is not signed by the property owner, a letter authorizing signature by the applicant must be attached. By signing this application, the applicant understands and agrees that Deschutes County may require a deposit for hearings officers' fees prior to the application being deemed complete; and if the application is heard by a hearings officer, the applicant will be responsible for the actual costs of the hearings officer.**

**APPLICANT'S WRITTEN NARRATIVE  
TEXT AMENDMENT TO MULTIPLE USE AGRICULTURE ZONE**

**APPLICANT:** Schwabe, Williamson & Wyatt  
360 SW Bond St #500  
Bend, OR 97702

**ATTORNEY:** Kenneth Katzaroff  
Keenan Ordon-Bakalian  
Schwabe, Williamson & Wyatt  
1420 5<sup>th</sup> Ave, Suite 3400  
Seattle, WA 98101  
Phone: 206-405-1985  
E-Mail: [KKatzaroff@SCHWABE.com](mailto:KKatzaroff@SCHWABE.com)  
E-Mail: [Kordon-bakalian@schwabe.com](mailto:Kordon-bakalian@schwabe.com)

**SUBJECT PROPERTY:** Multiple Use Agriculture Zone

**ZONING:** Multiple Use Agriculture – MUA

**REQUEST:** Make certain amendments to Deschutes County's MUA Zone to allow self-storage in limited circumstances.

**I. APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:**

Deschutes County Code

Title 18, County Zoning  
Title 22, Deschutes County Development Procedures Ordinance  
Title 23, Deschutes County Comprehensive Plan

OAR 660, Division 15, the Statewide Planning Goals

**II. BASIC FINDINGS**

The applicant proposes the following legislative amendment to the text of Deschutes County Code ("DCC") Title 18, Chapter 18.32, Multiple Use Agriculture Zone ("MUA"). The proposed change would permit mini-storage in limited portions of MUA-designated land within Deschutes County. The amendments would not remove text from the code, and would add the following text, indicated in **bold**:

**18.32.020 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright:

- A. Agricultural uses as defined in DCC Title 18.
- B. A single family dwelling, or a manufactured home subject to DCC 18.116.070.
- C. Propagation or harvesting of a forest product.

- D. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- E. Class III road or street project.
- F. Noncommercial horse stables, excluding horse events.
- G. Horse events, including associated structures, involving:
  - 1. Fewer than 10 riders;
  - 2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
  - 3. More than 25 riders, no more than two times per year on nonconsecutive days.

Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.
- H. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- I. Type 1 Home Occupation, subject to DCC 18.116.280.
- J. Accessory Dwelling Units, subject to DCC 18.116.350.
- K. **Mini-storage facilities, including watercraft, and RV storage, subject to site plan review as provided in DCC 18.124. Mini-storage facilities are allowed on parcels that are:**
  - 1. **Within 2,500 feet of an urban growth boundary;**
  - 2. **Adjacent to a state highway; and**
  - 3. **A minimum of 10 acres in size and not to exceed 30 acres in size.**

**Multiple contiguous parcels may be considered in the aggregate to meet the requirements of this section.**



### III. APPLICANT'S RESPONSE TO APPLICABLE STANDARDS AND CRITERIA:

Applicable approval criteria are listed below in italics. Applicant's responses follow.

#### A. COMPLIANCE WITH DCC TITLE 18 COUNTY ZONING

##### 18.136.010 Amendments

*DCC Title 18 may be amended as set forth in DCC 18.136. The procedures for text or legislative map changes shall be as set forth in DCC 22.12. A request by a property owner for a quasi-judicial map amendment shall be accomplished by filing an application on forms provided by the Planning Department and shall be subject to applicable procedures of DCC Title 22.*

**RESPONSE:** This is an application for a legislative text amendment to DCC Title 18, Chapter 18.32, MUA Zone. This is not an application for a quasi-judicial map amendment, as this text amendment will not alter the County's zoning map if it is approved. This application is subject to the standards and criteria set forth in DCC 22.12. DCC 22.12.010 and .040 require a public hearing before the Deschutes County Planning Commission (the "**Planning Commission**") and then the Board of County Commissioners for all legislative changes. DCC 22.12.020 sets forth the basic notice requirements for the hearings.

##### 18.136.040 Record of Amendments

*All amendments to the text or map of DCC Title 18 shall be filed with the County Clerk.*

**RESPONSE:** Upon adoption, the proposed amendment will be filed with the County Clerk.

#### B. COMPLIANCE WITH DCC TITLE 22, DESCHUTES COUNTY DEVELOPMENT PROCEDURES ORDINANCE

##### DCC 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.*

**RESPONSE:** The proposed amendments will be reviewed by both the Planning Commission and Board of County Commissioners, and will include public hearings.

##### Section 22.12.020 Notice

##### A. *Published Notice.*

1. *Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.*

2. *The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.*

**RESPONSE:** This criterion will be met with notice to be published in the Bend Bulletin newspaper for the Planning Commission public hearing, and the Board of County Commissioners' 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.*

**RESPONSE:** Notice will be posted if determined to be necessary by the Planning Director.

- 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.*

**RESPONSE:** Individual notice will be sent at the discretion of the Planning Director. It is the applicant's position that because the proposed legislative text amendment does not apply to any specific property, individual notice is not required for this application. ORS 215.203 ("Measure 56 notice") is not applicable because this is an application for a legislative text amendment, not an action to amend an existing comprehensive plan or any element thereof or to adopt a new comprehensive plan. See ORS 215.203(3). As such, no property will have to be rezoned in order to comply with the amendment to DCC 18.32.020 if any adopting ordinance is approved.

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

**RESPONSE:** Notice of proposed legislative changes will be published in Deschutes County newspapers.

#### 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 Commissioners or the Planning Commission.*

**RESPONSE:** Application fees will be paid upon filing of the application.

#### 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.*

**RESPONSE:** The proposed legislative changes will be reviewed by both the Planning Commission and Board of County Commissioners.

Section 22.12.050 FINAL DECISION

*All legislative changes shall be adopted by ordinance.*

**RESPONSE:** The proposed legislative changes will be adopted by ordinance.

**D. DCC TITLE 23 DESCHUTES COUNTY COMPREHENSIVE PLAN**

The following provisions of Deschutes County's amended comprehensive plan set out goals or text that may be relevant to the County's review of this application. Other provisions of the plan do not apply.

Chapter 3: Rural Growth, Section 3.4: Rural Economy Policies

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

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

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

**RESPONSE:** The proposed amendment is consistent with the County's mandate to review land use regulations to identify legal and appropriate economic development opportunities. This amendment provides a new rural economic development opportunity within specific areas of the MUA zone while maintaining the integrity of the rural character and natural environment by requiring site plan review and expressly limiting where in the MUA zone mini-storage facilities can be located.

The proposed amendment restricts the development of mini-storage facilities to parcels that are a minimum of 10 acres in size, and in close proximity to existing urban growth boundaries and state highways. The proposed restrictions on the location of mini-storage development in the MUA zone will maintain the integrity of the rural character and natural environment within the MUA zone.

Policy 3.4.2: Work with stakeholders to promote new recreational and tourist initiatives that maintain the integrity of the natural environment.

**RESPONSE:** Allowing mini-storage development in certain areas of the MUA zone will support new and existing recreational and tourist initiatives in the area. Secure storage subject to site plan review is consistent with maintaining the integrity of the natural environment because it (1) reduces the visual impact of vehicles parked in residential or public spaces; and (2) serves to protect vehicles from the elements and reduces left-behind waste.

Policy 3.4.7: Within the parameters of State land use regulations, permit limited local-serving commercial uses in higher-density rural communities.

**RESPONSE:** Approval of the subject application will allow for a new local-servicing commercial use (mini-storage) in higher-density rural communities located in close proximity to established urban growth boundaries and adjacent state highways.

### Chapter 3: Rural Growth, Section 3.5: Natural Hazard Policies

*Goal 1: Protect people, property, infrastructure, the economy and the environment from natural hazards.*

**RESPONSE:** Allowing mini-storage in rural areas adjacent existing urban growth boundaries will further the County’s goal of protecting Deschutes County citizens’ property and the economy at large. Mini-storage facilities will provide rural residents the opportunity to protect the physical and economic integrity of their property.

### Chapter 4: Urban Growth Management, Section 4.2: Urbanization Policies

*Goal 1: Coordinate with cities, special districts and stakeholders to support urban growth boundaries and urban reserve areas that provide an orderly and efficient transition between urban and rural lands.*

**RESPONSE:** Mini-storage in MUA zone will be restricted to locations within 2,500 feet of an established urban growth boundary. Geographic proximity to urban growth boundaries will contribute to the orderly and efficient transition between urban and rural lands because storage facilities for recreational vehicles will promote rural recreation while limiting the non-farm commercial use of rural lands.

## **E. STATEWIDE PLANNING GOALS AND GUIDELINES**

### Goal 1: Citizen Involvement

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

**RESPONSE:** The amendments do not propose to change the structure of the County’s citizen involvement program. Notice of the proposed amendments will be provided through notice of public hearings in the “Bend Bulletin” newspaper. The public hearing on this application will provide the opportunity for any resident to participate in the land use process. Goal 1 is met.

## Goal 2: Land Use Planning

*Part I – Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**RESPONSE:** Goals policies, and processes related to this application are included in the Deschutes County Comprehensive Plan, Title 23, and Deschutes County Code, Title 18 and Title 22. Compliance with these processes, policies, and regulations are documented within the subject application. Goal 2 is met.

## Goal 3: Agricultural Lands

*To preserve and maintain agricultural lands.*

**RESPONSE:** No lands will be rezoned as part of this application, furthering the purpose of Goal 3. MUA is not an exclusive farm use zone. Instead, the purpose of MUA zoned land is to “preserve the rural character of various areas of the county while permitting development consistent with that character ...” MUA zones allow for land that is “so committed to other types of uses that an exception to Statewide Planning Goal 3 (Agricultural Lands) was taken to allow other types of uses of such land.” *Moody v. Deschutes County*, 22 Or LUBA, 3 n.1 (1992). Goal 3 is met.

## Goal 4: Forest Lands

*To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

**RESPONSE:** The amendments do not propose to rezone or alter forest lands. Goal 4 is met.

## Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

*To protect natural resources and conserve scenic and historic areas and open spaces.*

**RESPONSE:** The amendments do not propose to change open spaces, scenic or historic areas, or natural resources. Goal 5 is met.

## Goal 6: Air, Water and Land Resources Quality

*To maintain and improve the quality of the air, water and land resources of the state.*

**RESPONSE:** The proposed text amendment will not impact the quality of the air, water, or land resources. Goal 6 is met.

### Goal 7: Areas Subject to Natural Disasters and Hazards

*To protect people and property from natural hazards.*

**RESPONSE:** To the extent that lands in the MUA zone are in areas subject to natural disasters and hazards, the subject application will serve to mitigate the risk of harm from such disasters on the property of Deschutes County citizens. Providing for mini-storage in select areas of the MUA zone will provide rural residents with the opportunity to store and protect their property from natural hazards. Goal 7 is met.

### Goal 8: Recreational Needs

*To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

**RESPONSE:** To the extent that Goal 8 is applicable to the subject application, providing for mini-storage on certain lands in the MUA zone will allow Deschutes County citizens and visitors to store recreational vehicles and other equipment, providing for ready access to state recreation sites within the County. Goal 8 is met.

### Goal 9: Economic Development

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

**RESPONSE:** The proposed text amendment complies with Goal 9 because it will permit a new and varied economic activity within the MUA zone that will allow Oregon citizens an additional opportunity for prosperity.

### Goal 10: Housing

*To provide for the housing needs of citizens of the state.*

**RESPONSE:** The subject application does not propose to change to housing. Goal 10 is met, to the extent it is applicable.

### Goal 11: Public Facilities and Services

*To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

**RESPONSE:** The proposed text amendment will have no adverse effect on the provision of public facilities and services. Goal 11 is met.

Goal 12: Transportation

*To provide and encourage a safe, convenient and economic transportation system.*

**RESPONSE:** The proposed amendment will not impact transportation facilities within the County. To the extent this Goal is applicable, the subject application proposes to site mini-storage facilities adjacent state highways, providing for convenient access to mini-storage facilities in the rural area. Goal 12 is met.

Goal 13: Energy Conservation

*To conserve energy.*

**RESPONSE:** The proposed amendment will have a *de minimis* effect on the provision of public facilities and services. To the extent Goal 13 is applicable, new mini-storage facilities developed in the MUA zone will be designed and constructed with best practices for the modern-day construction industry, including energy efficient design standards.

Goal 14: Urbanization

*To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**RESPONSE:** Goal 14 concerns the provision of urban and rural land uses to ensure efficient use of land and livable communities. The proposed amendment does not amend an urban growth boundary, and mini-storage is permitted as a conditional use in the Rural-Industrial (“**R-I**”) zones. Like the MUA zone, the R-I zone serves rural communities. Storage is not exclusively an “urban use” and storage that targets recreational vehicles and equipment contributes to rural recreational opportunities. The subject application proposes to limit mini-storage to lands in the MUA zone that are located in close proximity to existing urban growth boundaries and adjacent state highways, thereby promoting an orderly and efficient transition from rural to urban land use. Goal 14 is met.

Goals 15-19

**RESPONSE:** Goals 15 through 19 do not apply (Goal 15 Willamette River Greenway; Goal 16 Estuarine Resources; Goal 17 Coastal Shorelands; Goal 18 Beaches and Dunes; and Goal 19 Ocean Resources).



November 20, 2023

**Keenan Ordon-Bakalian**

Admitted in Oregon and Washington

D: 503-796-2470

kordon-bakalian@schwabe.com

VIA E-MAIL

Jacob Ripper  
Principal Planner  
Deschutes County  
117 NW Lafayette Avenue  
Bend, OR 97703

RE: ***Revision to Text Amendment Application No. 247-23-000732-TA***  
Our File No.: 136093-280105

Dear Jacob:

Our office is the applicant for the above-referenced Text Amendment Application (the “**Application**”). Submitted under the cover of this letter is an updated project narrative for the subject application, with a revision that narrows the scope of potential locations for mini-storage facilities in the MUA zone from “[a]djacent to a state highway” to “[a]djacent to State Highway 97.” The purpose of this change is to ensure an orderly and efficient transition from rural to urban land use, and to provide a new, local-serving commercial use in an area characterized by higher-density rural communities.

An updated project narrative reflecting this change is attached hereto as **Exhibit A**. For convenience, we have also provided a redline version of the project narrative that depicts the changes made between the original project narrative, and the revised project narrative. *See attached, Exhibit B*. We respectfully request that Deschutes County include the revised project narrative in the record for the application.

Thank you for your continued work on this application, and please do not hesitate to contact me with any questions.

Very truly yours,

Keenan Ordon-Bakalian  
Attorney

KOB  
Attachment

CC: Kenneth Katzaroff, Schwabe, Williamson & Wyatt  
Peter Gutowsky, Deschutes County



**APPLICANT'S WRITTEN NARRATIVE  
TEXT AMENDMENT TO MULTIPLE USE AGRICULTURE ZONE**

**APPLICANT:** Schwabe, Williamson & Wyatt  
360 SW Bond St #500  
Bend, OR 97702

**ATTORNEY:** Kenneth Katzaroff  
Keenan Ordon-Bakalian  
Schwabe, Williamson & Wyatt  
1420 5<sup>th</sup> Ave, Suite 3400  
Seattle, WA 98101  
Phone: 206-405-1985  
E-Mail: [KKatzaroff@SCHWABE.com](mailto:KKatzaroff@SCHWABE.com)  
E-Mail: [Kordon-bakalian@schwabe.com](mailto:Kordon-bakalian@schwabe.com)

**SUBJECT PROPERTY:** Multiple Use Agriculture Zone

**ZONING:** Multiple Use Agriculture – MUA

**REQUEST:** Make certain amendments to Deschutes County's MUA  
Zone to allow self-storage in limited circumstances.

**I. APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:**

Deschutes County Code

Title 18, County Zoning  
Title 22, Deschutes County Development Procedures Ordinance  
Title 23, Deschutes County Comprehensive Plan

OAR 660, Division 15, the Statewide Planning Goals

**II. BASIC FINDINGS**

The applicant proposes the following legislative amendment to the text of Deschutes County Code (“**DCC**”) Title 18, Chapter 18.32, Multiple Use Agriculture Zone (“**MUA**”). The proposed change would permit mini-storage in limited portions of MUA-designated land within Deschutes County. The amendments would not remove text from the code, and would add the following text, indicated in **bold**:

**18.32.020 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright:

- A. Agricultural uses as defined in DCC Title 18.
- B. A single family dwelling, or a manufactured home subject to DCC 18.116.070.
- C. Propagation or harvesting of a forest product.

- D. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- E. Class III road or street project.
- F. Noncommercial horse stables, excluding horse events.
- G. Horse events, including associated structures, involving:
  - 1. Fewer than 10 riders;
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  - 3. More than 25 riders, no more than two times per year on nonconsecutive days.Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.
- H. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- I. Type 1 Home Occupation, subject to DCC 18.116.280.
- J. Accessory Dwelling Units, subject to DCC 18.116.350.
- K. **Mini-storage facilities, including watercraft, and RV storage, subject to site plan review as provided in DCC 18.124. Mini-storage facilities are allowed on parcels that are:**
  - 1. **Within 2,500 feet of an urban growth boundary;**
  - 2. **Adjacent to State Highway 97; and**
  - 3. **A minimum of 10 acres in size and not to exceed 30 acres in size.****Multiple contiguous parcels may be considered in the aggregate to meet the requirements of this section.**

### **III. APPLICANT'S RESPONSE TO APPLICABLE STANDARDS AND CRITERIA:**

Applicable approval criteria are listed below in italics. Applicant's responses follow.

#### **A. COMPLIANCE WITH DCC TITLE 18 COUNTY ZONING**

##### **18.136.010 Amendments**

*DCC Title 18 may be amended as set forth in DCC 18.136. The procedures for text or legislative map changes shall be as set forth in DCC 22.12. A request by a property owner for a quasi-judicial map amendment shall be accomplished by filing an application on forms provided by the Planning Department and shall be subject to applicable procedures of DCC Title 22.*

**RESPONSE:** This is an application for a legislative text amendment to DCC Title 18, Chapter 18.32, MUA Zone. This is not an application for a quasi-judicial map amendment, as this text amendment will not alter the County's zoning map if it is approved. This application is subject to the standards and criteria set forth in DCC 22.12. DCC 22.12.010 and .040 require a public hearing before the Deschutes County Planning Commission (the "**Planning Commission**") and then the Board of County Commissioners for all legislative changes. DCC 22.12.020 sets forth the basic notice requirements for the hearings.

##### **18.136.040 Record of Amendments**

*All amendments to the text or map of DCC Title 18 shall be filed with the County Clerk.*

**RESPONSE:** Upon adoption, the proposed amendment will be filed with the County Clerk.

#### **B. COMPLIANCE WITH DCC TITLE 22, DESCHUTES COUNTY DEVELOPMENT PROCEDURES ORDINANCE**

##### **DCC 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.*

**RESPONSE:** The proposed amendments will be reviewed by both the Planning Commission and Board of County Commissioners, and will include public hearings.

##### **Section 22.12.020 Notice**

##### ***A. Published Notice.***

- 1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.*

2. *The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.*

**RESPONSE:** This criterion will be met with notice to be published in the Bend Bulletin newspaper for the Planning Commission public hearing, and the Board of County Commissioners' 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.*

**RESPONSE:** Notice will be posted if determined to be necessary by the Planning Director.

- 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.*

**RESPONSE:** Individual notice will be sent at the discretion of the Planning Director. It is the applicant's position that because the proposed legislative text amendment does not apply to any specific property, individual notice is not required for this application. ORS 215.203 ("Measure 56 notice") is not applicable because this is an application for a legislative text amendment, not an action to amend an existing comprehensive plan or any element thereof or to adopt a new comprehensive plan. See ORS 215.203(3). As such, no property will have to be rezoned in order to comply with the amendment to DCC 18.32.020 if any adopting ordinance is approved.

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

**RESPONSE:** Notice of proposed legislative changes will be published in Deschutes County newspapers.

#### 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 Commissioners or the Planning Commission.*

**RESPONSE:** Application fees will be paid upon filing of the application.

#### 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.*

**RESPONSE:** The proposed legislative changes will be reviewed by both the Planning Commission and Board of County Commissioners.

Section 22.12.050 FINAL DECISION

*All legislative changes shall be adopted by ordinance.*

**RESPONSE:** The proposed legislative changes will be adopted by ordinance.

**D. DCC TITLE 23 DESCHUTES COUNTY COMPREHENSIVE PLAN**

The following provisions of Deschutes County's amended comprehensive plan set out goals or text that may be relevant to the County's review of this application. Other provisions of the plan do not apply.

Chapter 3: Rural Growth, Section 3.4: Rural Economy Policies

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

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

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

**RESPONSE:** The proposed amendment is consistent with the County's mandate to review land use regulations to identify legal and appropriate economic development opportunities. This amendment provides a new rural economic development opportunity within specific areas of the MUA zone while maintaining the integrity of the rural character and natural environment by requiring site plan review and expressly limiting where in the MUA zone mini-storage facilities can be located.

The proposed amendment restricts the development of mini-storage facilities to parcels that are a minimum of 10 acres in size, and in close proximity to existing urban growth boundaries and State Highway 97. The proposed restrictions on the location of mini-storage development in the MUA zone will maintain the integrity of the rural character and natural environment within the MUA zone.

Policy 3.4.2: Work with stakeholders to promote new recreational and tourist initiatives that maintain the integrity of the natural environment.

**RESPONSE:** Allowing mini-storage development in certain areas of the MUA zone will support new and existing recreational and tourist initiatives in the area. Secure storage subject to site plan review is consistent with maintaining the integrity of the natural environment because it (1) reduces the visual impact of vehicles parked in residential or public spaces; and (2) serves to protect vehicles from the elements and reduces left-behind waste.

Policy 3.4.7: Within the parameters of State land use regulations, permit limited local-serving commercial uses in higher-density rural communities.

**RESPONSE:** Approval of the subject application will allow for a new local-servicing commercial use (mini-storage) in higher-density rural communities located in close proximity to established urban growth boundaries and adjacent State Highway 97.

Chapter 3: Rural Growth, Section 3.5: Natural Hazard Policies

*Goal 1: Protect people, property, infrastructure, the economy and the environment from natural hazards.*

**RESPONSE:** Allowing mini-storage in rural areas adjacent existing urban growth boundaries will further the County’s goal of protecting Deschutes County citizens’ property and the economy at large. Mini-storage facilities will provide rural residents the opportunity to protect the physical and economic integrity of their property.

Chapter 4: Urban Growth Management, Section 4.2: Urbanization Policies

*Goal 1: Coordinate with cities, special districts and stakeholders to support urban growth boundaries and urban reserve areas that provide an orderly and efficient transition between urban and rural lands.*

**RESPONSE:** Mini-storage in MUA zone will be restricted to locations within 2,500 feet of an established urban growth boundary. Geographic proximity to urban growth boundaries will contribute to the orderly and efficient transition between urban and rural lands because storage facilities for recreational vehicles will promote rural recreation while limiting the non-farm commercial use of rural lands.

**E. STATEWIDE PLANNING GOALS AND GUIDELINES**

Goal 1: Citizen Involvement

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

**RESPONSE:** The amendments do not propose to change the structure of the County’s citizen involvement program. Notice of the proposed amendments will be provided through notice of public hearings in the “Bend Bulletin” newspaper. The public hearing on this application will provide the opportunity for any resident to participate in the land use process. Goal 1 is met.

Goal 2: Land Use Planning

*Part I – Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**RESPONSE:** Goals policies, and processes related to this application are included in the Deschutes County Comprehensive Plan, Title 23, and Deschutes County Code, Title 18 and Title 22. Compliance with these processes, policies, and regulations are documented within the subject application. Goal 2 is met.

Goal 3: Agricultural Lands

*To preserve and maintain agricultural lands.*

**RESPONSE:** No lands will be rezoned as part of this application, furthering the purpose of Goal 3. MUA is not an exclusive farm use zone. Instead, the purpose of MUA zoned land is to “preserve the rural character of various areas of the county while permitting development consistent with that character ...” MUA zones allow for land that is “so committed to other types of uses that an exception to Statewide Planning Goal 3 (Agricultural Lands) was taken to allow other types of uses of such land.” *Moody v. Deschutes County*, 22 Or LUBA, 3 n.1 (1992). Goal 3 is met.

Goal 4: Forest Lands

*To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

**RESPONSE:** The amendments do not propose to rezone or alter forest lands. Goal 4 is met.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

*To protect natural resources and conserve scenic and historic areas and open spaces.*

**RESPONSE:** The amendments do not propose to change open spaces, scenic or historic areas, or natural resources. Goal 5 is met.

Goal 6: Air, Water and Land Resources Quality

*To maintain and improve the quality of the air, water and land resources of the state.*

**RESPONSE:** The proposed text amendment will not impact the quality of the air, water, or land resources. Goal 6 is met.

Goal 7: Areas Subject to Natural Disasters and Hazards

*To protect people and property from natural hazards.*

**RESPONSE:** To the extent that lands in the MUA zone are in areas subject to natural disasters and hazards, the subject application will serve to mitigate the risk of harm from such disasters on the property of Deschutes County citizens. Providing for mini-storage in select areas of the MUA zone will provide rural residents with the opportunity to store and protect their property from natural hazards. Goal 7 is met.

Goal 8: Recreational Needs

*To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

**RESPONSE:** To the extent that Goal 8 is applicable to the subject application, providing for mini-storage on certain lands in the MUA zone will allow Deschutes County citizens and visitors to store recreational vehicles and other equipment, providing for ready access to state recreation sites within the County. Goal 8 is met.

Goal 9: Economic Development

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

**RESPONSE:** The proposed text amendment complies with Goal 9 because it will permit a new and varied economic activity within the MUA zone that will allow Oregon citizens an additional opportunity for prosperity.

Goal 10: Housing

*To provide for the housing needs of citizens of the state.*

**RESPONSE:** The subject application does not propose to change to housing. Goal 10 is met, to the extent it is applicable.

Goal 11: Public Facilities and Services

*To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

**RESPONSE:** The proposed text amendment will have no adverse effect on the provision of public facilities and services. Goal 11 is met.



Goal 12: Transportation

*To provide and encourage a safe, convenient and economic transportation system.*

**RESPONSE:** The proposed amendment will not impact transportation facilities within the County. To the extent this Goal is applicable, the subject application proposes to site mini-storage facilities adjacent State Highway 97, providing for convenient access to mini-storage facilities in the rural area. Goal 12 is met.

Goal 13: Energy Conservation

*To conserve energy.*

**RESPONSE:** The proposed amendment will have a *de minimis* effect on the provision of public facilities and services. To the extent Goal 13 is applicable, new mini-storage facilities developed in the MUA zone will be designed and constructed with best practices for the modern-day construction industry, including energy efficient design standards.

Goal 14: Urbanization

*To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**RESPONSE:** Goal 14 concerns the provision of urban and rural land uses to ensure efficient use of land and livable communities. The proposed amendment does not amend an urban growth boundary, and mini-storage is permitted as a conditional use in the Rural-Industrial (“**R-I**”) zones. Like the MUA zone, the R-I zone serves rural communities. Storage is not exclusively an “urban use” and storage that targets recreational vehicles and equipment contributes to rural recreational opportunities. The subject application proposes to limit mini-storage to lands in the MUA zone that are located in close proximity to existing urban growth boundaries and adjacent State Highway 97, thereby promoting an orderly and efficient transition from rural to urban land use. Goal 14 is met.

Goals 15-19

**RESPONSE:** Goals 15 through 19 do not apply (Goal 15 Willamette River Greenway; Goal 16 Estuarine Resources; Goal 17 Coastal Shorelands; Goal 18 Beaches and Dunes; and Goal 19 Ocean Resources).

**APPLICANT'S WRITTEN NARRATIVE  
TEXT AMENDMENT TO MULTIPLE USE AGRICULTURE ZONE**

**APPLICANT:** Schwabe, Williamson & Wyatt  
360 SW Bond St #500  
Bend, OR 97702

**ATTORNEY:** Kenneth Katzaroff  
Keenan Ordon-Bakalian  
Schwabe, Williamson & Wyatt  
1420 5<sup>th</sup> Ave, Suite 3400  
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**SUBJECT PROPERTY:** Multiple Use Agriculture Zone

**ZONING:** Multiple Use Agriculture – MUA

**REQUEST:** Make certain amendments to Deschutes County's MUA Zone to allow self-storage in limited circumstances.

**I. APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:**

Deschutes County Code

Title 18, County Zoning  
Title 22, Deschutes County Development Procedures Ordinance  
Title 23, Deschutes County Comprehensive Plan

OAR 660, Division 15, the Statewide Planning Goals

**II. BASIC FINDINGS**

The applicant proposes the following legislative amendment to the text of Deschutes County Code (“**DCC**”) Title 18, Chapter 18.32, Multiple Use Agriculture Zone (“**MUA**”). The proposed change would permit mini-storage in limited portions of MUA-designated land within Deschutes County. The amendments would not remove text from the code, and would add the following text, indicated in **bold**:

**18.32.020 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright:

A. Agricultural uses as defined in DCC Title 18.

- B. A single family dwelling, or a manufactured home subject to DCC 18.116.070.
- C. Propagation or harvesting of a forest product.
- D. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- E. Class III road or street project.
- F. Noncommercial horse stables, excluding horse events.
- G. Horse events, including associated structures, involving:
  - 1. Fewer than 10 riders;
  - 2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
  - 3. More than 25 riders, no more than two times per year on nonconsecutive days.Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.
- H. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- I. Type 1 Home Occupation, subject to DCC 18.116.280.
- J. Accessory Dwelling Units, subject to DCC 18.116.350.
- K. **Mini-storage facilities, including watercraft, and RV storage, subject to site plan review as provided in DCC 18.124. Mini-storage facilities are allowed on parcels that are:**
  - 1. **Within 2,500 feet of an urban growth boundary;**
  - 2. **Adjacent to ~~a state highway~~ State Highway 97; and**

**3. A minimum of 10 acres in size and not to exceed 30 acres in size.**

**Multiple contiguous parcels may be considered in the aggregate to meet the requirements of this section.**

**III. APPLICANT'S RESPONSE TO APPLICABLE STANDARDS AND CRITERIA:**

Applicable approval criteria are listed below in italics. Applicant's responses follow.

**A. COMPLIANCE WITH DCC TITLE 18 COUNTY ZONING**

**18.136.010 Amendments**

*DCC Title 18 may be amended as set forth in DCC 18.136. The procedures for text or legislative map changes shall be as set forth in DCC 22.12. A request by a property owner for a quasi-judicial map amendment shall be accomplished by filing an application on forms provided by the Planning Department and shall be subject to applicable procedures of DCC Title 22.*

**RESPONSE:** This is an application for a legislative text amendment to DCC Title 18, Chapter 18.32, MUA Zone. This is not an application for a quasi-judicial map amendment, as this text amendment will not alter the County's zoning map if it is approved. This application is subject to the standards and criteria set forth in DCC 22.12. DCC 22.12.010 and .040 require a public hearing before the Deschutes County Planning Commission (the "**Planning Commission**") and then the Board of County Commissioners for all legislative changes. DCC 22.12.020 sets forth the basic notice requirements for the hearings.

**18.136.040 Record of Amendments**

*All amendments to the text or map of DCC Title 18 shall be filed with the County Clerk.*

**RESPONSE:** Upon adoption, the proposed amendment will be filed with the County Clerk.

**B. COMPLIANCE WITH DCC TITLE 22, DESCHUTES COUNTY  
DEVELOPMENT PROCEDURES ORDINANCE**

**DCC 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.*

**RESPONSE:** The proposed amendments will be reviewed by both the Planning Commission and Board of County Commissioners, and will include public hearings.

Section 22.12.020 Notice

*A. Published Notice.*

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

**RESPONSE:** This criterion will be met with notice to be published in the Bend Bulletin newspaper for the Planning Commission public hearing, and the Board of County Commissioners' 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.*

**RESPONSE:** Notice will be posted if determined to be necessary by the Planning Director.

*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.*

**RESPONSE:** Individual notice will be sent at the discretion of the Planning Director. It is the applicant's position that because the proposed legislative text amendment does not apply to any specific property, individual notice is not required for this application. ORS 215.203 ("Measure 56 notice") is not applicable because this is an application for a legislative text amendment, not an action to amend an existing comprehensive plan or any element thereof or to adopt a new comprehensive plan. See ORS 215.203(3). As such, no property will have to be rezoned in order to comply with the amendment to DCC 18.32.020 if any adopting ordinance is approved.

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

**RESPONSE:** Notice of proposed legislative changes will be published in Deschutes County newspapers.

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 Commissioners or the Planning Commission.*

**RESPONSE:** Application fees will be paid upon filing of the application.

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.*

**RESPONSE:** The proposed legislative changes will be reviewed by both the Planning Commission and Board of County Commissioners.

Section 22.12.050 FINAL DECISION

*All legislative changes shall be adopted by ordinance.*

**RESPONSE:** The proposed legislative changes will be adopted by ordinance.

**D. DCC TITLE 23 DESCHUTES COUNTY COMPREHENSIVE PLAN**

The following provisions of Deschutes County's amended comprehensive plan set out goals or text that may be relevant to the County's review of this application. Other provisions of the plan do not apply.

Chapter 3: Rural Growth, Section 3.4: Rural Economy Policies

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

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

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

**RESPONSE:** The proposed amendment is consistent with the County's mandate to review land use regulations to identify legal and appropriate economic development opportunities. This amendment provides a new rural economic development opportunity within specific areas of the MUA zone while maintaining the integrity of the rural character and natural environment by

requiring site plan review and expressly limiting where in the MUA zone mini-storage facilities can be located.

The proposed amendment restricts the development of mini-storage facilities to parcels that are a minimum of 10 acres in size, and in close proximity to existing urban growth boundaries and ~~state highways~~[State Highway 97](#). The proposed restrictions on the location of mini-storage development in the MUA zone will maintain the integrity of the rural character and natural environment within the MUA zone.

Policy 3.4.2: Work with stakeholders to promote new recreational and tourist initiatives that maintain the integrity of the natural environment.

**RESPONSE:** Allowing mini-storage development in certain areas of the MUA zone will support new and existing recreational and tourist initiatives in the area. Secure storage subject to site plan review is consistent with maintaining the integrity of the natural environment because it (1) reduces the visual impact of vehicles parked in residential or public spaces; and (2) serves to protect vehicles from the elements and reduces left-behind waste.

Policy 3.4.7: Within the parameters of State land use regulations, permit limited local-serving commercial uses in higher-density rural communities.

**RESPONSE:** Approval of the subject application will allow for a new local-servicing commercial use (mini-storage) in higher-density rural communities located in close proximity to established urban growth boundaries and adjacent ~~state highways~~[State Highway 97](#).

#### Chapter 3: Rural Growth, Section 3.5: Natural Hazard Policies

*Goal 1: Protect people, property, infrastructure, the economy and the environment from natural hazards.*

**RESPONSE:** Allowing mini-storage in rural areas adjacent existing urban growth boundaries will further the County's goal of protecting Deschutes County citizens' property and the economy at large. Mini-storage facilities will provide rural residents the opportunity to protect the physical and economic integrity of their property.

#### Chapter 4: Urban Growth Management, Section 4.2: Urbanization Policies

*Goal 1: Coordinate with cities, special districts and stakeholders to support urban growth boundaries and urban reserve areas that provide an orderly and efficient transition between urban and rural lands.*

**RESPONSE:** Mini-storage in MUA zone will be restricted to locations within 2,500 feet of an established urban growth boundary. Geographic proximity to urban growth boundaries will contribute to the orderly and efficient transition between urban and rural lands because storage facilities for recreational vehicles will promote rural recreation while limiting the non-farm commercial use of rural lands.

## **E. STATEWIDE PLANNING GOALS AND GUIDELINES**

### **Goal 1: Citizen Involvement**

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

**RESPONSE:** The amendments do not propose to change the structure of the County’s citizen involvement program. Notice of the proposed amendments will be provided through notice of public hearings in the “Bend Bulletin” newspaper. The public hearing on this application will provide the opportunity for any resident to participate in the land use process. Goal 1 is met.

### **Goal 2: Land Use Planning**

*Part I – Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**RESPONSE:** Goals policies, and processes related to this application are included in the Deschutes County Comprehensive Plan, Title 23, and Deschutes County Code, Title 18 and Title 22. Compliance with these processes, policies, and regulations are documented within the subject application. Goal 2 is met.

### **Goal 3: Agricultural Lands**

*To preserve and maintain agricultural lands.*

**RESPONSE:** No lands will be rezoned as part of this application, furthering the purpose of Goal 3. MUA is not an exclusive farm use zone. Instead, the purpose of MUA zoned land is to “preserve the rural character of various areas of the county while permitting development consistent with that character ...” MUA zones allow for land that is “so committed to other types of uses that an exception to Statewide Planning Goal 3 (Agricultural Lands) was taken to allow other types of uses of such land.” *Moody v. Deschutes County*, 22 Or LUBA, 3 n.1 (1992). Goal 3 is met.

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**RESPONSE:** The amendments do not propose to rezone or alter forest lands. Goal 4 is met.



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*To protect natural resources and conserve scenic and historic areas and open spaces.*

**RESPONSE:** The amendments do not propose to change open spaces, scenic or historic areas, or natural resources. Goal 5 is met.

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*To maintain and improve the quality of the air, water and land resources of the state.*

**RESPONSE:** The proposed text amendment will not impact the quality of the air, water, or land resources. Goal 6 is met.

Goal 7: Areas Subject to Natural Disasters and Hazards

*To protect people and property from natural hazards.*

**RESPONSE:** To the extent that lands in the MUA zone are in areas subject to natural disasters and hazards, the subject application will serve to mitigate the risk of harm from such disasters on the property of Deschutes County citizens. Providing for mini-storage in select areas of the MUA zone will provide rural residents with the opportunity to store and protect their property from natural hazards. Goal 7 is met.

Goal 8: Recreational Needs

*To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

**RESPONSE:** To the extent that Goal 8 is applicable to the subject application, providing for mini-storage on certain lands in the MUA zone will allow Deschutes County citizens and visitors to store recreational vehicles and other equipment, providing for ready access to state recreation sites within the County. Goal 8 is met.

Goal 9: Economic Development

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

**RESPONSE:** The proposed text amendment complies with Goal 9 because it will permit a new and varied economic activity within the MUA zone that will allow Oregon citizens an additional opportunity for prosperity.

Goal 10: Housing

*To provide for the housing needs of citizens of the state.*

**RESPONSE:** The subject application does not propose to change to housing. Goal 10 is met, to the extent it is applicable.

Goal 11: Public Facilities and Services

*To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

**RESPONSE:** The proposed text amendment will have no adverse effect on the provision of public facilities and services. Goal 11 is met.

Goal 12: Transportation

*To provide and encourage a safe, convenient and economic transportation system.*

**RESPONSE:** The proposed amendment will not impact transportation facilities within the County. To the extent this Goal is applicable, the subject application proposes to site mini-storage facilities adjacent ~~state highways~~ State Highway 97, providing for convenient access to mini-storage facilities in the rural area. Goal 12 is met.

Goal 13: Energy Conservation

*To conserve energy.*

**RESPONSE:** The proposed amendment will have a *de minimis* effect on the provision of public facilities and services. To the extent Goal 13 is applicable, new mini-storage facilities developed in the MUA zone will be designed and constructed with best practices for the modern-day construction industry, including energy efficient design standards.

Goal 14: Urbanization

*To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**RESPONSE:** Goal 14 concerns the provision of urban and rural land uses to ensure efficient use of land and livable communities. The proposed amendment does not amend an urban growth boundary, and mini-storage is permitted as a conditional use in the Rural-Industrial (“**R-I**”) zones. Like the MUA zone, the R-I zone serves rural communities. Storage is not exclusively an “urban use” and storage that targets recreational vehicles and equipment contributes to rural recreational opportunities. The subject application proposes to limit mini-storage to lands in the MUA zone that are located in close proximity to existing urban growth boundaries and adjacent

~~state highways~~ [State Highway 97](#), thereby promoting an orderly and efficient transition from rural to urban land use. Goal 14 is met.

Goals 15-19

**RESPONSE:** Goals 15 through 19 do not apply (Goal 15 Willamette River Greenway; Goal 16 Estuarine Resources; Goal 17 Coastal Shorelands; Goal 18 Beaches and Dunes; and Goal 19 Ocean Resources).

| <b>Summary report:</b><br><b>Litera Compare for Word 11.6.0.100 Document comparison done on</b><br><b>11/20/2023 4:06:50 PM</b> |    |
|---|----|
| <b>Style name:</b> Default Style  |    |
| <b>Intelligent Table Comparison:</b> Active   |    |
| <b>Original DMS:</b> iw://PDX-MIDDLE/pdx/37503665/5   |    |
| <b>Modified DMS:</b> iw://PDX-MIDDLE/pdx/37503665/6   |    |
| <b>Changes:</b>   |    |
| <u>Add</u>  | 6  |
| <del>Delete</del>   | 6  |
| <del>Move From</del>  | 0  |
| <u>Move To</u>  | 0  |
| <u>Table Insert</u>   | 0  |
| <del>Table Delete</del>   | 0  |
| <u>Table moves to</u>   | 0  |
| <del>Table moves from</del>   | 0  |
| Embedded Graphics (Visio, ChemDraw, Images etc.)  | 0  |
| Embedded Excel  | 0  |
| Format changes  | 0  |
| <b>Total Changes:</b>   | 12 |



May 2, 2024

**Kenneth Katzaroff**  
Admitted in Washington and  
Oregon  
D: 206-405-1985  
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[KKatzaroff@SCHWABE.com](mailto:KKatzaroff@SCHWABE.com)

Nicole Mardell  
Senior Planner  
Deschutes County Planning Department  
Community Development Building  
117 NW Lafayette Avenue  
Bend, OR 97703

RE: Text Amendment  
Our File No.: 136093-280105

Dear Nicole:

As you know, our firm is the applicant ("Applicant") in application No. 247-23-000732-TA. This letter provides additional information and requests that a hearing be scheduled to consider the matter.

1. Conditional Use of Self Storage, including Boat and RV Storage

Applicant's proposal originally requested that the proposed uses be permitted outright, subject only to site plan review. Through conversations with planning staff, Applicant requests that the proposed uses instead be conditional uses, subject to site plan review and DCC 18.128.300.

2. ESEE Analysis

Applicant has prepared an ESEE Analysis which is attached as Exhibit A to this letter.

3. Conclusion

Applicant is happy to provide any additional information as may be reasonably requested. Applicant also respectfully requests that a hearing be scheduled to consider the application.

Nicole Mardell  
May 2, 2024

Sincerely,

SCHWABE, WILLIAMSON & WYATT, P.C.

  
Kenneth Katzaroff

JKKA:aks

ESEE Analysis for Text Amendment

1.1 Scope of Proposal

The Applicant is proposing a legislative amendment to Title 18, Chapter 18.32 (Multiple Use Agricultural Zone; MUA) of the Deschutes County Code (DCC) that would designate mini-storage uses, including watercraft and RV storage, as a conditionally allowed use within the Multiple Use Agricultural Zone (MUA). The proposed text amendment would have the effect of allowing mini-storage on parcels that are:

- Zoned MUA;
- At least 10 acres in size and no greater than 30 acres in size. Multiple contiguous parcels may be considered in the aggregate to meet this requirement.
- Adjacent to State Highway 97 (“Hwy 97”); and
- Within 2,500 feet of an urban growth boundary (UGB).

Given the proposed use would be allowed on certain parcels adjacent to Hwy 97, the use would be subject to DCC 18.84, Landscape Management Combining Zone (LM), which applies to all areas within one-fourth mile of the centerline of roads identified as landscape management corridors in the Deschutes County Comprehensive Plan (Comprehensive Plan). Per DCC 18.84.010, the purpose of the LM zone is to maintain scenic and natural resources of the designated areas and to maintain and enhance scenic vistas and natural landscapes as seen from designated roads, rivers, or streams.

Because the proposed legislative amendment to DCC 18.32 requires a post-acknowledgement plan amendment (PAPA), which would have the effect of allowing a new use (mini-storage) that could be conflicting with a Goal 5 resource on the County’s acknowledged Goal 5 inventory (scenic views from Hwy 97), Oregon Administrative Rule (OAR) 660-023-0250 requires an Environmental, Social, Economic and Energy (ESEE) analysis for the proposed mini-storage use.

In 1992, Deschutes County prepared an ESEE analysis for scenic resources, including for scenic viewsheds and natural landscapes, and implemented the LM zone, which is intended to limit “conflicting uses” while still allowing development to occur (Ordinance 92-052). While more specific regulations of the LM zone are discussed in Section 2.2 of this document, it is important to note that the LM zone provides a maximum building height of 30-feet to help preserve scenic viewsheds from the highway. Additionally, many of the allowed uses within the MUA zone per DCC 18.32.020 and 18.32.030 are of a similar size and scale as a mini-storage facility, such as public/semipublic uses (such as libraries or governmental administrative buildings), and public and private schools, or veterinary clinics, all of which have significant parking facilities or collections of buildings to effectuate the use. This is demonstrative that the proposed mini-storage use is not a significant change in the size and scale of development already allowed within the MUA and LM zones. Importantly, the LM zone does not generally limit uses, it

effectively provides a set of design-review criteria that ensure compliance with protecting the scenic views. *See e.g.*, DCC Chapter 18.84.

Moreover, as it relates to Hwy 97 specifically, substantial portions of that scenic roadway have already been zoned or re-zoned to a Rural Industrial or “RI zone”, which permits mini-storage facilities. *See* DCC Chapter 18.100.020.M. This implicitly means that such uses have already been reviewed and found as compliant with the LM zone on Hwy 97.

## 1.2 Identification of Conflicting Uses

The Oregon Department of Land Conservation and Development (DLCD) administers Statewide Planning Goal 5 Administrative Rule (OAR) 660-023-000, which states that the purpose of Goal 5 is “...to conserve and protect significant Goal 5 natural resources.”

Goal 5 Administrative Rule OAR 660-0023-0230(1) identifies Goal 5 scenic views and sites as lands “that are valued for their aesthetic appearance”. The Goal 5 ESEE analysis describes the economic, social, environmental, and energy consequences of allowing, limiting, or prohibiting a new use that could conflict with the previously documented and protected scenic views from Hwy 97.

Under the ESEE process, an identification of “conflicting uses” must be made and a program to achieve the goal of protecting Goal 5 resources must be created if conflicting uses are substantially identified. Goal 5 Administrative Rule OAR 660-023-0010 defines “conflicting use” as follows:

(b) “Conflicting use” is a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource (except as provided in OAR 660-023-0180(1)(b)). Local governments are not required to regard agricultural practices as conflicting uses.

Goal 5 Administrative Rule (OAR 660-023-0040) describes how conflicting uses are identified:

(2) Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site. The following shall also apply in the identification of conflicting uses:

(a) If no uses conflict with a significant resource site, acknowledged policies and land use regulations may be considered sufficient to protect the resource site. The determination that there are no conflicting uses must be based on the applicable zoning rather than ownership of the site. (therefore, public ownership of a site does not by itself support a conclusion that there are no conflicting uses.)



(b) A local government may determine that one or more significant Goal 5 resource sites are conflicting uses, with another significant resource site. The local government shall determine the level of protection for each significant site using the ESEE process and/or the requirements in OAR 660-023-0090 through 660-023-0230 (see OAR 660-023-0020(1)).

For this ESEE analysis, the conflicting use is the newly proposed mini-storage use within the MUA zone for certain parcels situated along Hwy 97 and close to a UGB as limited through the proposed text amendment. However, the LM zone in these areas is intended to “maintain and enhance scenic vistas and natural landscapes as screen from designated roads, rivers, or streams” and the new mini-storage use could conflict with this Goal 5 resource and an ESEE analysis is required.

**2.0 ESEE ANALYSIS**

**2.1 ESEE Process**

This ESEE analysis is based on a proposed new mini-storage use within the MUA zone for certain parcels nearby UGBs and adjacent to Hwy 97, which could be conflicting with scenic viewsheds and natural landscapes viewed from the highway, which are an inventoried Goal 5 resource within the Deschutes County Comprehensive Plan. The County’s LM zone per DCC 18.84 is intended to allow development within the LM zone in a way that is compatible with preserving these views and existing landscapes. To that end, the LM zone has adopted certain design review criteria. However, an analysis must still occur.

An ESEE process identifies the consequences of allowing, limiting, or prohibiting conflicting uses in areas containing significant resources, including scenic views. OAR 660-023-0040 requires the following steps:

1. Identify the conflicting uses;
2. Determine the impact area;
3. Analyze the ESEE consequences of the conflicting use; and
4. Develop a program to achieve Goal 5

For the purpose of this ESEE analysis, the conflicting use is the proposed mini-storage use within the MUA zone for certain parcels adjacent to Hwy 97 that are subject to the LM zone, as discussed in Section 1.1. The impact area for this ESEE analysis consists of the parcels the proposed text amendment would affect, which is highly limited based upon the size of parcel requirement and the proximity to a UGB. Deschutes County already maintains a program for achieving Goal 5 specific to the scenic views and natural landscapes viewed from Hwy 97, which are an inventoried Goal 5 resource within Deschutes County and are protected though the establishment of the LM zone., which imposes certain design review criteria.

**2.2 Existing Protections and Program to Achieve the Goal**

The proposed new mini-storage use within the MUA zone would be allowed on certain parcels adjacent to Hwy 97, which would be subject to the County’s LM zone, which as is relevant here, is intended to maintain scenic view. The LM zone was established as a result of an ESEE analysis prepared by Deschutes County in 1992 for scenic resources, including for scenic viewsheds and natural landscapes (Ordinance 92-052). The LM zone is intended to limit conflicting uses while still allowing development to occur.

Within the LM zone, uses permitted in the underlying zone (either outright or conditionally) are permitted within the LM zone, subject to use limitations per DCC 18.84.050, design review standards per DCC 18.84.080, and setback requirements per DCC 18.84.090. These standards and requirements are intended to allow development to occur while ensuring compatibility and preservation of scenic vistas and natural landscapes viewed from the highway in compliance with Goal 5. For example, the LM zone limits building heights to 30-feet, which ensures scenic viewsheds can be preserved when viewed from a designated road.

The LM zone also gives the review authority discretion to require certain improvements or modifications to protect views through site design, such as supplemental landscaping for screening, as well as specification of certain building materials and colors, depending on the development proposed and the location of the development site. This discretion further ensures compatibility with scenic vistas and natural landscapes viewed from the protected resource.

The proposed new mini-storage use would also only be allowed conditionally, subject to the conditional use review procedure per DCC 18.128 and the mini-storage specific standards per DCC 18.128.300, and site plan review (DCC Chapter 18.124) which has additional screening and safety requirements, including preserving existing topography (which provides additional protection to the view shed). Together, the County’s conditional use and site plan criteria provide ample protection and regulatory authority to impose additional protections to the scenic Goal 5 view shed that are over and above those already contained in the LM zone.

**2.3 ESEE Analysis**

As described in Section 1.1, the new proposed mini-storage use would only be allowed on parcels that meet the following requirements:

- Zoned MUA;
- At least 10 acres in size and no greater than 30 acres in size. Multiple contiguous parcels may be considered in the aggregate to meet this requirement.
- Adjacent to State Highway 97 (“Hwy 97”); and
- Within 2,500 feet of an urban growth boundary (UGB).

For the purposes of this ESEE, we have assumed that all MUA zoned properties that are adjacent to Hwy 97 and within 2,500 feet of a UGB meet are included.

**Allowing Conflicting Uses, Prohibiting Conflicting Uses, or Limiting Conflicting Uses:**

Overall, allowing the conflicting uses as identified as mini-storage in the MUA zone and on property meeting the above criteria would have a marginal impact on the LM zone scenic view corridors and Goal 5 resource. This is due to a number of different reasons.

First, the area corridor and properties that would be subject to the conflicting use are limited to those near the Bend and Redmond UGB. Moreover, along this corridor, several properties already permit the proposed mini-storage use because they are zone Rural Industrial, which permits such use and was found not to be conflicting in such a way as to prohibit that use in the same scenic view corridor related to the Goal 5 protected resource.

Second, Applicant believes that the protected scenic view area has already been highly degraded. This is because the view corridor has been significantly altered since the Goal 5 resource was adopted, including by having substantial increases in the size and scope of Hwy 97 and the increased development adjacent to the corridor, including development both within and outside of the relevant UGBs. This development has diminished clear views of the mountains and other open space areas and instead now provides views of structures, shopping malls, rural industrial development, and other rural development. The introduction of mini-storage uses will provide no significant change.

In contrast, prohibiting the conflicting use would have an overall negative economic consequence. This is because prohibiting use would limit the economic use that the property could be made on the property and thereby impacts that potential tax valuation that could be received by the County, among other issues.

Prohibiting the use could mean fewer storage opportunities for the Deschutes County community, and rural residents in close proximity to the affected parcels would have to travel further to other mini-storage facilities located within UGBs, such as Bend. Full protection would also completely limit vegetation removal, minimizing development potential of a parcel and/or increasing costs to develop, leading to design requirements such as longer driveways or access roads in order to access areas of a development site beyond the LM zone.

To the extent limiting the conflicting use has social consequences, they would be negative. Mini-storage facilities present an opportunity for employment as well as for nearby residents to store items, such as boats and RVs, that are used for recreation. Many residents of property do not have or maintain proper storage facilities for such equipment and vehicles, which limits social interaction and vibrancy.

Environmental consequences based upon the proposal are marginal. As already stated, mini-storage is already a permitted use on nearby lands that maintain the RI zoning designation. Moreover, protections contained in the Site Plan Review criteria limit changes to topography and maintain specific vegetation requirements, all of which must be managed and maintained. This could provide a benefit. Moreover, having storage facilities located closer to rural residents could reduce trips to and from other storage facilities that may already be maintained within UGBs, or on the RI zoned lands.

Energy consequences are expected to be limited. There are existing power facilities nearby which either serve existing MUA uses or could be used for the mini-storage use. Moreover, the

opportunity for mini-storage to be constructed in closer proximity to rural residential areas could reduce drive times, thereby reducing energy consumption necessary for local businesses and nearby residents who wish to utilize these facilities, given they would not have to drive to a UGB to meet this end.

## **2.4 Conclusion**

There is limited, if any, benefit to further limiting the conflicting use of mini-storage within the LM zone to those protections already provided by the conditional use and site plan criteria. This is particularly true on the Hwy 97 period given that several parcels in this corridor are zoned Rural Industrial, which already permits the conflicting use.





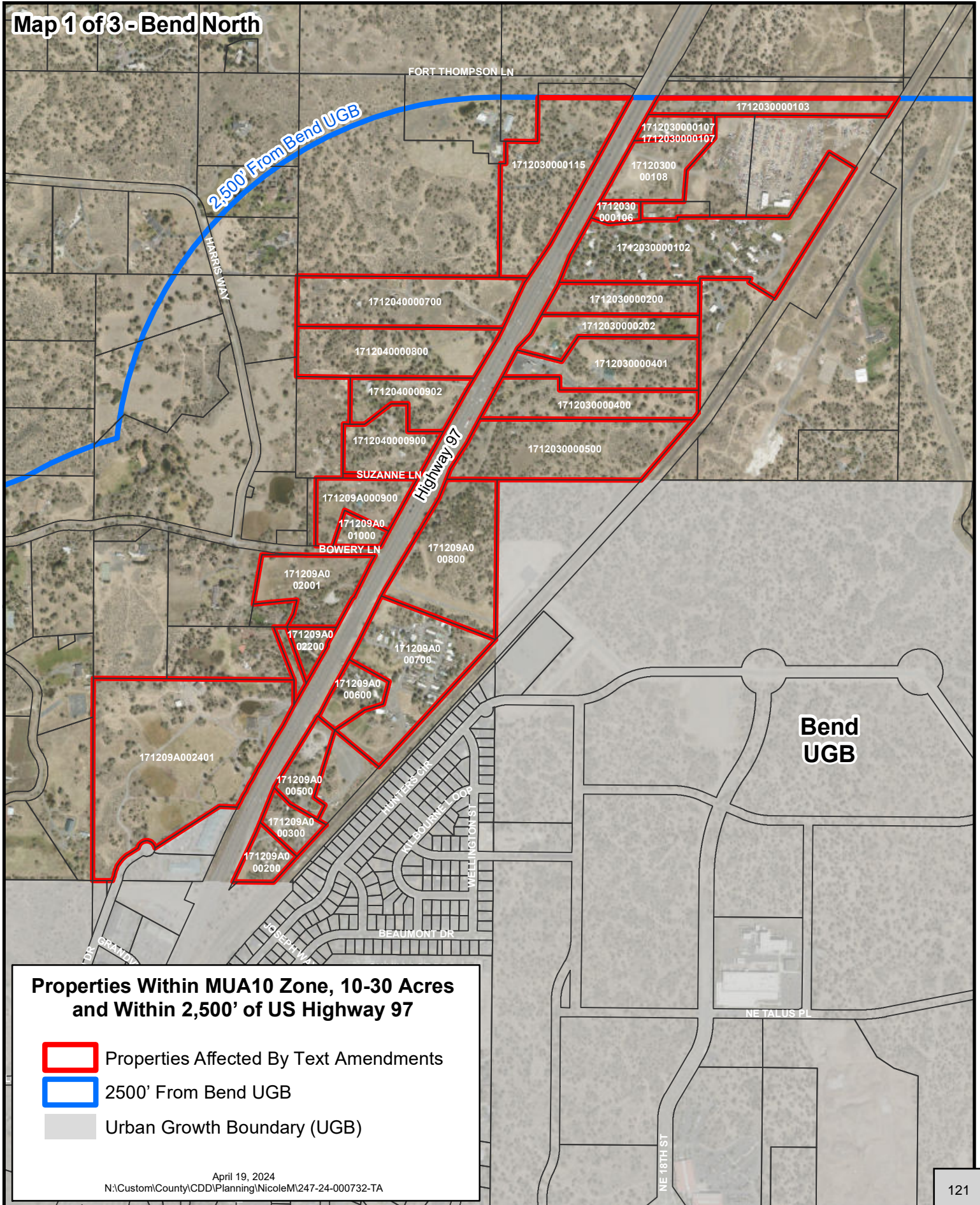
# 247-23-000732-TA

09/25/2024 Item #11.



## Highway 97 Mini-Storage Text Amendments

Map 1 of 3 - Bend North







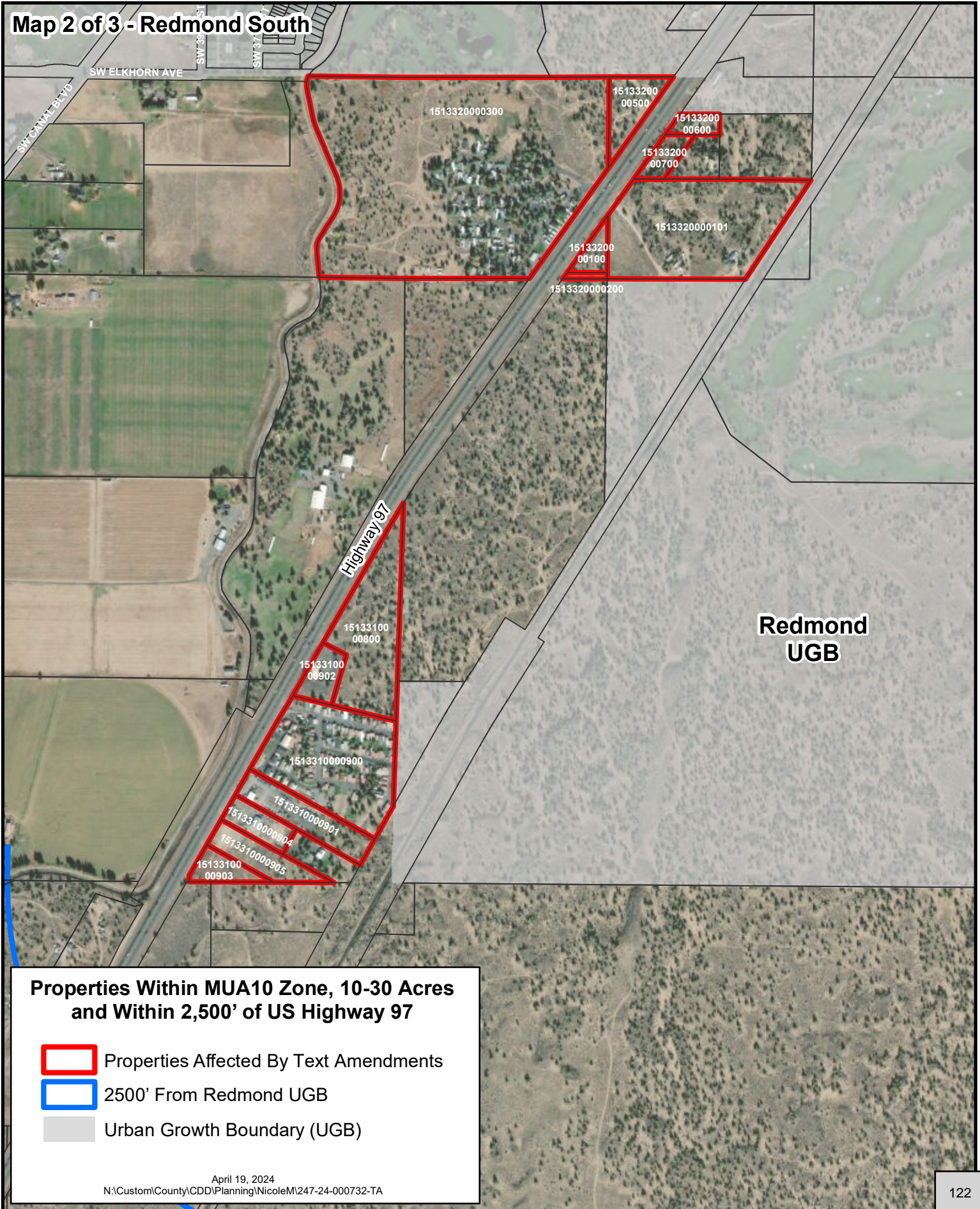
# 247-23-000732-TA

09/25/2024 Item #11.



## Highway 97 Mini-Storage Text Amendments

### Map 2 of 3 - Redmond South







*Attachment D*  
*Conditional Use Criteria*

**18.128.015 General Standards Governing Conditional Uses**

Except for those conditional uses permitting individual single-family dwellings, conditional uses shall comply with the following standards in addition to the standards of the zone in which the conditional use is located and any other applicable standards of the chapter:

1. The site under consideration shall be determined to be suitable for the proposed use based on the following factors:
  1. Site, design and operating characteristics of the use;
  2. Adequacy of transportation access to the site; and
  3. The natural and physical features of the site, including, but not limited to, general topography, natural hazards and natural resource values.
2. The proposed use shall be compatible with existing and projected uses on surrounding properties based on the factors listed in DCC 18.128.015(A).
3. These standards and any other standards of DCC 18.128 may be met by the imposition of conditions calculated to ensure that the standard will be met.

**18.128.020 Conditions**

In addition to the standards and conditions set forth in a specific zone or in DCC 18.124, the Planning Director or the Hearings Body may impose the following conditions upon a finding that additional restrictions are warranted.

1. Require a limitation on manner in which the use is conducted, including restriction of hours of operation and restraints to minimize environmental effects such as noise, vibrations, air pollution, glare or odor.
2. Require a special yard or other open space or a change in lot area or lot dimension.
3. Require a limitation on the height, size or location of a structure.
4. Specify the size, number, location and nature of vehicle access points.
5. Increase the required street dedication, roadway width or require additional improvements within the street right of way.
6. Designate the size, location, screening, drainage, surfacing or other improvement of a parking or loading area.
7. Limit or specify the number, size, location, height and lighting of signs.
8. Limit the location and intensity of outdoor lighting and require shielding.
9. Specify requirements for diking, screening, landscaping or other methods to protect adjacent or nearby property and specify standards for installation and maintenance.
10. Specify the size, height and location of any materials to be used for fencing.
11. Require protection and preservation of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
12. Require that a site plan be prepared in conformance with DCC 18.124.

**18.128.300 Mini-Storage Facility**

1. Each individual space for rent or sale shall be less than 1000 square feet.



2. Mini-storage shall be limited to dead storage. Outside storage shall be limited to boats, recreational vehicles and similar vehicles placed within designated spaces on an all-weather surfaced area which is surrounded by a sight-obscuring fence at least six feet in height.
3. Yards shall be permanently landscaped.
4. Yard dimensions adjacent to residential zones shall be the same as required yards within the residential zone.
5. Parking shall be provided for office space associated with the mini-storage facility at one (1) space for every 300 square feet of office space. A minimum of two (2) parking spaces shall be provided for all mini-storage facilities regardless of office size.
6. All structures shall be fenced and visually screened.
7. Traffic lanes shall be 12 feet wide with an additional 10-foot parking lane, except where the traffic lane does not serve the storage units. All areas provided for vehicle access, parking and movement shall be improved to minimum public road standards.
8. A residence for a caretaker or 24-hour on-site manager is permitted.
9. There shall be only one access from each adjacent street.
10. Outside lighting, including shading to prevent glare on adjacent properties, may be required for safety and security purposes.



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 25, 2024

**SUBJECT:** Public Hearing: 2024 Housekeeping Amendments and consideration of first reading of Ordinance No. 2024-008

**RECOMMENDED MOTIONS:**

1. Following the public hearing, move to close both the oral and written records.
2. Move approval of first reading of Ordinance 2024-008 by title only.

**BACKGROUND AND POLICY IMPLICATIONS:**

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

Attached to this memorandum are proposed Housekeeping Amendments (file no. 247-24-000417-TA) and a staff report summarizing the changes. Within the proposed amendments, added language is shown underlined and deleted shown as ~~striketrough~~.

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Kyle Collins, Associate Planner  
Will Groves, Planning Manager



## COMMUNITY DEVELOPMENT

**MEMORANDUM**

**TO:** Deschutes County Board of Commissioners

**FROM:** Kyle Collins, Associate Planner  
Will Groves, Planning Manager

**DATE:** September 18air, 2024

**SUBJECT:** Public Hearing: 2024 Housekeeping Text Amendments

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The Deschutes County Board of Commissioners (Board) will conduct a public hearing on September 25, 2024 at 9:00 a.m. at the Deschutes Services Center, 1300 Wall Street, Barnes and Sawyer rooms to consider housekeeping amendments (file no. 247-24-000417-TA). Attached to this memorandum are the proposed text amendments and a staff report summarizing the changes. Within the proposed amendments, added language is shown underlined and deleted shown as ~~striketrough~~. The public hearing will be conducted in-person, electronically, and by phone.<sup>1</sup>

All record materials can be found on the project website: <https://bit.ly/2024Housekeeping>

**I. BACKGROUND**

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

The last time Deschutes County adopted housekeeping amendments occurred in March 2023<sup>2</sup>.

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<sup>1</sup> See Deschutes County Board of Commissioners September 25, 2024 Agenda for more information: <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-195>

<sup>2</sup> Ordinances 2023-001.

## II. OVERVIEW OF AMENDMENTS

As summarized in the attached ordinance and exhibits, the proposed text amendments will affect the following chapters of the Deschutes County Code:

### Title 15, Buildings and Construction

#### Chapter 15.08. SIGNS

### Title 18, County Zoning

#### Chapter 18.04. TITLE, PURPOSE AND DEFINITIONS

#### Chapter 18.16. EXCLUSIVE FARM USE ZONES

#### Chapter 18.32. MULTIPLE USE AGRICULTURAL ZONE; MUA

#### Chapter 18.36. FOREST USE ZONE; F-1

#### Chapter 18.40. FOREST USE ZONE; F-2

#### Chapter 18.48. OPEN SPACE AND CONSERVATION ZONE; OS AND C

#### Chapter 18.60. RURAL RESIDENTIAL ZONE; RR-10

#### Chapter 18.61. URBAN UNINCORPORATED COMMUNITY ZONE; LA PINE

#### Chapter 18.65. RURAL SERVICE CENTER; UNINCOPORATED COMMUNITY ZONE

#### Chapter 18.66. TERREBONNE RURAL COMMUNITY ZONING DISTRICTS

#### Chapter 18.67. TUMALO RURAL COMMUNITY ZONING DISTRICTS

#### Chapter 18.74. RURAL COMMERCIAL ZONE

#### Chapter 18.76. AIRPORT DEVELOPMENT ZONE; A-D

#### Chapter 18.108. URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER

#### Chapter 18.116. SUPPLEMENTARY PROVISIONS

#### Chapter 18.128. CONDITIONAL USE

### Title 19, Bend Urban Growth Boundary Zoning Ordinance

#### Chapter 19.04. TITLE, COMPLIANCE, APPLICABILITY ABD DEFINITIONS

#### Chapter 19.12. URBAN AREA RESERVE ZONE UAR-10

#### Chapter 19.20. SUBURBAN LOW DENSITY RESIDENTIAL ZONE; SR 2 ½

#### Chapter 19.22. WESTSIDE TRANSECT ZONE; WTZ

#### Chapter 19.28. URBAN STANDARD RESIDENTIAL ZONE; RS

### Title 22, Deschutes County Development Procedures Ordinances

#### Chapter 22.36. LIMITATIONS ON APPROVALS

## III. SUMMARY OF TESTIMONY

Notice of the proposed amendments was sent to agencies on July 3, 2024. Comments from the following agencies were received:

- The Deschutes County Senior Transportation Planner reviewed the proposed amendments for potential Transportation Planning Rule (TPR) effects and found that the proposed amendments appear to comply with TPR provisions.

Additionally, one public comment was received. Ken Katzaroff, of Schwabe law firm, expressed reservations around the inclusion of the proposed “Agricultural Land” definition in Title 19 and the potential for unintended policy decisions being made through the Housekeeping process. Prior to deliberations by the Planning Commission, all agricultural related Title 19 definitions were removed from the proposed Housekeeping Amendments package.

#### **IV. PLANNING COMMISSION REVIEW**

The Planning Commission (Commission) held a public hearing concerning the proposed amendments on August 22, 2024.<sup>3</sup> Following the hearing, the Commission closed both the oral and written records, and held deliberations that same day. The Commission unanimously (5-0) recommended approval of the proposed amendments. Two Commissioners (Commissioners Kelsey Kelley and Nathan Hovekamp) were not in attendance for the public hearing or deliberations.

#### **V. NEXT STEPS**

At the conclusion of the public hearing, the Board may:

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

Attachments:

- 1) Ordinance 2024-008: Staff Report & Proposed Text Amendments

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<sup>3</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-56>

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, Title 18, \*  
 Zoning Ordinance, Title 19, Bend Urban Area \*  
 Zoning Ordinance, and Title 22, Procedures \*  
 Ordinance, to Incorporate Changes to State and \*  
 Federal Law, and Provide Clarification of Existing  
 Regulations, Procedures, and Policies.

ORDINANCE NO. 2024-008

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. 247-24-000417-TA) to the Deschutes County Code ("DCC"), Chapter 15.08 – Signs, Chapter 18.04 – Purpose and Definitions, Chapter 18.16 – Exclusive Farm Use Zones, Chapter 18.32 – Multiple Use Agricultural Zone, Chapter 18.36 – Forest Use Zone F1, Chapter 18.40 – Forest Use Zone F2, Chapter 18.60 – Rural Residential Zone, Chapter 18.65 – Rural Service Center Unincorporated Community Zone, Chapter 18.66 – Terrebonne Rural Community Zoning Districts, Chapter 18.67 – Tumalo Rural Community Zoning Districts, Chapter 18.74 – Rural Commercial Zone, Chapter 18.76 – Airport Development Zone, Chapter 18.108 – Urban Unincorporated Community Zone-Sunriver, Chapter 18.110 – Resort Community Zone, Chapter 18.116 – Supplementary Provisions, Chapter 18.128 – Conditional Use, Chapter 19.04 – Title, Compliance, Applicability and Definitions, Chapter 19.12 – Urban Area Reserve Zone, Chapter 19.20 – Suburban Low Density Residential Zone, Chapter 19.22 – Westside Transect Zone, Chapter 19.28 – Urban Standard Residential Zone, Chapter 22.36 – Limitations on Approvals; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on August 22, 2024 and forwarded to the Deschutes County Board of County Commissioners ("Board") a 5-0 recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on September 25, 2024 and concluded that the public will benefit from the proposed changes to the Deschutes County Code Titles 15, 18, 19, and 22; now, therefore,

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

Section 1. AMENDMENT. Deschutes County Code Chapter 15.08, Signs, 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. AMENDMENT. Deschutes County Code Chapter 18.04, Title, Purpose, and Definitions, is amended to read as described in Exhibit “B”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 3. AMENDMENT. Deschutes County Code Chapter 18.16, Exclusive Farm Use Zone, is amended to read as described in Exhibit “C”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 4. AMENDMENT. Deschutes County Code Chapter 18.32, Multiple Use Agricultural Zone, is amended to read as described in Exhibit “D”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 5. AMENDMENT. Deschutes County Code Chapter 18.36, Forest Use Zone (F1), is amended to read as described in Exhibit “E”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 6. AMENDMENT. Deschutes County Code Chapter 18.40, Forest Use Zone (F2), is amended to read as described in Exhibit “F”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 7. AMENDMENT. Deschutes County Code Chapter 18.60, Rural Residential Zone, is amended to read as described in Exhibit “G”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 8. AMENDMENT. Deschutes County Code Chapter 18.65, Rural Service Center Unincorporated Community Zone, is amended to read as described in Exhibit “H”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 9. AMENDMENT. Deschutes County Code Chapter 18.66, Terrebonne Rural Community Zonings Districts, is amended to read as described in Exhibit “I”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 10. AMENDMENT. Deschutes County Code Chapter 18.67, Tumalo Rural Community Zoning Districts, is amended to read as described in Exhibit “J”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 11. AMENDMENT. Deschutes County Code Chapter 18.74, Rural Commercial Zone, is amended to read as described in Exhibit “K”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 12. AMENDMENT. Deschutes County Code Chapter 18.76, Airport Development Zone, is amended to read as described in Exhibit “L”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 13. AMENDMENT. Deschutes County Code Chapter 18.108, Urban Unincorporated Community Zone Sunriver, is amended to read as described in Exhibit “M”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 14. AMENDMENT. Deschutes County Code Chapter 18.110, Resort Community Zone, is amended to read as described in Exhibit “N”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 15. AMENDMENT. Deschutes County Code Chapter 18.116, Supplementary Provisions, is amended to read as described in Exhibit “O”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 16. AMENDMENT. Deschutes County Code Chapter 18.128, Conditional Use, is amended to read as described in Exhibit “P”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 17. AMENDMENT. Deschutes County Code Chapter 19.04, Title, Compliance, Applicability and Definitions, is amended to read as described in Exhibit “Q”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 18. AMENDMENT. Deschutes County Code Chapter 19.12, Urban Area Reserve Zone, is amended to read as described in Exhibit “R”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 19. AMENDMENT. Deschutes County Code Chapter 19.20, Suburban Low Density Residential Zone, is amended to read as described in Exhibit “S”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 20. AMENDMENT. Deschutes County Code Chapter 19.22, Westside Transect Zone, is amended to read as described in Exhibit “T”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 21. AMENDMENT. Deschutes County Code Chapter 19.28, Urban Standard Residential Zone, is amended to read as described in Exhibit “U”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 22. AMENDMENT. Deschutes County Code Chapter 22.36, Limitations on Approvals, is amended to read as described in Exhibit “V”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 23. FINDINGS. The Board adopts as its findings Exhibit “W”, attached and incorporated by reference herein.



Dated this \_\_\_\_\_ of \_\_\_\_\_, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

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

\_\_\_\_\_  
ANTHONY DEBONE, Vice Chair

ATTEST:

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

\_\_\_\_\_  
PHILIP CHANG

Date of 1<sup>st</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Date of 2<sup>nd</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Record of Adoption Vote:

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

Effective date: \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**15.08.060 Sign Permit**

Except as provided in DCC 15.08.~~070~~080, no sign shall be erected, structurally altered or relocated until a sign permit has been issued.

**HISTORY**

*Adopted by Ord. [81-009](#) §1, Exhibit A, § 1.070 on 4/29/1981*

*Amended by Ord. [95-063](#) §1 on 10/11/1995*

*Amended by Ord. [2014-018](#) §2 on 11/24/2014*

*[Amended by Ord. 2024-008 §1 on 10/09/2024](#)*

## Exhibit B

**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.

**“Residential facility”** ~~means a residential care, residential training, or residential treatment facility, as those terms are defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility~~ means a facility licensed by or under the authority of the State of Oregon which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet State of Oregon licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

**“Residential home”** ~~means a residential treatment or training home, as defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), a residential facility registered under ORS 443.480 (Definitions for ORS 443.480 to 443.500) to 443.500 (Investigation of registered facilities), or an adult foster home licensed under ORS 443.705 (Definitions for ORS 443.705 to 443.825) to 443.825 (Disposition of penalties recovered) that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home~~ means a home licensed by or under the authority of the State of Oregon which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet State of Oregon licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

(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 10/9/2024](#)

**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. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
  - 2. Five years before the date of the application; or
  - 3. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
  - 4. 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:
      - i. 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
      - ii. 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.

~~A lawfully established dwelling may be altered, restored or replaced under DCC 18.16.020(J) above if, when an application for a permit is submitted, the County finds to its satisfaction, based on substantial evidence that:~~

~~A. The dwelling to be altered, restored or replaced met the following when an application for a permit is submitted:~~

~~1. The dwelling 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;~~
- ~~d. A heating system; The dwelling to be altered, restored or replaced met the following when an application for a permit is submitted:~~

~~2. In addition to the provisions of subsection (A)(1), the dwelling to be replaced meets one of the following conditions:~~

~~a. If the dwelling was removed, destroyed or demolished:~~

~~1. The dwelling's tax lot does not have a lien for delinquent ad valorem taxes; and~~

~~2. Any removal, destruction or demolition occurred on or after January 1, 1973;~~

~~b. If the dwelling is currently in such a state of disrepair that the dwelling is unsafe for occupancy or constitutes an attractive nuisance, the dwelling's tax lot does not have a lien for delinquent ad valorem taxes; or~~

~~c. A dwelling not described in subparagraph (a) or (b) of this paragraph was assessed as a dwelling for purposes of ad valorem taxation:~~

~~1. For the previous five property tax years; or~~

~~2. From the time when the dwelling was erected upon or affixed to the land and became subject to assessment as described in ORS 307.010 (Definitions of "land" and "real property" for state property tax laws);~~

~~B. For replacement of a lawfully established dwelling under DCC 18.16.020(J):~~

~~1. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:~~

~~a. Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055 and DCC Chapter 15.04; or~~

~~b. If the dwelling to be replaced is, in the discretion of the County, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the County that is not less than 90 days after the replacement permit is issued; and~~

~~c. If a dwelling is removed by moving it off the subject parcel to another location, the applicant must first obtain approval from the County for the new location.~~

~~2. The applicant must cause to be recorded in the deed records of the County a statement that the dwelling to be replaced has been removed, demolished or converted.~~

~~3. Deed Restrictions.~~

~~a. 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 a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel.~~

~~b. 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 2019 Oregon Laws, chapter 440, section 1 and ORS 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.~~

~~4. The replacement dwelling:~~

~~a. Must comply with applicable siting standards such as minimum setbacks. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.~~

~~b. Must comply with applicable building codes, plumbing codes, sanitation codes and other requirements related to health and safety or to siting at the time of~~



~~construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.~~

~~5. The replacement dwelling must be sited on the same lot or parcel:~~

~~a. Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and~~

~~b. If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.~~

~~6. A replacement dwelling permit that is issued under DCC 18.16.020(J):~~

~~a. Is a land use decision as defined in ORS 197.015 where the dwelling to be replaced:~~

~~1. Formerly had the features described in DCC 18.16.023(A)(1)(a) through(d); or~~

~~2. Is eligible for replacement under DCC 18.16.023(A)(2)(b).~~

~~b. Is not subject to the time to act limits of ORS 215.417.~~

~~7. A temporary residence approved under DCC 18.116.080 or 18.116.090 is not eligible for replacement under this section.~~

#### 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 10/9/2024](#)*

#### **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, r~~Residential home ~~or facility, as defined in DCC 18.04.030,~~ 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.
- 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, subject to 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.
  - 2. 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 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 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 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 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. Excavation, grading and fill and 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 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 10/9/2024

## Exhibit D

**18.32.020 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright:

- A. Agricultural uses as defined in DCC Title 18.
- B. A single family dwelling, or a manufactured home subject to DCC 18.116.070.
- C. Propagation or harvesting of a forest product.
- D. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- E. Class III road or street project.
- F. Noncommercial horse stables, excluding horse events.
- G. Horse events, including associated structures, involving:
  - 1. Fewer than 10 riders;
  - 2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
  - 3. More than 25 riders, no more than two times per year on nonconsecutive days.  
Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.
- H. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- I. Type 1 Home Occupation, subject to DCC 18.116.280.
- J. Accessory Dwelling Units, subject to DCC 18.116.350.
- ~~K.~~ Residential Accessory Dwelling Units, subject to DCC 18.116.355.
- ~~K.~~L. Residential home.

**HISTORY**

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

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

*Amended by Ord. [91-005](#) §18 on 3/4/1991*

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

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

*Amended by Ord. [93-001](#) §1 on 1/27/1993*

*Amended by Ord. [93-043](#) §4 on 8/25/1993*

*Amended by Ord. [94-008](#) §10 on 6/8/1994*

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

*Amended by Ord. [2001-039](#) §2 on 12/12/2001*

*Amended by Ord. [2004-002](#) §3 on 4/28/2004*

*Amended by Ord. [2019-009](#) §1 on 9/3/2019*

*Recorded by Ord. [2019-009](#) §1 on 9/3/2019*

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

*Amended by Ord. 2024-008 §4 on 10/9/2024*

**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-Family Dwellings](#)[18.36.060 Siting Of Dwellings And Structures](#)[18.36.070 Fire Siting Standards For Dwellings And Structures](#)[18.36.080 Fire Safety Design Standards For Roads](#)[18.36.085 Stocking Requirement](#)[18.36.090 Dimensional Standards](#)[18.36.100 Yards And Setbacks](#)[18.36.110 Stream Setbacks](#)[18.36.120 State Law Controls](#)[18.36.130 Rimrock Setbacks](#)[18.36.140 Restrictive Covenants](#)**18.36.020 Uses Permitted Outright**

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

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4.
- B. Temporary on-site structures, that are auxiliary to and used during the term of a particular forest operation, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use. For the purposes of this section, including DCC 18.36.020(B) and (C) "auxiliary" means a use or alteration of a structure or land, that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, 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, subject to DCC 18.36.025. Alteration, restoration or replacement of a lawfully established dwelling that:~~
- ~~N.—Has intact exterior walls and roof structure;~~
- ~~O.—Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
- ~~P.—Has interior wiring for interior lights;~~
- ~~Q.—Has a heating system; and~~
- ~~R.—M. \_\_\_\_\_ In the case of replacement, is removed, demolished or converted to an allowable use within three months of completion of the replacement dwelling.~~
- ~~S.—~~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 10/9/2024](#)

### **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. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
  - 2. Five years before the date of the application; or
  - 3. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
  - 4. 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:
      - i. 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
      - ii. 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 10/9/2024

**18.36.070 Fire Siting Standards For Dwellings And Structures**

The following fire siting standards shall apply to all new dwellings and permanent structures (including permitted uses), except as otherwise noted:

A. Access

- 1. If a water supply, such as a swimming pool, pond, stream or lake, is available and suitable for fire protection or is required under DCC 18.36.070, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall be constructed and maintained to accommodate the maneuvering of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- 2. Road access to the dwelling or structure shall meet the road design standards described in DCC 18.36.080.

B. Firebreaks. The owners of dwellings and structures shall construct and maintain the following firebreaks on land surrounding the structures that is owned or controlled by the owner:

- 1. Primary Firebreak. Prior to use, a primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders or other similar materials.
- 2. Secondary Firebreak. A secondary firebreak of not less than 20 feet shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.

3. Fuel Break. A fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed. The fuel break shall be completed prior to the beginning of the coming fire season.
  4. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
- C. Caretaker residences and private accommodations for fishing shall not be located on hillsides steeper than 30 percent and containing flammable fuels. A single family dwelling shall not be sited on a slope greater than 40 percent.
- D. The applicant for a single-family dwelling, caretaker residence or private accommodations for fishing shall obtain an address from the County address coordinator and shall display that number in a location of the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted in a contrasting or visible color and shall comply with all other applicable standards for signs.
- E. Structural Standards.
1. All dwellings and structures shall use noncombustible or fire resistant roofing materials. This means roofing material identified as Class A, B or C in the [Oregon Residential Specialty Code](#) ~~Oregon Uniform Building Code~~. Roof sprinklers are not an acceptable alternative to this standard.
  2. If the dwelling or structure has a chimney, it shall have a spark arrester.
- F. Fire Protection. Single-family dwellings, caretaker residences and private accommodations for fishing shall be located upon a parcel for which fire protection services are available or where alternative protective measures are authorized by DCC 18.36.070(F).
1. For the purposes of DCC 18.36.070 fire protection services are available if the parcel is located within the boundaries of a fire protection district or residential fire protection service is provided by contract, as evidenced by a written, signed contract.
  2. If the dwelling or structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included in the nearest such district.
  3. If the parcel is not located within a fire protection district and it is determined, following application for inclusion within the nearest such district, that inclusion in the district would be impracticable, alternative means of fire protection shall be allowed, consistent with the following standards:
    - a. The dwelling or structure shall be equipped with a residential fire sprinkler system. For caretaker residences or single-family residences, such a sprinkler

system shall be installed to the minimum requirements of NFPA 13D "Standards for the Installation of Sprinkler Systems in One and Two-Family Dwellings."

- b. The dwelling shall have on-site water storage capability from a swimming pool, pond, lake, or similar water body of at least 4,000 gallons or a stream having a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use.

#### HISTORY

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

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

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

*Amended by Ord. [2004-013](#) §3 on 9/21/2004*

*[Amended by Ord. 2024-008 §5 on 10/9/2024](#)*

**CHAPTER 18.40 FOREST USE ZONE; F-2**[18.40.010 Purpose](#)[18.40.020 Uses Permitted Outright](#)[18.40.025 Lawfully Established Dwelling Replacement](#)[18.40.030 Conditional Uses Permitted](#)[18.40.040 Limitations On Conditional Uses](#)[18.40.050 Standards For Single-Family Dwellings](#)[18.40.060 Siting Of Dwellings And Structures](#)[18.40.070 Fire Siting Standards For Dwellings And Structures](#)[18.40.080 Fire Safety Design Standards For Roads](#)[18.40.085 Stocking Requirement](#)[18.40.090 Dimensional Standards](#)[18.40.100 Yards And Setbacks](#)[18.40.110 Stream Setbacks](#)[18.40.120 State Law Controls](#)[18.40.130 Rimrock Setback](#)**18.40.020 Uses Permitted Outright**

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

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4.
- B. Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use. For the purposes of this section, including DCC 18.36.020(B) and (C) "auxiliary" means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, 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. M. A lawfully established dwelling may be altered, restored or replaced, subject to DCC 18.40.025. Alteration, restoration or replacement of a lawfully established dwelling that:~~
  - ~~1. Has intact exterior walls and roof structure;~~
  - ~~2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
  - ~~3. Has interior wiring for interior lights;~~
  - ~~4. Has a heating system; and~~

~~In the case of replacement, is removed, demolished or converted to an allowable use within three months of completion of the replacement dwelling.~~
- N. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under OAR 660-006.

#### HISTORY

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

Amended by Ord. [91-002](#) §9 on 2/6/1991

Amended by Ord. [91-005](#) §21 on 3/4/1991

Amended by Ord. [92-025](#) §3 on 4/15/1991

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

Amended by Ord. [94-038](#) §2 on 10/5/1994

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 10/9/2024

### **18.40.025 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. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
  - 2. Five years before the date of the application; or
  - 3. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
  - 4. 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:
      - i. 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
      - ii. 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 10/9/2024

**18.40.070 Fire Siting Standards For Dwellings And Structures**

The following fire siting standards shall apply to all new dwellings and permanent structures (including permitted uses):

A. Access.

- 1. If a water supply, such as a swimming pool, pond, stream or lake, is available and suitable for fire protection or is required under DCC 18.40.070, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall be constructed and maintained to accommodate the maneuvering of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- 2. Road access to the dwelling or structure shall meet the road design standards described in DCC 18.40.080.

B. Firebreaks. The owners of dwellings and structures shall construct and maintain the following firebreaks on land surrounding the structures that is owned or controlled by the owner:

- 1. Primary Firebreak. Prior to use, a primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders or other similar materials.
- 2. Secondary Firebreak. A secondary firebreak of not less than 20 feet shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.

3. Fuel Break. A fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed. The fuel break shall be completed prior to the beginning of the coming fire season.
  4. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
- C. Caretaker residences and private accommodations for fishing shall not be located on hillsides steeper than 30 percent and containing flammable fuels. A single family dwelling shall not be sited on a slope greater than 40 percent.
- D. The applicant for a single-family dwelling, caretaker residence or private accommodations for fishing shall obtain an address from the County address coordinator and shall display that number in a location of the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted in a contrasting or visible color and shall comply with all other applicable standards for signs.
- E. Structural Standards.
1. All dwellings and structures shall use noncombustible or fire resistant roofing materials. This means roofing material identified as Class A, B or C in the ~~Oregon Uniform Building Code~~Oregon Residential Specialty Code. Roof sprinklers are not an acceptable alternative to this standard.
  2. If the dwelling or structure has a chimney, it shall have a spark arrester.
- F. Fire Protection. Single-family dwellings, caretaker residences and private accommodations for fishing shall be located upon a parcel for which fire protection services are available or where alternative protective measures are authorized by DCC 18.40.070(F).
1. For the purposes of DCC 18.40.070 fire protection services are available if the parcel is located within the boundaries of a fire protection district or residential fire protection service is provided by contract, as evidenced by a written, signed contract.
  2. If the dwelling or structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included in the nearest such district.
  3. If the parcel is not located within a fire protection district and it is determined, following application for inclusion within the nearest such district, that inclusion in the district would be impracticable, alternative means of fire protection shall be allowed, consistent with the following standards:
    - a. The dwelling or structure shall be equipped with a residential fire sprinkler system. For caretaker residences or single-family residences, such a sprinkler

system shall be installed to the minimum requirements of NFPA 13D "Standards for the Installation of Sprinkler Systems in One and Two-Family Dwellings."

- b. The dwelling shall have on-site water storage capability from a swimming pool, pond, lake, or similar water body of at least 4,000 gallons or a stream having a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use.

#### HISTORY

*Adopted by Ord. [92-025](#) §3 on 4/15/1991*

*Amended by Ord. [94-038](#) §2 on 10/5/1994*

*Amended by Ord. [2003-007](#) §2 on 3/26/2003*

*Amended by Ord. [2004-013](#) §4 on 9/21/2004*

*[Amended by Ord. 2024-008 §6 on 10/9/2024](#)*

**18.60.020 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright.

- A. A single-family dwelling, or a manufactured home subject to DCC 18.116.070.
- B. Utility facilities necessary to serve the area including energy facilities, water supply and treatment and sewage disposal and treatment.
- C. Community center, if shown and approved on the original plan or plat of the development.
- D. Agricultural use as defined in DCC Title 18.
- E. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- F. Class III road or street project.
- G. Noncommercial horse stables as defined in DCC Title 18, excluding horse events.
- H. Horse events, including associated structures, involving:
  - 1. Fewer than 10 riders;
  - 2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
  - 3. More than 25 riders, no more than two times per year on nonconsecutive days.  
Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.
- I. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- J. Type 1 Home Occupation, subject to DCC 18.116.280.
- K. Historic Home Accessory Dwelling Units, subject to DCC 18.116.350.

L. Residential Accessory Dwelling Units, subject to DCC 18.116.355.

M. Residential home.

**HISTORY**

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

*Amended by Ord. [91-005](#) §§30 & 31 on 3/4/1991*

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

*Amended by Ord. [93-043](#) §8 on 8/25/1993*

*Amended by Ord. [94-008](#) §12 on 6/8/1994*

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

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

*Amended by Ord. [2004-002](#) §7 on 4/28/2004*

*Amended by Ord. [2019-009](#) §2 on 9/3/2019*  
*Recorded by Ord. [2019-009](#) §2 on 9/3/2019*  
*Adopted by Ord. [2023-014](#) §2 on 12/1/2023*  
*Amended by Ord. 2024-008 §7 on 10/9/2024*

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

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of this chapter:
1. Single-family dwelling.
  2. Manufactured home, subject to DCC 18.116.070.
  3. Type 1 Home Occupation, subject to DCC 18.116.280.
  4. Residential home ~~and residential facility~~.
  5. Two-family dwelling or duplex.
  6. Agricultural uses, as defined in Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.
  7. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
  8. Class III road and street project.
  9. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review, of this title:
1. Retail store, business office and/or commercial establishment in a building or buildings each not exceeding 4,000 square feet of floor space. The aggregate area for any one type of use that takes place in multiple buildings may not exceed 4,000 square feet.
  2. Residential use in conjunction with a permitted commercial use.
  3. Park or playground.
  4. Community building.
  5. Public or semipublic building or use.
  6. Highway maintenance facility.
  7. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
  8. Religious institutions or assemblies.
- C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:

1. Multi-family dwelling with three or more units.
2. School.
3. Cemetery.
4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
5. Medical clinic or veterinary clinic.
6. Community Center.
7. Manufactured home park.
8. Recreational vehicle or trailer park.
9. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).
10. Marijuana retailing, subject to the provisions of DCC 18.116.330.
11. Psilocybin service centers, subject to the provisions of DCC 18.116.380.
- 11.12. Residential facility.

D. Yard and Setback Requirements.

1. The front yard setback shall be a minimum of 20 feet from a property line fronting on a local street right of way and 50 feet from an arterial right of way.
2. The minimum side yard setback shall be 10 feet.
3. The minimum rear yard setback shall be 20 feet.
4. The minimum side and rear yard setbacks for property that is adjacent to land zoned exclusive farm use shall be 50 feet.

E. Lot Requirements.

1. Residential Uses:
  - a. The minimum lot size for residential uses in Brothers, Hampton and Millican is 2.5 acres.
  - b. Each lot shall have a minimum width of 200 feet.
  - c. Each lot must be served by an on-site well.
  - d. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
  - e. Lot coverage for a dwelling and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area. Lot coverage for buildings used primarily for commercial purposes shall be

determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.

2. Commercial and Public Uses.

- a. The minimum lot size in Brothers, Hampton, Millican, Whistlestop and Wildhunt for a commercial use served by an on-site septic system and individual well shall be the size necessary to accommodate the use.
- b. Each lot shall have a minimum width of 150 feet.
- c. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.

HISTORY

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

*Amended by Ord. [2002-028](#) §1 on 7/24/2002*

*Amended by Ord. [2004-002](#) §11 on 4/28/2004*

*Amended by Ord. [2015-004](#) §2 on 4/22/2015*

*Amended by Ord. [2016-015](#) §4 on 7/1/2016*

*Amended by Ord. [2018-006](#) §8 on 11/20/2018*

*Amended by Ord. [2020-001](#) §6 on 4/21/2020*

*Amended by Ord. [2022-014](#) §2 on 4/4/2023*

*[Amended by Ord. 2024-008 §8 on 10/9/2024](#)*

**[18.65.021 Alfalfa RSC; Commercial/Mixed Use District](#)**

In Alfalfa, the following uses and their accessory uses are permitted:

A. Uses Permitted Outright.

1. Single-family dwelling.
2. Manufactured home, subject to DCC 18.116.070
3. Type 1 Home Occupation, subject to DCC 18.116.280.
- ~~4.~~ 4. Residential home.
- ~~4.5.~~ 4.5. ~~and residential~~ Residential facility.
- ~~5.6.~~ 5.6. Two-family dwelling or duplex.
- ~~6.7.~~ 6.7. Agricultural uses, as defined in Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.
- ~~7.8.~~ 7.8. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- ~~8.9.~~ 8.9. Class III road and street project.



- 9.10. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review, of this title:
1. Retail store, business office and/or commercial establishment in a building or buildings each not exceeding 4,000 square feet of floor space. The aggregate area for any one type of use that takes place in multiple buildings may not exceed 4,000 square feet.
  2. Residential use in conjunction with a permitted commercial use.
  3. Park or playground.
  4. Community building.
  5. Public or semipublic building or use.
  6. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
  7. Religious institutions or assemblies.
- C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:
1. School.
  2. Cemetery.
  3. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
  4. Medical clinic or veterinary clinic.
  5. Community Center.
  6. Recreational vehicle or trailer park.
  7. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).
  8. Marijuana retailing, subject to the provisions of DCC 18.116.330.
  9. Psilocybin service centers, subject to the provisions of DCC 18.116.380.
- D. Yard and Setback Requirements.
1. The front yard setback shall be a minimum of 20 feet from a property line fronting on a local street right of way and 50 feet from an arterial right of way.
  2. The minimum side yard setback shall be 10 feet.

3. The minimum rear yard setback shall be 20 feet.
  4. The minimum side and rear yard setbacks for property that is adjacent to land zoned exclusive farm use shall be 50 feet.
- E. Lot Requirements. The minimum lot size shall be the size necessary to accommodate the use, but not less than one acre.

#### HISTORY

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

Amended by Ord. [2018-006](#) §8 on 11/20/2018

Amended by Ord. [2020-001](#) §6 on 4/21/2020

Amended by Ord. [2022-014](#) §2 on 4/4/2023

[Amended by Ord. 2024-008 §8 on 10/9/2024](#)

#### [18.65.022 Alfalfa RSC; Residential District](#)

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to the applicable provisions of this chapter:
1. Agricultural uses, as defined in Title 18, subject to the restrictions in DCC 18.65.021(D), and excluding livestock feed lot or sales yard, and hog or mink farms.
  2. Single family dwelling, or a manufactured home subject to DCC 18.116.070.
  3. Two-family dwelling or duplex.
  4. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
  5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
  6. Class III road or street project.
  - [7.](#) Type 1 Home Occupation, subject to DCC 18.116.280.
  - [7-8. Residential home.](#)
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:
1. Park or playground.
  2. Community building.
  3. Utility facility.
  4. Religious institutions or assemblies.
  5. Child care facility and/or preschool.

C. Conditional Uses Permitted. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:

1. Schools.
2. Medical clinic or veterinary clinic.
3. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
4. Bed and breakfast inn.
5. Public use.
6. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

D. Yard and Setback Requirements.

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

E. Lot Requirements.

1. The minimum lot size is 5 acres.
2. The minimum average width of lots shall be 200 feet.
3. Each lot must be served by an on-site well.
4. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
5. Lot coverage for a dwelling and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area. Lot coverage for buildings used primarily for commercial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.

F. Limitations on uses – RSC-Residential District. The following limitation shall apply to uses permitted in the RSC – Residential District:

1. Cows, horses, goats or sheep cannot be kept on lots having an area of less than 20,000 square feet. The total number of all such animals (other than their young under the age of six months) shall be limited to the square footage of the lot divided by 20,000 square feet, which is the minimum area per animal.

2. The number of chickens, fowl or rabbits over the age of six months shall not exceed one for each 500 square feet of land.
3. All livestock shall be located a minimum of 100 feet away from a residential building on an adjacent lot.

#### HISTORY

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

*Amended by Ord. [2002-028](#) §1 on 7/24/2002*

*Amended by Ord. [2004-002](#) §12 on 4/28/2004*

*Amended by Ord. [2020-001](#) §6 on 4/21/2020*

*Amended by Ord. [2020-010](#) §2 on 7/3/2020*

*[Amended by Ord. 2024-008 §8 on 10/9/2024](#)*

**18.66.020 Residential (TeR) District**

The Terrebonne Residential District allows a mixture of housing types and densities suited to the level of available water and sewer facilities. The purpose of this district is to allow new residential development that is compatible with the rural character of the area.

A. Permitted uses. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
2. Two-family dwelling.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Agricultural uses as defined in DCC 18.04, involving:
  - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
  - b. Keeping of chickens, fowl, rabbits or similar farm animals, provided that the total number of such animals over the age of six months does not exceed one for each 500 square feet of property.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
6. Class III road or street project.
7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

~~7-8.~~ Residential home.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:

1. Child care facility and/or preschool.

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:

1. Manufactured home park.
2. Multi-family dwelling complex.
3. Retirement center or nursing home.
4. Cluster development.
5. Religious institutions or assemblies.

6. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
7. Public or private school.
8. Park.
9. Public or semi-public building.
10. Utility facility.
11. Water supply or treatment facility.
12. Veterinary clinic.
13. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
14. 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.

14,15. Residential facility.

D. Lot Requirements.

1. Partitions:
  - a. Subject to the provisions of DCC 17.36.170(A), parcels not served by an approved community, non-community or municipal water system and not served by a public sewer system, shall have a minimum width of 150 feet with a minimum parcel size of one acre.
  - b. Subject to DCC 17.36.170 parcels served by an approved community, non-community, municipal or public water system, but not served by an approved public sewer system, shall have minimum parcel sizes as follows:
    1. For a single-family dwelling, a parcel shall have a minimum width of 100 feet and a minimum parcel size of 22,000 square feet.
    2. For a two-family dwelling, a parcel shall have a minimum width of 100 feet and a minimum parcel size of 33,000 square feet.
  - c. For parcels served by an approved community, municipal or public water and sewer system, the minimum parcel sizes shall be as follows:
    1. For a single-family dwelling, the parcel shall have a minimum width of 75 feet and a minimum parcel size of 7,500 square feet.
    2. For a two-family dwelling, the parcel shall have a minimum width of 75 feet and a minimum parcel size of 10,000 square feet.

2. Subdivisions:

- a. For subdivisions involving multi-family dwellings, a manufactured home park, a retirement center or a nursing home, all new lots shall be connected to a DEQ permitted wastewater pollution control facility.
- b. For subdivisions involving only single-family and two family dwellings the standards set forth in DCC 18.66.020(C)(1) shall apply.

E. Yard Standards.

- 1. Front Yard. The front yard shall be 20 feet for a property fronting on a local road right-of-way, 30 feet for a property fronting on a collector right-of-way and 80 feet for a property fronting on an arterial right-of-way.
- 2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.66.020(E)(4).
- 3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.66.020(E)(4).
- 4. Exception to Yard Standards. Any new structure requiring a building permit on a lot or parcel contiguous to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.
- 5. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

HISTORY

*Adopted by Ord. [97-003](#) §2 on 6/4/1997*

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

*Amended by Ord. [2004-002](#) §13 on 4/28/2004*

*Amended by Ord. [2020-001](#) §7 on 4/21/2020*

*Amended by Ord. [2020-010](#) §3 on 7/3/2020*

*[Amended by Ord. 2024-008 §9 on 10/9/2024](#)*

**[18.66.030 Residential-5 Acre Minimum \(TeR5\) District](#)**

The purpose of the Terrebonne Residential-5 Acre Minimum District is to retain large rural residential lots where community sewer and water are not available.

- A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:
  - 1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
  - 2. Two-family dwelling.
  - 3. Type 1 Home Occupation, subject to DCC 18.116.280.
  - 4. Agricultural uses as defined in DCC 18.04, involving:

- a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
  - b. Keeping of chickens, fowl, rabbits or similar farm animals over the age of six months, provided that the total numbers of such animals does not exceed one for each 500 square feet of property.
- 5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
  - 6. Class III road or street project.

7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

~~7-8.~~ Residential home.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:

- 1. Child care facility and/or preschool.

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124 and 18.128:

- 1. Manufactured home park.
- 2. Multi-family dwelling complex.
- 3. Retirement center or nursing home.
- 4. Religious institutions or assemblies.
- 5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
- 6. Public or private school.
- 7. Park.
- 8. Public or semi-public building.
- 9. Utility facility.
- 10. Water supply or treatment facility.
- 11. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- 12. 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.

~~12-13.~~ Residential facility.

- D. Lot Requirements. The minimum lot or parcel size in the TeR5 District is five acres regardless of the availability of approved community, non-community, municipal, or public water system and public sewer system.
- E. Yard Standards.
  - 1. Front Yard. The front yard shall be 20 feet for a property fronting on a local road right-of-way, 30 feet for a property fronting on a collector right-of-way, and 80 feet for a property fronting on an arterial right-of-way.
  - 2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.66.030(E)(4).
  - 3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.66.030(E)(4).
  - 4. Exception to Yard Standards. Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.
  - 5. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 of shall be met.

HISTORY

*Adopted by Ord. [97-003](#) §2 on 6/4/1997*

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

*Amended by Ord. [2004-002](#) §14 on 4/28/2004*

*Amended by Ord. [2020-001](#) §7 on 4/21/2020*

*Amended by Ord. [2020-010](#) §3 on 7/3/2020*

*[Amended by Ord. 2024-008 §9 on 10/9/2024](#)*

**[18.66.040 Commercial \(TeC\) District](#)**

The Terrebonne Commercial District is intended to allow a range of commercial and limited industrial uses to serve the community and surrounding rural area.

- A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:
  - 1. Single-family dwelling or two-family on a lot or parcel existing on June 4, 1997.
  - 2. Manufactured home on a lot or parcel existing on June 4, 1997, subject to DCC 18.116.070.
  - 3. Type 1 Home Occupation, subject to DCC 18.116.280.

4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
  5. Class III road or street project.
  6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
  - 6.7. Residential home on a lot or parcel existing on June 4, 1997.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116 and 18.1248:
1. A building or buildings not exceeding 4,000 square feet of floor space to be used by any combination of the following uses:
    - a. Retail or service business.
    - b. Eating or drinking establishment.
    - c. Offices.
    - d. Veterinary clinic and kennel entirely within an enclosed building.
    - e. Residential use in the same building as a use permitted by DCC 18.66.040(B)(1).
    - f. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
  2. Any of the uses allowed under DCC 18.66.040 proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.040(E).
  3. Child care facility and/or preschool.
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:
1. Motel, with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-010(2).
  2. Recreational vehicle park.
  3. Religious institutions or assemblies.
  4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
  5. Public or private school.
  6. Park.
  7. Public or semi-public building.
  8. Medical center in a building or buildings not exceeding 4,000 square feet of floor space.

9. Utility facility.
  10. Water supply or treatment facility.
  11. Vehicle and trailer sales, service, repair or rental in a building or buildings not exceeding 4,000 square feet of floor space.
  12. Uses listed below carried on in a building or buildings not exceeding 4,000 square feet of floor space with no exterior displays or storage of industrial equipment, industrial vehicles or industrial products:
    - a. Manufacturing and production.
    - b. Wholesale sales.
    - c. Mini-storage.
  13. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
  14. 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.
  15. Marijuana retailing, subject to the provisions of DCC 18.116.330.
  16. Psilocybin service centers, subject to the provisions of DCC 18.116.380.
- D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.040(B) and (C).
1. Sewer and Water Requirements. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.
  2. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.
- E. Requirements for Large Scale Uses.
1. All uses listed in DCC 18.66.040(B) and 18.66.040(C)(9) may have a total building floor area exceeding 4,000 square feet if the Planning Director or Hearings Body finds:
    - a. The use is intended to serve the community and surrounding rural area or the travel needs of people passing through the area;
    - b. The use will primarily employ a work force from the community and surrounding rural area; and

- c. It is not practical to locate the use in a building or buildings with floor area of 4,000 square feet or less.
  - 2. For purposes of DCC 18.66.040, the surrounding rural area includes the area described by the Terrebonne zip code, which extends south to the boundary of the Redmond zip code, west to the boundary of the Sisters zip code, east into Crook County to the boundary of the Prineville zip code and north into Jefferson County to include Crooked River Ranch.
- F. Design Standards.
- Ground Floor Windows. The following criteria for ground floor windows apply to all new commercial buildings in the TeC District except those containing uses listed in DCC 18.66.040(C)(13). The provisions of DCC 18.124 also apply.
- 1. The window area shall equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.
  - 2. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.
- G. Lot Requirements. Minimum size requirements for this district will be determined by spatial requirements for on-site sewage disposal, required landscaped areas and off-street parking. No lot or parcel shall be created of less than a minimum of 10,000 square feet.
- H. Dimensional Standards.
- Lot Coverage. No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.
- I. Yard Standards.
- 1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(D)(3). The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.
  - 2. Side Yard. No requirement, subject to DCC 18.66.040(I)(4).
  - 3. Rear Yard. No specific requirements, subject to DCC 18.66.040(I)(4).
  - 4. Exceptions to Yard Standards.
    - a. Lot line adjacent to a residential district. Any new structure requiring a building permit sited on a lot adjacent to a residential district shall be set back a minimum of 15 feet from the common property line. The required yard shall be increased by one foot for each foot by which the building height exceeds 20 feet.
    - b. Lot line adjacent to an EFU zone. Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land that is receiving special

assessment for farm use shall be set back a minimum of 100 feet from the common property line.

#### HISTORY

Adopted by Ord. [97-003](#) §2 on 6/4/1997

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

Amended by Ord. [2004-002](#) §15 on 4/28/2004

Amended by Ord. [2015-004](#) §3 on 4/22/2015

Amended by Ord. [2016-015](#) §5 on 7/1/2016

Amended by Ord. [2020-001](#) §7 on 4/21/2020

Amended by Ord. [2020-010](#) §3 on 7/3/2020

Amended by Ord. [2021-004](#) §3 on 5/27/2021

Amended by Ord. [2022-014](#) §3 on 4/4/2023

[Amended by Ord. 2024-008 §9 on 10/9/2024](#)

#### **18.66.050 Commercial-Rural (TeCR) District**

The Terrebonne Commercial-Rural District allows a mix of commercial and industrial uses common to a farming community.

- A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling on a lot or parcel existing on June 4, 1997.
2. Manufactured home on a lot or parcel existing on June 4, 1997, subject to DCC 18.116.070.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
5. Class III road or street project.

[6.](#) Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

[6-7. Residential home on a lot or parcel existing on June 4, 1997.](#)

- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116 and 18.124:

1. A building or buildings not exceeding 4,000 square feet of floor space to be occupied by any combination of the following uses:
  - a. Retail or service business.
  - b. Eating or drinking establishment.
  - c. Office.

- d. Residential use in the same building as a use listed in DCC 18.66.050.
  - e. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
- 2. Any of the uses listed under DCC 18.66.050(B) proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.050(E).
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:
  - 1. Religious institutions or assemblies.
  - 2. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
  - 3. Park.
  - 4. Public or semi-public building.
  - 5. Utility facility.
  - 6. Water supply or treatment facility.
  - 7. Vehicle and trailer sales, service, repair and rental in a building or buildings not exceeding 4,000 square feet of floor area.
  - 8. Uses listed below carried on in a building or buildings not exceeding 10,000 square feet of floor space to be occupied by any combination of the following uses:
    - a. Manufacturing or production.
    - b. Wholesale sales.
    - c. Mini-storage.
    - d. Truck terminal.
    - e. Farm or contractor equipment storage, sales, service or repair.
    - f. Uses that require proximity to rural resources, as defined in OAR 660-04-022-(3)(a).
  - 9. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
  - 10. 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.
  - 11. Marijuana retailing, subject to the provisions of DCC 18.116.330.

D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.050(B) and (C).

1. Sewer and Water Requirements.

- a. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.
- b. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.

2. Compatibility.

- a. Any use on a lot adjacent to a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential lot.
- b. Any use expected to generate more than 50 truck-trailer, contractors and/or farm heavy equipment trips per day to and from the subject property shall not locate on a lot or parcel adjacent to or across a local or collector road from a lot or parcel in a residential district.
- c. No use shall be permitted that has been declared a nuisance by state statute, County ordinance or a court of competent jurisdiction.
- d. No use requiring an air containment discharge permit shall be approved by the Planning Director or Hearings Body before review by the applicable state or federal permit-reviewing authority. Such uses shall not be located adjacent to or across a local or collector road from a lot or parcel in a residential district.

3. Traffic and Parking.

- a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and level of service of the affected transportation facility.
- b. All parking demand generated by uses permitted by DCC 18.66 shall be accommodated entirely on the premises.
- c. Site design shall not require backing of traffic onto a public or private road right-of-way.

4. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:

- a. An increased setback requirement.

- b. Additional off-street parking and loading facilities.
- c. Limitations on signs, lighting, hours of operation and points of ingress and egress.
- d. Additional landscaped buffering and screening improvements.

E. Requirements for Large Scale Uses.

- 1. All uses listed in DCC 18.66.050(B) may be allowed to occupy a total floor area exceeding 4,000 square feet if the Planning Director or Hearings Body finds:
  - a. The use is intended to serve the community and surrounding rural area or the traveling needs of people passing through the area;
  - b. The use will primarily employ a work force from the community and surrounding rural area; and
  - c. It is not practical to contain the proposed use within 4,000 square feet of floor area.
- 2. This provision does not apply to uses listed in DCC 18.66.050(C)(8).
- 3. For purposes of DCC 18.66.050(E), the surrounding rural area described by the Terrebonne zip code, which extends south to the boundary of the Redmond zip code, west to the boundary of the Sisters zip code, east into Crook County to the boundary of the Prineville zip code and north into Jefferson County to include Crooked River Ranch.

F. Design Standards. Ground Floor Windows. The following criteria for ground floor windows apply to all new commercial buildings in the TeCR District except those containing uses listed in DCC 18.66.050(C)(8). The provisions of DCC 18.124 also apply.

- 1. The window area shall be at least 50 percent of the length of the ground level wall area and 25 percent of height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.
- 2. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.

G. Lot Requirements. No lot shall be created less than a minimum of 10,000 square feet. Lot requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas and off-street parking.

H. Dimensional Standards.

- 1. Lot Coverage: No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.



2. No use listed in DCC 18.66.050(C)(8) that is located adjacent to or across a local or collector road from a lot or parcel in a residential district shall exceed 70 percent lot coverage by all buildings, outside storage or off-street parking and loading areas.

I. Yard Standards.

1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(D)(3)(b).  
The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.
2. Side Yard. No requirement, subject to DCC 18.66.050(I)(4).
3. Rear Yard. No specific requirement, subject to DCC 18.66.050(I)(4).
4. Exceptions to Yard Standards.
  - a. Lot line adjacent to a residential zone. For all new structures requiring a building permit on a lot adjacent to a residential district, the setback shall be a minimum of 15 feet. The required yard will be increased by one foot for each foot by which the building height exceeds 20 feet.
  - b. Lot line adjacent to an EFU zone. Any structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use, shall be set back a minimum of 100 feet from the common property line.

HISTORY

*Adopted by Ord. [97-003](#) §2 on 6/4/1997*

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

*Amended by Ord. [2001-039](#) §7 on 12/12/2001*

*Amended by Ord. [2004-002](#) §16 on 4/28/2004*

*Amended by Ord. [2015-004](#) §4 on 4/22/2015*

*Amended by Ord. [2016-015](#) §5 on 7/1/2016*

*Amended by Ord. [2020-001](#) §7 on 4/21/2020*

*Amended by Ord. [2021-004](#) §3 on 5/27/2021*

*[Amended by Ord. 2024-008 §9 on 10/9/2024](#)*

**18.67.020 Residential (TuR) District**

The Tumalo Residential (TuR) District allows a mixture of housing types and densities suited to the level of available water and sewer facilities. The purpose of this district is to allow new residential development that is compatible with the rural character of the area.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.

1. Single-family dwelling, or a manufactured home subject to DCC 18.116.070.
2. Two-family dwelling.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Agricultural uses as defined in DCC Title 18, involving:
  - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to one for each 20,000 square feet.
  - b. Keeping of chickens, fowl, rabbits or similar farm animals, provided that the total number of such animals over the age of six months does not exceed one for each 500 square feet of property.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
6. Class III road or street project.
7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

~~7-8.~~ Residential home.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:

1. Child care facility and/or preschool.

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.67, 18.116, 18.124, and 18.128:

1. Multi-family dwelling complex.
2. Retirement center or nursing home.
3. Religious institutions or assemblies.
4. Cemetery.
5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.

6. Public or private school.
7. Park.
8. Public or semi-public building.
9. Utility facility.
10. Water supply or treatment facility.
11. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
12. 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.

~~12,13.~~ Residential facility.

D. Lot Requirements.

1. Partitions:

- a. Subject to the provisions of DCC 17.36.170(A), parcels not served by an approved community, non-community or municipal water system shall have a minimum width of 150 feet with a minimum parcel size of one acre.
- b. Subject to DCC 17.36.170(A), parcels served by an approved community, non-community, municipal or public water system, shall have a minimum parcel size as follows:
  1. For a single-family dwelling the parcel shall have a minimum width of 100 feet and a minimum parcel size of 22,000 square feet.
  2. For a two-family dwelling the parcel shall have a minimum width of 100 feet and a minimum parcel size of 33,000 square feet.

2. Subdivisions:

- a. For subdivisions involving multi-family dwellings, a manufactured home park or a retirement home, all new lots shall be connected to a DEQ-permitted Wastewater Pollution Control Facility.
- b. For subdivisions involving only single-family and two-family dwellings the standards set forth in DCC 18.67.020(D)(1) shall apply.

E. Yard Standards.

1. Front Yard. The front yard shall be 20 feet for a property fronting on a local street right-of-way, 30 feet for a property fronting on a collector right-of-way and 80 feet for a property fronting on an arterial right-of-way.

2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.67.020(E)(4).
3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.67.020(E)(4).
4. Exception to Yard Standards. Any new structure requiring a building permit on a lot or parcel contiguous to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

#### HISTORY

*Adopted by Ord. [97-033](#) §2 on 6/25/1997*

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

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

*Amended by Ord. [2001-039](#) §8 on 12/12/2001*

*Amended by Ord. [2004-002](#) §17 on 4/28/2004*

*Amended by Ord. [2020-001](#) §8 on 4/21/2020*

*Amended by Ord. [2020-010](#) §4 on 7/3/2020*

*Amended by Ord. [2021-013](#) §8 on 4/5/2022*

*[Amended by Ord. 2024-008 §10 on 10/9/2024](#)*

#### **18.67.030 Residential-5 Acre Minimum (TuR5) District**

The purpose of the Tumalo Residential-5 Acre Minimum District is to retain large rural residential lots.

- A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.

1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
2. Type 1 Home Occupation, subject to DCC 18.116.280.
3. Agricultural uses as defined in DCC 18.04, involving:
  - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total numbers of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
  - b. Keeping of chickens, fowl, rabbits or similar farm animals over the age of six months, provided that the total numbers of such animals does not exceed one for each 500 square feet of property.
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
5. Class III road or street project.
- [6.](#) Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

#### [6-7. Residential home.](#)

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:

1. Child care facility and/or preschool.

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:

1. Religious institutions or assemblies.
2. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
3. Public or private school.
4. Park.
5. Public or semi-public building.
6. Utility facility.
7. Water supply or treatment facility.
8. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
9. 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.

D. Lot Requirements. The minimum lot or parcel size in the TuR5 District is five acres.

E. Yard Standards.

1. Front Yard. The front yard shall be 20 feet for a property fronting on a local street right-of-way, 30 feet for a property fronting on a collector right-of-way, and 80 feet for a property fronting on an arterial right-of-way.
2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.67.030(E)(4).
3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.67.030(E)(4).
4. Exception to Yard Standards. Any new structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

#### HISTORY

*Adopted by Ord. [97-033](#) §2 on 6/25/1997*

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

*Amended by Ord. [2000-033](#) §11 on 12/6/2000*

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

Amended by Ord. [2001-039](#) §8 on 12/12/2001

Amended by Ord. [2004-002](#) §18 on 4/28/2004

Amended by Ord. [2020-001](#) §8 on 4/21/2020

Amended by Ord. [2020-010](#) §4 on 7/3/2020

[Amended by Ord. 2024-008 §10 on 10/9/2024](#)

### **18.67.040 Commercial (TuC) District**

The Tumalo Commercial District is intended to allow a range of limited commercial and industrial uses to serve the community and surrounding area.

- A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.

1. Single-family dwelling or duplex.
2. Manufactured home subject to DCC 18.116.070.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.060 and 18.116.230.
5. Class III road or street project.
- [6.](#) Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

#### **~~6.7.~~ Residential home.**

- B. Uses Permitted, Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.67, 18.116 and 18.124:

1. A building or buildings, none of which exceeds 4,000 square feet of floor space to be used by any combination of the following uses:
  - a. Retail or service business.
  - b. Eating and/or drinking establishment.
  - c. Offices.
  - d. Residential use in the same building as a use permitted in DCC 18.67.040.
  - e. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
2. Any of the uses listed under DCC 18.67.040 proposing to occupy more than 4,000 square feet of floor area in a building subject to the provisions of DCC 18.67.040(E).
3. Child care facility and/or preschool.

- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:
1. Religious institutions or assemblies.
  2. Bed and breakfast inn.
  3. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
  4. Park.
  5. Public or semi-public building.
  6. Utility facility.
  7. Water supply or treatment facility.
  8. Manufactured home/RV park on a parcel in use as a manufactured home park or recreational vehicle park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996 as a manufactured home park or recreational vehicle park, including any expansion of such uses on the same parcel as configured on June 12, 1996.
  9. The following uses and their accessory uses may be conducted in a building or buildings not to exceed 4,000 square feet of floor space.
    - a. Farm equipment, sales, service or repair.
    - b. Trailer sales, service or repair.
    - c. Vehicle service or repair.
    - d. Veterinary clinic.
  10. The following uses may be conducted in a building or buildings not to exceed 10,000 square feet of floor space:
    - a. Manufacturing or production.
    - b. Wholesale sales.
    - c. Marijuana retailing, subject to the provisions of DCC 18.116.330.
  11. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
  12. 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.
  13. Psilocybin service centers, subject to the provisions of DCC 18.116.380.
- D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.67.040(C)(10).

1. Compatibility.
    - a. Any use expected to generate more than 50 truck-trailer and/or heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot or parcel adjacent to or across a local or collector street from a lot or parcel in a residential district.
  2. Traffic and Parking.
    - a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and level of service of the affected transportation facility.
    - b. All parking demand generated by uses permitted by DCC 18.67 shall be accommodated entirely on the premises.
- E. Requirements for Large Scale Uses.
1. All uses listed in DCC 18.67.040(B) may have a total floor area exceeding 4,000 square feet but not greater than 10,000 square feet if the Planning Director or Hearings Body finds:
    - a. The use is intended to serve the community and surrounding rural area or the traveling needs of people passing through the area;
    - b. The use will primarily employ a work force from the community and surrounding rural area; and
    - c. It is not practical to contain the proposed use within 4,000 square feet of the floor area.
  2. This provision does not apply to uses listed in DCC 18.67.040(C)(10).
  3. For the purposes of DCC 18.67.040, the surrounding rural area is described as the following: extending north to the Township boundary between Townships 15 and 16; extending west to the boundary of the public lands managed by the U.S. Forest Service in T16S-R11E; extending south to the south section lines of T17S-R12E sections 4,5,6 and T17S-R11E sections 1,2,3; and extending east to Highway 97.
- F. Design Standards. Ground Floor Windows. The following criteria for ground floor windows apply to new buildings in the TuC district except those uses listed in DCC 18.67.040(C)(10) and any residential use. The provisions of DCC 18.124 also apply.
1. The windows must be at least 50 percent of the length of the ground level wall area and 25 percent of height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls which abut sidewalks or streets.



2. Required window areas shall be either windows that allow views into working areas, lobbies, pedestrian entrances or display windows.
- G. Lot Requirements. No lot shall be created having less than a minimum of 10,000 square feet. Lot requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas and off-street parking.
- H. Dimensional Standards.
1. Lot Coverage: No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.
  2. No use listed in DCC 18.67.040(C)(10) that is located adjacent to or across a local or collector from a lot or parcel in a residential district shall exceed 70 percent lot coverage by all buildings, outside storage, or off-street parking and loading areas.
- I. Yard Standards.
1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070 (D)(3).  
The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.
  2. Side Yard. No requirement, subject to DCC 18.67.040(I)(4).
  3. Rear Yard. No specific requirement, subject to DCC 18.67.040 (I)(4).
  4. Exceptions to Yard Standards.
    - a. Lot line adjacent to a residential zone.  
For all new structures or substantial alteration of a structure requiring a building permit on a lot adjacent to a residential district, the setback shall be a minimum of 15 feet. The required yard will be increased by one foot for each foot by which the building height exceeds 20 feet.
    - b. Lot line adjacent to an EFU zone. Any structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

#### HISTORY

*Adopted by Ord. [97-033](#) §2 on 6/25/1997*

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

*Amended by Ord. [2000-033](#) §11 on 12/6/2000*

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

*Amended by Ord. [2001-039](#) §8 on 12/12/2001*

*Amended by Ord. [2004-002](#) §19 on 4/28/2004*

*Amended by Ord. [2004-013](#) §7 on 9/21/2004*

*Amended by Ord. [2015-004](#) §5 on 4/22/2015*

*Amended by Ord. [2016-015](#) §6 on 7/1/2016*

*Amended by Ord. [2020-001](#) §8 on 4/21/2020*

Amended by Ord. [2020-010](#) §4 on 7/3/2020

Amended by Ord. [2021-004](#) §4 on 5/27/2021

Amended by Ord. [2021-013](#) §8 on 4/5/2022

Amended by Ord. [2022-014](#) §4 on 4/4/2023

Amended by Ord. [2024-008 §10 on 10/9/2024](#)

### **18.67.090 Right-Of-Way Development Standards**

- A. Applicability. The standards in DCC 18.67.~~080-090~~ shall, in conjunction with the provisions of DCC 17.36, 17.40 and 17.48 relating to improvements in the right-of-way, apply to improvements in the right-of-way required by land use approvals. Right-of-way improvements shall be those authorized by subdivision, partition, conditional use or site plan requirements, as applicable. The standards set forth in DCC 18.67.~~080-090~~ shall govern over any conflicting standards set forth in DCC Title 17.
- B. Road Access. For properties abutting Highway 20, when there is a choice to take access from a road other than Highway 20, no access shall be taken from Highway 20.
- C. Roadways. Any roadway improvement shall conform to the applicable provisions of DCC Title 17, Table 18.67-A and the functional classification assigned to the road segment by the Comprehensive Plan for the Tumalo Rural Community.
- D. Bikeways. Required bikeway improvements shall conform to the standards set forth in DCC 17.48.140 and applicable specifications of DCC Title 17, Table 18.67-A.
- E. Sidewalks.
  - 1. Sidewalks shall meet the standards set forth in Table 18.67-A. Sidewalks are required only where specified in the Comprehensive Plan Map for Tumalo, Map D1 "Planned Pedestrian Improvements."
  - 2. Sidewalks may be constructed either at the time of development or may be deferred until later through formation of a local improvement district. Applicants electing to defer sidewalk construction shall be required as a condition of approval to submit and have recorded a waiver of remonstrance signed by the land owner waiving the land owner's rights to have any objection to LID formation counted against formation of the LID.
- F. Drainage. Drainage facilities shall be required if necessary to meet the standard of DCC 17.48.190. Where specified in DCC Title 17, Table 18.67-A drainage shall be accomplished by swales constructed in accordance with the specifications set forth in DCC Title 17, Table 18.67-A and the drawing set forth in DCC 17.48.

#### **HISTORY**

Adopted by Ord. [97-033](#) §2 on 6/25/1997

Amended by Ord. [2024-008 §10 on 10/9/2024](#)

**18.74.020 Uses Permitted; Deschutes Junction And Deschutes River Woods Store**

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling.
2. Manufactured home subject to DCC 18. 1 16. 070.
3. Two-family dwelling.
4. Type 1 Home Occupation, subject to DCC 18. 1 16. 280.
5. Agricultural uses.
6. Class I and II road or street project subject to approval as part of a land partition or subdivision, or subject to the standards and criteria established in DCC 18.116.230.
7. Class III road or street project.

8. A lawfully established use existing as of 11/05/02, the date this chapter was adopted, not otherwise permitted by this chapter.

~~8.9.~~ Residential home.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.124:

1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses.
  - a. Restaurant, café or delicatessen.
  - b. Grocery store.
  - c. Tavern.
  - d. Retail sporting goods and guide services.
  - e. Barber and beauty shop.
  - f. General store.
  - g. Video store.
  - h. Antique, art, craft, novelty and second hand sales if conducted completely within an enclosed building.
2. Expansion of a nonconforming use listed under section B(1)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
3. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.

- a. Retail sales of agricultural or farm products.
  - b. Farm machinery sales and repair.
  - c. Kennel.
  - d. Veterinary clinic.
  - e. Automobile service station and repair garage, towing service, fuel storage and sales.
  - f. Public or semi-public use.
  - g. Residential use in the same building as a use permitted by this chapter.
  - h. Park or playground.
- 4. Expansion of a nonconforming use listed under section B(3)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 3,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
- C. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review, of this title:
  - 1. Child care facility and/or preschool.
- D. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:
  - 1. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.
    - a. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
    - b. Utility facility.
    - c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
    - d. Religious institutions or assemblies.
    - e. School.
  - 2. Recreational vehicle park
  - 3. Mini-storage facilities limited to 35,000 square feet in size.
  - 4. Marijuana retailing, subject to the provisions of DCC 18.116.330.
  - 5. Psilocybin service centers, subject to the provisions of DCC 18.116.380.

#### HISTORY

Adopted by Ord. [2002-019](#) §2 on 8/7/2002

Amended by Ord. [2004-002](#) §20 on 4/28/2004

Amended by Ord. [2008-008](#) §1 on 3/18/2008

Amended by Ord. [2015-004](#) §7 on 4/22/2015

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

Amended by Ord. [2020-001](#) §9 on 4/21/2020

Amended by Ord. [2020-010](#) §5 on 7/3/2020

Amended by Ord. [2021-013](#) §9 on 4/5/2022

Amended by Ord. [2022-014](#) §5 on 4/4/2023

Amended by Ord. [2024-008](#) §11 on 10/9/2024

### 18.76.100 Design And Use Criteria

~~The following dimensional standards shall apply in the Airport Districts:~~

The Planning Director or Hearings Body shall take into account the impact of any proposed conditional use within the AD Zone on nearby residential and commercial uses, and on the capacity of transportation and other public facilities and services. In approving a proposed conditional use, the Planning Director or Hearings Body shall find that:

- A. The proposed use is in compliance with the Comprehensive Plan, including the current version of the adopted Bend Airport Master Plan.
- B. The proposed use is in compliance with the intent and provisions of DCC Title 18.
- C. Any adverse social, economical, physical or environmental impacts are minimized.
- D. The proposed use is not sensitive to noise of the character anticipated by the current and expected noise level contours of the airport.
- E. The proposed use is compatible with adjacent agricultural and residential uses.
- F. There are sufficient public facilities and services to support the proposed use.
- G. The location and site design of the proposed facility will not be hazardous to the safety and general welfare of surrounding properties, and that the location will not unnecessarily restrict existing and future development of surrounding lands as indicated in the Comprehensive Plan.
- H. The use shall make the most effective use reasonably possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring residential uses, and minimize intrusion into the character of existing developments and land uses in the immediate vicinity of the proposed use.

#### HISTORY

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

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

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

*Amended by Ord. [2018-006](#) §9 on 11/20/2018*

*[Amended by Ord. 2024-008 §12 on 10/9/2024](#)*

**18.108.030 Single Family Residential; RS District**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. Single-family dwelling.
  2. Recreational path.
  - 2-3. Residential home.
- B. Conditional Uses Permitted. The following uses may be permitted subject to DCC 18.128 and a conditional use permit:
1. Park, playground and picnic and barbecue area.
  2. Fire station.
  3. Library.
  4. Museum.
  5. Health and fitness facility.
  6. Utility substations or pumping stations with no equipment storage or sewage treatment facilities.
  7. Temporary subdivision sales office.
  8. Community building.
  9. Religious institutions or assemblies.
- C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height, except as allowed under DCC 18.120.040.
- D. Lot Requirements. The following lot requirements shall be observed, provided that the Planning Director or Hearings Body may allow smaller lots approved pursuant to DCC Title 18 and consistent with the Comprehensive Plan designations for preservation of forested area or significant rock outcroppings when these lots are internal to the subdivision or after a hearing if they are located on the edge of the new plat.
1. Lot Area. Every lot shall have a minimum area of 6,000 square feet.
  2. Lot Width. Every lot shall have a minimum average width of 60 feet, except that a corner lot shall be a minimum of 70 feet.
  3. Frontage. Every lot shall have a minimum width at the street of 50 feet, except that on an approved cul-de-sac this may be reduced to 30 feet.
  4. Front Yard. The front yard shall be a minimum of 20 feet.
  5. Side Yard. A side yard shall be a minimum of five feet for structures up to 21 feet in height. All structures greater than 21 feet in height shall have a minimum side yard of 7.5 feet, including additions thereto.

6. Rear Yard. The rear yard setback for properties which do not have a common area adjoining the rear property line shall be a minimum of 25 feet. The rear yard setback is zero for properties with a rear property line which adjoins a common area that is 50 feet or greater in depth. The rear yard setback for properties which adjoin common area less than 50 feet in depth shall be calculated at six inches for every one foot less than 50 feet. The depth of the common area adjoining the rear yard shall be determined to be the average depth of the common area when measured at 90 degree angles at 10 foot intervals along the entire length of the rear property line.
7. Lot Coverage. Maximum lot coverage by buildings and structures shall be 35 percent of the lot area.

#### HISTORY

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

*Amended by Ord. [98-035](#) §2 on 6/10/1998*

*Amended by Ord. [2004-013](#) §11 on 9/21/2004*

*Amended by Ord. [2020-001](#) §12 on 4/21/2020*

*[Amended by Ord. 2024-008 §13 on 10/9/2024](#)*

#### **[18.108.050 Commercial; C District](#)**

- A. Uses Permitted Outright. Any combination of the following uses and their accessory uses are permitted outright in the C district.
  1. Recreational path.
  2. Ambulance service.
  3. Library.
  4. Religious institutions or assemblies.
  5. Bus stop.
  6. Community center.
  7. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
    - a. Retail/rental store, office and service establishment.
    - b. Art galleries
    - c. Dry cleaner and/or self-service laundry establishment.
    - d. Radio and television sales and service.
    - e. Radio and television broadcasting studios and facilities, except towers.
    - f. Restaurant, bar and cocktail lounge, including entertainment.
    - g. Automobile service station.



- h. Technical and business school.
- i. Catering establishment.
- j. Crafts in conjunction with retail sales (occurring on premises, such as stained glass/pottery, etc.).
- k. Medical and dental clinic, office and laboratory.
- l. Theater not exceeding 4,000 square feet of floor area.
- m. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.

8. Multiple-family residential dwelling units, subject to the provisions of DCC 18.108.050(C)(1).

9. Residential dwelling units constructed in the same building as a commercial use, subject to the provisions of DCC 18.108.050(C)(2).

10. Post Office.

11. Administrative and office facility associated with a community association or community use.

12. Police facility.

12-13. Residential facility.

B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit.

- 1. Public buildings and public utility buildings and structures.
- 2. Club, lodge or fraternal organization.
- 3. Commercial off-street parking lot.
- 4. Bus passenger station.
- 5. Interval ownership and/or time-share unit or the creation thereof.
- 6. Miniature golf.
- 7. Bed and breakfast inn.
- 8. Inn.

~~9. Residential facility.~~

10-9. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:

- a. Bowling alley.

- b. Car wash.
- c. Dancing or music school, nursery school, kindergarten and day-care facility.
- d. Theater exceeding 4,000 square feet in floor area.
- e. Veterinary clinic or kennel operated entirely within an enclosed building.
- f. Automotive repair and maintenance garage, or tire store, provided the business is wholly conducted within an enclosed building.
- g. Marijuana retailing, subject to the provisions of DCC 18.116.330.

11.10. Psilocybin service centers. subject to the provisions of DCC 18.116.380.

C. Use Limits.

1. Multiple-family residential dwelling units, allowed on the nine acres vacant as of December 31, 1997 in the C District, shall be subject to the provisions of DCC 18.108.040(C) and (D), and the following requirements:
  - a. No dwelling unit shall have more than three bedrooms.
  - b. Individual dwelling units shall not exceed 2,250 square feet of habitable floor area.
  - c. One off-street parking space shall be provided for each bedroom within each dwelling unit, with a maximum of two spaces allowed per dwelling unit.
2. Residential dwelling units constructed in the same building as a commercial use developed in the C district shall be subject to the following requirements:
  - a. Residential dwelling units shall be developed above first floor commercial use.
  - b. No dwelling unit shall have more than two bedrooms.
  - c. Individual dwelling units shall not exceed 850 square feet of floor area.
  - d. One off-street parking space shall be provided for each bedroom within each dwelling unit.
3. Uses permitted either outright or conditionally in the C District shall not involve the transport of chemicals which would present a significant hazard.

D. Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.108.050(A)(7) or DCC 18.108.050(B)(10) may be allowed in a building or buildings each exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:

1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the needs of the people passing through the area. For the purposes of DCC 18.108.050(D), the surrounding rural area shall be that area identified as all property within five miles of the boundary of the Sunriver Urban Unincorporated Community;

2. The use will primarily employ a work force from the community and surrounding rural area; and
  3. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.
- E. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.
- F. Lot Requirements. The following lot requirements shall be observed:
1. Lot Area. No requirements.
  2. Lot Width. No requirements.
  3. Lot Depth. 100 feet.
  4. Front Yard. The front yards shall be a minimum of 10 feet.
  5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yards shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
  6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
  7. Lot Coverage. No requirements.

#### HISTORY

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

*Amended by Ord. [98-016](#) §1 on 3/11/1998*

*Amended by Ord. [2003-026](#) §1 on 7/9/2003*

*Amended by Ord. [2015-004](#) §9 on 4/22/2015*

*Amended by Ord. [2016-015](#) §9 on 7/1/2016*

*Amended by Ord. [2020-001](#) §12 on 4/21/2020*

*Amended by Ord. [2022-014](#) §7 on 4/4/2023*

*[Amended by Ord. 2024-008 §13 on 10/9/2024](#)*

#### **18.108.060 Resort; R District**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the R District:
1. Resort facility developed in a building or buildings of any size which house any combination of:
    - a. Meeting room, convention and banquet facility.
    - b. Resort recreation facilities.
    - c. Property sales and rental office.

- d. Hotel, motel and lodging facility with up to 100 units in a single building.
  - e. Maintenance facility associated with resort and recreation operations.
  - f. Storage building necessary for and associated with resort, recreation and/or property development.
  - g. Administrative offices, support and service facilities commonly associated with resort and recreation development and operations.
- 2. Restaurant, bar and cocktail lounge including entertainment and catering facilities which are included within the same building as any of the uses listed in DCC 18.108.060(A)(1).
  - 3. Retail sales, rental and repair services commonly associated with and included within the same building as any of the uses listed in DCC 18.108.060(A)(1).
  - 4. Interval ownership and/or time-share unit or the creation thereof.
  - 5. Multiple family residential dwelling units subject to and consistent with the standards of the RM District.
  - 6. Recreational path.
- ~~7. Residential home.~~
- ~~8.7.~~ Residential facility.
- ~~9.8.~~ A building or buildings each not exceeding 8,000 square feet of floor space which conform with the height regulations and lot requirements of the R District and house any combination of:
- a. New restaurant, bar and cocktail lounge, including entertainment and catering facilities which are not included within the same building as those uses listed in DCC 18.108.060(A)(1).
  - b. New retail sales, rental and repair services commonly associated with uses permitted outright or conditionally in the R District which are not included within the same building as those uses listed in DCC 18.108.060(A)(1).
- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:
- 1. Public buildings and public utility buildings and structures as they may be appropriate to the R District.
  - 2. Religious institutions or assemblies, club or fraternal organization.
  - 3. School.
- C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 40 feet in height.
- D. Lot Requirements. The following lot requirements shall be observed:

1. Lot Area. No requirements.
2. Lot Width. No requirements.
3. Lot Depth. 100 feet.
4. Front Yard. The front yard shall be a minimum of 10 feet.
5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
7. Lot Coverage. No requirements.

#### HISTORY

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

*Amended by Ord. [2020-001](#) §12 on 4/21/2020*

*[Amended by Ord. 2024-008 §13 on 10/9/2024](#)*

#### **[18.108.120 Community General; CG District](#)**

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:

1. School.
2. Utility substation, utility equipment storage and repair yard, and pump station.
3. Golf course.
4. Tennis court.
5. Swimming pool.
6. Park, playground and picnic and barbecue area.
7. Nature center.
8. Putting green.
9. Recreational path.
10. Equestrian facility.
11. Boat dock.
12. Health and fitness facilities.
13. Amphitheater.
14. Observatory.

15. Administrative and office facility associated with a community association or community use.
16. Police facility.
17. Fire station.
18. Public works facility.
19. Community center.
20. Religious institutions or assemblies.
21. Warehouse and storage facilities accessory to and in conjunction with any use permitted outright in this district.

~~22. Residential home.~~

~~23. Residential facility.~~

24.22. A building or buildings each not exceeding 8,000 square feet of floor space which conform with the height regulations and lot requirements of the CG District and house any combination of:

- a. Limited food and beverage service customarily accessory to and in conjunction with any use permitted outright or conditionally in this district.
- b. Retail sales, rental and repair services commonly associated with uses permitted outright or
- c. conditionally in the CG District.

B. Conditional Uses Permitted. The following uses may be permitted subject to DCC 18.128 and a conditional use permit:

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

C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

D. Lot Requirements. The following lot requirements shall be observed:

1. Lot Area. No requirements.
2. Lot Width. No requirements.
3. Lot Depth. 100 feet.
4. Front Yard. The front yard shall be a minimum of 10 feet.
5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one half foot for each foot by which the building height exceeds 20 feet.

6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
7. Lot Coverage. No requirements.

#### HISTORY

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

*Amended by Ord. [2014-020](#) §1 on 1/6/2015*

*Amended by Ord. [2020-001](#) §12 on 4/21/2020*

*[Amended by Ord. 2024-008 §13 on 10/9/2024](#)*

#### **18.108.150 Community Neighborhood; CN District**

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:

1. School.
2. Utility substation, pump station and, utility equipment storage and repair yard.
3. Sewage treatment facility.
4. Tennis court.
5. Swimming pool.
6. Park, playground and picnic and barbecue area.
7. Recreational path.
8. Equestrian facility.
9. Health and fitness facility.
10. Amphitheater.
11. Observatory.
12. Religious institutions or assemblies.

~~13. Residential home.~~

~~14. Residential facility.~~

~~15.~~13. Daycare facility.

~~16.~~14. Administrative and office facility associated with a community association or community use.

~~17.~~15. Community center.

~~18.~~16. Police facility.

- B. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

C. Lot Requirements. The following lot requirements shall be observed:

1. Lot Area. No requirements.
2. Lot Width. No requirements.
3. Lot Depth. 100 feet.
4. Front Yard. The front yard shall be a minimum of 10 feet.
5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
7. Lot Coverage. No requirements.

HISTORY

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

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

*Amended by Ord. [2020-001](#) §12 on 4/21/2020*

*[Amended by Ord. 2024-008 §13 on 10/9/2024](#)*



**18.110.020 Seventh Mountain/Widgi Creek And Black Butte Ranch Resort Districts**

- A. Uses permitted outright. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110.050:
1. Single-family dwelling.
  2. Residential home.
  - ~~3. Residential facility.~~
  - ~~4.3.~~ Timeshare units existing as of January 1, 1984 at Black Butte Ranch.
  - ~~5.4.~~ Timeshare units at the Inn of the Seventh Mountain.
  - ~~6.5.~~ The following resort recreational facilities: Recreational path, picnic and barbecue area, park, playground, and sport courts for basketball, volleyball, and similar small-scale recreation activities.
  - ~~7.6.~~ Livestock and horse grazing on common area in Black Butte Ranch.
  - ~~8.7.~~ Police or security facility.
- B. Uses permitted subject to site plan review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.110 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
1. Resort facility, as that term is defined in DCC Title 18.
  2. Resort recreation facilities, as that term is defined in DCC Title 18, except those uses listed in DCC 18.110.020(A)(6).
  3. Resort utility facilities, as that term is defined in DCC Title 18.
  4. Property sales and rental office.
  5. Hotel or motel.
  6. Daycare facility.
  7. Fire station.
  8. Post office.
  9. Multiple-family dwellings.
  - ~~10.~~ Employee housing.
  - ~~10.11.~~ ~~Residential facility.~~
- C. Conditional uses permitted. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
1. Religious institutions or assemblies.

2. Wireless telecommunications facility.

HISTORY

*Adopted by Ord. [2001-048](#) §2 on 12/10/2001*

*Amended by Ord. [2014-009](#) §1 on 8/6/2014*

*Amended by Ord. [2014-025](#) §1 on 9/15/2014*

*Amended by Ord. [2020-001](#) §13 on 4/21/2020*

*[Amended by Ord. 2024-008 §14 on 10/9/2024](#)*

**18.116.210 Residential Homes And Residential Facilities**

~~A. Residential homes and residential facilities shall be permitted in the same manner that single-family dwellings are permitted under DCC Title 18. For the purposes of DCC Title 18, the term "dwelling" or "single-family dwellings" shall be synonymous with the terms "residential home" or "residential facility."~~

A.

In any application for a residential home or residential facility, the applicant shall not be required to supply any information concerning the existence of or the nature or severity of any handicap (as that term is defined under the Fair Housing Act) of prospective residents.

**HISTORY**

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

*[Amended by Ord. 2024-008 §15 on 10/9/2024](#)*

**18.128.040 Specific Use Standards.**

A conditional use shall comply with the standards of the zone in which it is located and with the standards and conditions set forth in DCC 18.128.~~045-050~~ through DCC 18.128.370.

**HISTORY**

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

*Amended by Ord. [80-206](#) §4 on 10/13/1980*

*Amended by Ord. [84-015](#) §3 on 7/18/1984*

*Amended by Ord. [84-023](#) §4 on 8/1/1984*

*Amended by Ord. [85-002](#) §9 on 2/13/1985*

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

*Amended by Ord. [86-056](#) §§3 and 4 on 6/30/1986*

*Amended by Ord. [87-032](#) §1 on 12/9/1987*

*Amended by Ord. [89-008](#) §1 on 3/29/1989*

*Amended by Ord. [90-014](#) §§39 and 40 on 7/12/1990*

*Amended by Ord. [91-005](#) §§46 and 47 on 3/4/1991*

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

*Amended by Ord. [94-008](#) §15 on 6/8/1994*

*Amended by Ord. [94-053](#) §6 on 12/7/1994*

*Amended by Ord. [2000-033](#) §9 on 12/6/2000*

*[Amended by Ord. 2024-008 §16 on 10/9/2024](#)*

**19.04.040 Definitions**

As used in DCC Title 19, words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; unless the context clearly indicates the contrary, the word "shall" is mandatory and not discretionary; the word "may" is permissive; the masculine gender includes the feminine and neuter; and the term "this title" shall be deemed to include the text of this title and accompanying zoning maps and all amendments hereafter made thereto. As used in this title, unless the context requires otherwise, the following words and phrases shall be defined as set forth in DCC 19.04.040.

"Residential facility" means a residential care, residential training, or residential treatment facility, as those terms are defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

"Residential home" means a residential treatment or training home, as defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), a residential facility registered under ORS 443.480 (Definitions for ORS 443.480 to 443.500) to 443.500 (Investigation of registered facilities), or an adult foster home licensed under ORS 443.705 (Definitions for ORS 443.705 to 443.825) to 443.825 (Disposition of penalties recovered) that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

**HISTORY**

*Adopted by Ord. [80-217](#) §1 Exhibit A on 12/18/1980*  
*Amended by Ord. [82-011](#) on 8/9/1982*  
*Amended by Ord. [83-041](#) §2 on 6/1/1983*  
*Amended by Ord. [86-032](#) §1 on 4/2/1986*  
*Amended by Ord. [86-033](#) §1 on 4/2/1986*  
*Amended by Ord. [86-017](#) §1 Exhibit a on 6/30/1986*  
*Amended by Ord. [86-055](#) §1 on 6/30/1986*  
*Amended by Ord. [86-058](#) §1 on 6/30/1986*  
*Amended by Ord. [88-042](#) §3 on 12/19/1988*  
*Amended by Ord. [90-038](#) §1 on 10/3/1990*  
*Repealed & Reenacted by Ord. [90-007](#) §1 on 12/7/1990*  
*Amended by Ord. [91-001](#) §1 on 1/28/1991*  
*Amended by Ord. [91-029](#) §§1, 8, 9 and 10 on 8/7/1991*  
*Amended by Ord. [92-043](#) §1 on 5/20/1992*  
*Amended by Ord. [93-018](#) §1 on 5/19/1993*  
*Amended by Ord. [94-005](#) §§1 & 2 on 6/15/1994*  
*Amended by Ord. [95-045](#) §15 on 6/28/1995*  
*Amended by Ord. [96-071](#) §1D on 12/30/1996*  
*Amended by Ord. [97-017](#) §1 on 3/12/1997*

Amended by Ord. [97-038](#) §1 on 8/27/1997

Amended by Ord. [99-001](#) §§2-4 on 1/13/1999

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

Amended by Ord. [2014-016](#) §1 on 12/29/2014

Amended by Ord. [2016-016](#) §1 on 6/1/2016

Amended by Ord. [2017-009](#) §7 on 7/21/2017

Amended by Ord. [2020-001](#) §17 on 4/21/2020

Amended by Ord. [2020-010](#) §8 on 7/3/2020

Amended by Ord. [2021-009](#) §2 on 6/18/2021

Amended by Ord. [2024-008](#) §17 on 10/9/2024

**19.12.020 Permitted Uses**

The following uses are permitted:

- A. Farm uses as defined in DCC Title 19.
- B. Single-family dwelling.
- C. Home occupation subject to DCC 19.88.140.
- D. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- E. Day care center facilities subject to site review, DCC 19.76 and DCC 19.88.160.
- F. Farm stands subject to DCC 19.76 and DCC 19.88.290.
- G. Accessory Dwelling Units, subject to DCC 19.92.150.

H. Residential Accessory Dwelling Units, subject to DCC 19.92.160.

H.I. Residential home.

**HISTORY**

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [88-042](#) §4 on 12/19/1988*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

*Amended by Ord. [91-001](#) §2 on 1/28/1991*

*Amended by Ord. [2008-014](#) §3 on 3/31/2008*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

*Amended by Ord. [2019-009](#) §4 on 9/3/2019*

*Recorded by Ord. [2019-009](#) §4 on 9/3/2019*

*Amended by Ord. [2023-014](#) §5 on 12/1/2023*

*[Amended by Ord. 2024-008 §18 on 10/9/2024](#)*

**19.20.020 Permitted Uses**

The following uses are permitted:

- A. Single-family dwelling.
- B. Agriculture, excluding the keeping of livestock.
- C. Home occupations subject to DCC 19.88.140.
- D. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- E. Accessory Dwelling Units, subject to DCC 19.92.150.
- F. Child care facility and/or preschool
- G. Residential Accessory Dwelling Units, subject to DCC 19.92.160.

G-H. Residential home.

**HISTORY**

*Adopted by Ord. PL-11 on 7/11/1979*

*Amended by Ord. 88-042 §6 on 12/19/1988*

*Repealed & Reenacted by Ord. 90-038 §1,2 on 10/3/1990*

*Amended by Ord. 91-001 §4 on 1/28/1991*

*Amended by Ord. 93-018 §3 on 5/19/1993*

*Repealed & Reenacted by Ord. 2009-002 §1,2 on 2/11/2009*

*Amended by Ord. 2019-009 §5 on 9/3/2019*

*Recorded by Ord. 2019-009 §5 on 9/3/2019*

*Amended by Ord. 2020-001 §20 on 4/21/2020*

*Amended by Ord. 2020-010 §9 on 7/3/2020*

*Amended by Ord. 2023-014 §6 on 12/1/2023*

*Amended by Ord. 2024-008 §19 on 10/9/2024*



### 19.22.020 Permitted Uses

The following uses and their accessory uses are permitted outright:

- A. Single-family dwelling.
- B. Home occupation subject to DCC 19.88.140.
- C. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- D. Residential Accessory Dwelling Units, subject to DCC 19.92.160.

~~D-E.~~ Residential home.

#### HISTORY

*Adopted by Ord. [2019-001](#) §8 on 4/16/2019*

*Amended by Ord. [2023-014](#) §7 on 12/1/2023*

*Amended by Ord. [2024-008](#) §20 on 10/9/2024*

### 19.28.020 Permitted Uses

The following uses are permitted:

- A. Single-family dwelling.
- B. Agriculture, excluding the keeping of livestock.
- C. Rooming and boarding of not more than two persons.
- D. Home occupation subject to the provisions of DCC 19.88.140.
- E. Other accessory uses and buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.

F. Child care facility and/or preschool.

F.G. Residential home.

#### HISTORY

*Adopted by Ord. PL-11 on 7/11/1979*

*Repealed & Reenacted by Ord. 90-038 §1 on 10/3/1990*

*Amended by Ord. 2020-010 §10 on 7/3/2020*

*Amended by Ord. 2024-008 §21 on 10/9/2024*

**CHAPTER 22.36 LIMITATIONS ON APPROVALS**[22.36.010 Expiration Of Approval](#)[22.36.020 Initiation Of Use](#)[22.36.025 Transition Rules; Applicability](#)[22.36.030 Extensions To Avoid Environmental Or Health Hazards](#)[22.36.040 Modification Of Approval](#)[22.36.050 Transfer Of Permit](#)[22.36.060 Revocation Of Approvals](#)**22.36.010 Expiration Of Approval****A. Scope.**

1. Except as otherwise provided herein, DCC 22.36.010 shall apply to and describe the duration of all approvals of land use permits provided for under the Deschutes County Land Use Procedures Ordinance, the various zoning ordinances administered by Deschutes County and the subdivision/partition ordinance.
2. DCC 22.36.010 does not apply to:
  - a. Those determinations made by declaratory ruling, such as verifications of nonconforming uses, verifying a lot or parcel meets the “lot of record” definition in 18.04.030, and expiration determinations, that involve a determination of the legal status of a property, land use or land use permit rather than whether a particular application for a specific land use meets the applicable standards of the zoning ordinance. Such determinations, whether favorable or not to the applicant or landowner, shall be final, unless appealed, and shall not be subject to any time limits.
  - b. Temporary use permits of all kinds, which shall be governed by applicable ordinance provisions specifying the duration of such permits.
  - c. Quasi-judicial map changes.

**B. Duration of Approvals.**

1. Except as otherwise provided under DCC 22.36.010 or under applicable zoning ordinance provisions, a land use permit is void two years after the date the discretionary decision becomes final if the use approved in the permit is not initiated within that time period.
2. Except as otherwise provided under applicable ordinance provisions, preliminary approval of plats or master plans shall be void after two years from the date of preliminary approval, unless the final plat has been submitted to the Planning Division for final approval within that time period, an extension is sought under DCC 22.36.010 or the preliminary plat or master plan approval has been initiated as defined herein.
3. In cases of a land use approval authorized under applicable approval criteria to be completed in phases, each phase must be initiated within the time specified in the

approval, or initiated within two years of completion of the prior phase if no timetable is specified.

4. The approval period for the following dwellings in the Exclusive Farm Use and Forest Use Zones is for 4 years:
  - a. Nonfarm dwelling
  - b. Lot of record dwelling
  - c. Large tract dwelling
  - d. Template dwelling.
  - e. Alteration, restoration, or replacement of a lawfully established dwelling ~~in~~ Forest Use Zones.
  - f. Caretaker residences for public parks and public fish hatcheries.
  - ~~f.g.~~ Hardship dwelling.

#### C. Extensions.

1. The Planning Director may grant one extension of up to one year for a land use approval or a phase of a land use approval, and two years for those dwellings listed in DCC 22.36.010(B)(4) above, regardless of whether the applicable criteria have changed, if:
  - a. An applicant makes a written request for an extension of the development approval period;
  - b. The request, along with the appropriate fee, is submitted to the County prior to the expiration of the approval period;
  - c. The applicant states reasons that prevented the applicant from beginning or continuing development or meeting conditions of approval within the approval period; and
  - d. The County determines that the applicant was unable to begin or continue development or meet conditions of approval during the approval period for reasons for which the applicant was not responsible, including, but not limited to, delay by a state or federal agency in issuing a required permit.
2. Except for those dwellings listed under DCC 22.36.010(B)(4) above, up to two additional one-year extensions may be granted by the Planning Director or the Planning Director's designees where applicable criteria for the decision have not changed, if:
  - a. An applicant makes a written request for an extension of the development approval period;
  - b. The request, along with the appropriate fee, is submitted to the County prior to the expiration of the approval period;

- c. The applicant states reasons that prevented the applicant from beginning or continuing development or meeting conditions of approval within the approval period; and
  - d. The County determines that the applicant was unable to begin or continue development or meet conditions of approval during the approval period for reasons for which the applicant was not responsible, including, but not limited to, delay by a state or federal agency in issuing a required permit.
- 3. For those dwellings listed under DCC 22.36.010(B)(4), up to five additional one-year extensions may be granted if:
  - a. The applicant makes a written request for the additional extension prior to the expiration of an extension;
  - b. The applicable residential development statute has not been amended following the approval of the permit; and
  - c. An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.
- 4. In addition to the extensions granted in DCC 22.36.010(C)(1), one additional two-year extension for a land use approval or a phase of a land use approval may be granted by the Planning Director or the Planning Director's designee under the criteria listed under DCC 22.36.010(C)(1) for approvals issued prior to June 8, 2011. This subsection does not apply for those dwellings listed under DCC 22.36.010(B)(4) above.

D. Procedures.

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

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

HISTORY

*Repealed & Reenacted by Ord. [82-011](#) on 8/9/1982*

*Repealed & Reenacted by Ord. [90-007](#) §1 on 12/7/1990*

*Amended by Ord. [95-018](#) §1 on 4/26/1995*

*Amended by Ord. [95-045](#) §43A on 6/28/1995*

*Amended by Ord. [2004-001](#) §4 on 7/14/2004*

*Amended by Ord. [2011-016](#) on 6/8/2011*

Amended by Ord. [2015-017](#) §5 on 3/28/2016

Amended by Ord. [2017-015](#) §5 on 11/1/2017

Amended by Ord. [2020-022](#) §2 on 5/20/2020

Amended by Ord. [2020-007](#) §22 on 10/27/2020

Amended by Ord. 2024-008 §22 on 10/9/2024



## FINDINGS

### HOUSEKEEPING TEXT AMENDMENTS

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

Title 22, Deschutes County Development Procedures Ordinance

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

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

The last time Deschutes County adopted housekeeping amendments occurred in March 2023<sup>1</sup>.

#### III. **BASIC FINDINGS:**

The Planning Division determined minor changes were necessary to clarify existing standards and procedural requirements, include less substantive code alterations, incorporate changes to state and federal law, and correct errors found in various sections of the Deschutes County Code (DCC). Staff initiated the proposed changes and notified the Oregon Department of Land Conservation and Development on July 2, 2024 (File no. 247-24-000417-TA). As demonstrated in the findings below, the amendments remain consistent with Deschutes County Code, the Deschutes County Comprehensive Plan, and the Statewide Planning Goals.

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

#### CHAPTER 22.12, LEGISLATIVE PROCEDURES

##### Section 22.12.010.

##### ***Hearing Required***

<sup>1</sup> Ordinances 2023-001.

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

**FINDING:** This criterion will be met because a public hearing was held before the Deschutes County Planning Commission (Commission) on August 22, 2024 and a public hearing was held before the Board of County Commissioners (Board) on September 25, 2024.

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 August 6, 2024 for the Commission public hearing and on September 11, 2024 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 August 22, 2024. The Board held a public hearing on September 25, 2024.

Section 22.12.050 Final Decision

***All legislative changes shall be adopted by ordinance***

**FINDING:** The proposed legislative changes included in file no. 247-24-000417-TA will be implemented by ordinances upon approval and adoption by the Board.

**V. PROPOSED TEXT AMENDMENTS:**

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

**Title 15, Buildings and Construction:**

**Chapter 15.08. SIGNS**

**Section 15.08.060. Sign Permit - (See Exhibit A)**

DCC 15.08.060 outlines exceptions for when a sign permit is required. The proposed change corrects an internal DCC reference for sign permit exceptions to the appropriate section.

**Title 18, County Zoning:**

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

### **Section 18.04.030. Definitions**

The proposed changes will update the definitions for “residential facility” and “residential home” to match the state statutory definitions in ORS (Oregon Revised Statutes) 197.660.

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

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

The proposed changes alter the standards for replacing a lawfully established dwelling within the Exclusive Farm Use (EFU) Zone to match the updated state statutory standards put in place by House Bill (HB) 2192, and referenced in ORS 215.291. The modified statutory language outlines new standards for:

- Determining if a dwelling is eligible for replacement.
- Siting criteria for replacement dwellings.
- Timelines for constructing replacement dwellings and deconstructing or converting original dwellings.
- Deed restrictions for replacement dwellings.
- Construction provisions from section R327 of the Oregon Residential Specialty Code that apply to replacement dwellings.

Additional proposed changes modify the existing language regarding residential homes and residential facilities in the EFU Zone to match the state statutory standards of ORS 197.665 and 197.667 respectively. Deschutes County will continue to allow residential homes in existing dwellings subject to ORS 215.296. However, residential facilities will no longer be allowed in the EFU Zone as those uses are precluded per ORS 197.667. These proposed changes align with a larger set of proposed changes dealing with residential homes and residential facilities in DCC 18.116.210, as detailed below.

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

### **Section 18.32.020. Uses Permitted Outright**

Per ORS 197.665, the proposed changes enumerate that residential homes are a use allowed outright within residential zones, including the Multiple Use Agricultural (MUA10) Zone.

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

### **Section 18.36.020. Uses Permitted Outright**

### **Section 18.36.025. Lawfully Established Dwelling Replacement**

The proposed changes alter the standards for replacing a lawfully established dwelling within the Forest Use (F1) Zone to match the updated state statutory standards put in place by House Bill (HB) 2192, and referenced in ORS 215.291. The modified statutory language outlines new standards for:

- Determining if a dwelling is eligible for replacement.
- Siting criteria for replacement dwellings.
- Timelines for constructing replacement dwellings and deconstructing or converting original dwellings.
- Deed restrictions for replacement dwellings.
- Construction provisions from section R327 of the Oregon Residential Specialty Code that apply to replacement dwellings.

### **Section 18.36.070. Fire Siting Standards For Dwellings And Structures**

The proposed changes correct an erroneous reference the Oregon Uniform Building Code identifying noncombustible or fire resistant roofing materials for structures built in the F1 Zone. The correct reference has been included for the Oregon Residential Specialty Code.

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

### **Section 18.40.020. Uses Permitted Outright**

### **Section 18.40.025. Lawfully Established Dwelling Replacement**

The proposed changes alter the standards for replacing a lawfully established dwelling within the Forest Use (F2) Zone to match the updated state statutory standards put in the place by House Bill (HB) 2192. The modified statutory language outlines new standards for:

- Determining if a dwelling is eligible for replacement.
- Siting criteria for replacement dwellings.
- Timelines for constructing replacement dwellings and deconstructing or converting original dwellings.
- Deed restrictions for replacement dwellings.
- Construction provisions from section R327 of the Oregon Residential Specialty Code that apply to replacement dwellings.

### **Section 18.40.070. Fire Siting Standards For Dwellings And Structures**

The proposed changes correct an erroneous reference the Oregon Uniform Building Code identifying noncombustible or fire resistant roofing materials for structures built in the F2 Zone. The correct reference has been included for the Oregon Residential Specialty Code.

## **Chapter 18.60. RURAL RESIDENTIAL ZONE; RR-10 - (See Exhibit G)**

### **Section 18.60.020. Uses Permitted Outright**

Per ORS 197.665, the proposed changes enumerate that residential homes are a use allowed outright within residential zones, including the Rural Residential (RR10) Zone.

## **Chapter 18.65. RURAL SERVICE CENTER; UNINCORPORATED COMMUNITY ZONE - (See Exhibit H)**

### **Section 18.65.020. Commercial/Mixed Use District (Brothers, Hampton, Millican, Whistlestop And Wildhunt)**

### **Section 18.65.021 Alfalfa RSC; Commercial/Mixed Use District**

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

## **Chapter 18.66. TERREBONNE RURAL COMMUNITY ZONING DISTRICTS - (See Exhibit I)**

### **Section 18.66.020. Residential (TeR) District**

### **Section 18.66.030 Residential-5 Acre Minimum (TeR5) District**

### **Section 18.66.040 Commercial (TeC) District**

### **Section 18.66.050 Commercial-Rural (TeCR) District**

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

## **Chapter 18.67. TUMALO RURAL COMMUNITY ZONING DISTRICTS - (See Exhibit J)**

**Section 18.67.020. Residential (TuR) District****Section 18.67.030 Residential-5 Acre Minimum (TuR5) District****Section 18.67.040 Commercial (TuC) District****Section 18.67.090. Right-Of-Way Development Standards**

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

An additional proposed change corrects a scrivener's error which incorrectly identified DCC 18.67.080 as the section governing right-of-way development standards in the Tumalo Community Zone. The reference now correctly identified DCC 18.67.090 as the appropriate section.

**Chapter 18.74. RURAL COMMERCIAL ZONE - (See Exhibit K)****Section 18.74.020. Uses Permitted; Deschutes Junction And Deschutes River Woods Store**

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

**Chapter 18.76. AIRPORT DEVELOPMENT ZONE - (See Exhibit L)****Section 18.76.100. Design and Use Criteria**

The proposed changes remove an unnecessary duplicate line of text from DCC 18.76.060, which describes dimensional standards in the Airport District. The line "The following dimensional standards shall apply in the Airport Districts" has been removed from DCC 18.76.100.

**Chapter 18.108. URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER - (See Exhibit M)****Section 18.108.030. Single Family Residential; RS District**

**Section 18.108.050. Commercial; C District****Section 18.108.060. Resort; R District****Section 18.108.120. Community General; CG District****Section 18.108.150. Community Neighborhood; CN District**

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

**Chapter 18.110. RESORT COMMUNITY ZONE - (See Exhibit N)****Section 18.110.020. Seventh Mountain/Widgi Creek And Black Butte Ranch Resort Districts**

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

**Chapter 18.116. SUPPLEMENTARY PROVISIONS - (See Exhibit O)****Section 18.116.210. Residential Homes And Residential Facilities**

The proposed changes modify the existing standards regarding residential homes and residential facilities across all zones to match the state statutory standards of ORS 197.665 and 197.667 respectively. Deschutes County will continue to allow residential homes in all areas where they were previously allowed, except those specific zoning districts which are now precluded by statute. This includes an allowance for residential homes in existing dwellings within the EFU Zone subject to ORS 215.296. Residential facilities will continue to be allowed in all residential zones they were previously allowed, with the exception of the EFU Zone as those uses are now precluded per ORS 197.667.

**Chapter 18.128. CONDITIONAL USE - (See Exhibit P)**

### **Section 18.128.040. Specific Use Standards**

The proposed changes correct a scrivener's error which references a non-existent portion of code. The reference to DCC 18.128.045 has now been changed to the correct reference of DCC 18.128.050.

## **Title 19, BEND URBAN GROWTH BOUNDARY ORDINANCE:**

### **Chapter 19.04. Title, Compliance, Applicability And Definitions - (See Exhibit Q)**

#### **Section 19.04.040. Definitions**

Title 19 will include new definitions for "residential facility" and "residential home" to match the state statutory definitions in ORS (Oregon Revised Statutes) 197.660. Residential home and residential facility are currently undefined terms in Title 19.

### **Chapter 19.12. URBAN AREA RESERVE ZONE UAR-10 - (See Exhibit R)**

#### **Section 19.12.020. Permitted Uses**

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

### **Chapter 19.20. SUBURBAN LOW DENSITY RESIDENTIAL ZONE; SR 2 1/2 - (See Exhibit S)**

#### **Section 19.20.020. Permitted Uses**

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

### **Chapter 19.22. WESTSIDE TRANSECT ZONE; WTZ - (See Exhibit T)**

#### **Section 19.22.020. Permitted Uses**

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

## **Chapter 19.28. URBAN STANDARD RESIDENTIAL ZONE; RS - (See Exhibit U)**

### **Section 19.28.020. Permitted Uses**

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

## **Title 22, DESCHUTES COUNTY DEVELOPMENT PROCEDURES ORDINANCE:**

### **Chapter 22.36. LIMITATIONS ON APPROVALS - (See Exhibit V)**

#### **Section 22.36.010. Expiration Of Approval**

In compliance with ORS 215.010 to 215.293, 215.317 to 215.438, and 215.417(1), the proposed changes modify the types of dwellings which qualify for a 4-year approval duration after local land use review. The following dwelling types now qualify for a 4-year approval duration:

- Replacement dwellings in the EFU Zone
- Hardship dwellings in the EFU Zone

## **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 25, 2024

**SUBJECT:** Public Hearing – Development Agreement for Thousand Trails Bend-Sunriver RV Campground

**RECOMMENDED MOTION:**

TBD

**BACKGROUND AND POLICY IMPLICATIONS:**

The Board of County Commissioners will hold a public hearing to consider approval of and signature on Document No. 2024-766, a Development Agreement for Thousand Trails Bend-Sunriver RV Campground. The full record is located on the project webpage: <https://www.deschutes.org/cd/page/247-24-000244-ia-development-agreement-thousand-trails-rv-campground>

**BUDGET IMPACTS:**

N/A

**ATTENDANCE:**

Haleigh King, Associate Planner



## COMMUNITY DEVELOPMENT

## MEMORANDUM

To: Deschutes Board of County Commissioners ("Board")

From: Haleigh King, Associate Planner

Date: September 18, 2024

Re: Public Hearing – Development Agreement for Thousand Trails Bend-Sunriver RV Campground (Document No. 2024-766, County File No. 247-24-000244-IA)

The Board will conduct a public hearing on September 25, 2024 regarding a proposed Development Agreement pursuant to Oregon Revised Statutes ("ORS") 94.504 for the Thousand Trails Bend-Sunriver RV Campground. The Board will hold a work session on this item on September 23, 2024.

ORS 94.504 authorizes the County to enter into a development agreement and stipulates the requirements and process for such an agreement. In order to approve the Development Agreement, the Board must find that the agreement is consistent with local regulations then in place. ORS 94.508(1). Approval of a development agreement must be by adoption of an ordinance declaring approval. ORS 94.508(2).<sup>1</sup>

The general purpose of a development agreement between a local jurisdiction and a person who owns or controls property within the jurisdiction, is to detail the obligations of both parties and specify the standards and conditions that will govern development of the property. Although such agreements are voluntary, once made they are binding on the parties and their successors. A development agreement provides assurances to the developer that the development regulations that apply to the project will not change during the term of the agreement.

## I. Background and Summary

The purpose of the Development Agreement is for the applicant and the County to clarify the nature and extent of development that has been previously approved at the subject property. The Applicant currently operates Thousand Trails Bend-Sunriver RV Campground ("Campground") at the subject property. Historical records indicate that on or before 1973, the County approved a master

<sup>1</sup> DCC 18.56.130 provides that the County may require a development agreement and performance bond as a condition of site plan approval. However, the County has not adopted an ordinance establishing procedures and requirements for consideration of development agreements, as permitted by ORS 94.513.

plan for a planned development known as Fort Laramie and, thereafter, zoned the subject property Planned Development ("PD"). The subject property now carries the Rural Residential (RR10), Flood Plain (FP), and Exclusive Farm Use (EFU) Zones and includes the Landscape Management (LM) and Wildlife Area (WA) Combining Zones.

The 1973 County land use decision and associated files approving the Fort Laramie master plan and rezone has not been retained by the County due to unknown reasons. Subsequent to the loss of the 1973 master plan approval, there has been confusion regarding the scope and intensity of development allowed at the Property. In 1979, a new master plan was recorded to reflect the development originally approved in the 1973 master plan (Exhibit B). Subsequently, in 1986, the County approved a minor alteration to SP-78-68, further confirming the development originally approved in the 1973 master plan.

Prior land use approvals allowed for addition or modification of a variety of structures and uses over the years including a mini-golf facility and additional camping spaces, water tower, chapel, restaurant, and property signage.

## **II. Development Agreement**

Through the Development Agreement, the applicant requests the County to recognize its right to develop a maximum of 520 total sites within the campground property and to confirm that all existing facilities at the property are considered permitted and vested.

The applicant's request to memorialize the rights to 520 camp sites in the Development Agreement is consistent with historical planning documents and the past master plan approval (Exhibit C, SP-86-17).

Based on the Existing Conditions analysis provided by the applicant in Exhibit B, the Thousand Trails development currently contains **335** total existing sites which include the following:

- Fort Laramie Sites – 28 sites (15 park model homes and 13 trailer sites)
  - This is consistent with the number of sites shown on the 1979 Master Plan
- Yurts – 8
- Cottages/Cabins – 11
- Full Hook Up Camp Sites - 288

Based on the number of existing sites, this leaves a remainder of 185 sites that could be constructed pursuant to the Development Agreement. It is anticipated that future expansion would occur along the western boundary of the subject property which is the area that was not fully built out.

As stated in Section 2.2 of the Development Agreement, future expansion or alterations to the campground will require land use approval from the County in accordance with County zoning and procedure ordinances and statutory processing requirements in existence as of the date the Development Agreement is executed. The Development Agreement does not give a blanket

approval to any expansion. The County would be required to coordinate and provide notice to neighbors and partner agencies (e.g. fire, onsite wastewater, transportation).

The Applicant has included a request for the County to waive paving standards for any future land use application – Section 2.4. Deschutes County Code Section 18.116.030(F)(4) gives discretion to the decision-maker to waive paving standards in instances where any of the following are true:

1. A high water table in the area necessitates a permeable surface to reduce surface water runoff problems; or
2. The subject use is located outside of an unincorporated community and the proposed surfacing will be maintained in a manner which will not create dust problems for neighboring properties; or
3. The subject use will be in a Rural Industrial Zone or an Industrial District in an unincorporated community and dust control measures will occur on a continuous basis which will mitigate any adverse impacts on surrounding properties.

A waiver to the paving standards can be supported pursuant to No. 2 above. This request will be memorialized in any future land use applications and conditions of approval would be added to ensure non-paved surfacing will be maintained to not create dust problems for neighboring properties.

Consistent with ORS 94.504(8)(b), the maximum duration of the Development Agreement is seven (7) years.

### **III. Public and Agency Comments**

Staff mailed the Notice of Public Hearing on September 4, 2024 and published notice in the Bend Bulletin on September 4, 2024. Notice was sent to affected agencies as well as adjacent property owners. Staff has not received any public comments as of the date of this memo.

The Department of State Lands (Jessica Salgado) provided the following information in response to the Notice of Public Hearing:

Thank you for clarifying. At first glance, it was thought that additional RV sites were proposed. Looking at the application, it seems that the majority of the RV sites are existing in the western half of the property.

The only difference that I see (between the 1979 plan and 2023 plan set) is the addition of a single lot (northwestern-most) in the Fort Laramie area. There are no mapped wetlands or other waters in this area.

Staff has not received any other agency comments as of the date of this memo.

#### **IV. ORS 94.504**

ORS 94.504(2) sets forth the required elements of a development agreement which include: (a) the duration of the agreement; (b) the permitted uses of the property; (c) the density or intensity of use; (d) the maximum height and size of proposed structures; (e) provisions for reservation or dedication of land for public purposes; (f) a schedule of fees and charges; (g) a schedule and procedure for compliance review; (h) responsibility for providing infrastructure and services; (i) the effect on the agreement when changes in regional policy or federal or state law or rules render compliance with the agreement impossible, unlawful or inconsistent with such laws, rules or policy; (j) remedies available to the parties upon a breach of the agreement; (k) the extent to which the agreement is assignable; and (L) the effect on the applicability or implementation of the agreement when a city annexes all or part of the property subject to a development agreement. The proposed Development Agreement includes all applicable statutorily required elements.

#### **V. Next Steps**

Following the hearing the Board may choose to:

- 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.

#### **VI. Motion**

If the Board chooses to commence deliberations and move towards a decision, staff recommends the following motion if the Board chooses to approve the Development Agreement:

The Board moves to approval of and signature on Document No. 2024-766; Development Agreement for Thousand Trails Bend-Sunriver RV Campground.

#### **Attachments:**

- A. Document No. 2024-766: Development Agreement for Thousand Trails Bend-Sunriver RV Campground (County File No. 247-24-000244-IA)

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

**After recording, return to:**

Schwabe, Williamson & Wyatt  
 360 SW Bond St., Ste. 500  
 Bend, OR 97702  
 Attn: Kenneth Katzaroff  
 Kkatzaroff@SCHWABE.com

**DEVELOPMENT AGREEMENT  
 BETWEEN  
 MHC TT, L.P. AND DESCHUTES COUNTY, OREGON**

This Statutory Development Agreement (the “**Agreement**”) is made and entered into this \_\_\_\_ day of \_\_\_\_, 2024 by and between **DESCHUTES COUNTY**, a political subdivision of the State of Oregon (the “**County**”), and **MHC TT, L.P.**, a Delaware limited partnership (“**Developer**”), and its assigns, pursuant to ORS 94.504 to 94.528. The County and Developer may be referred to jointly in this Agreement as the “**Parties**” and individually as a “**Party**.”

**RECITALS**

- A. Developer is the legal owner of certain real property in Deschutes County, Oregon, consisting of approximately 276 acres (the “**Property**”) and shown on the Existing Master Plan, attached hereto as **Exhibit A**.
- B. The Property consists of three lots of record, and is currently zoned Rural Residential- 10 Acre Minimum (“**RR-10**”, Flood Plain (“**FP**”), and Exclusive Farm Use- La Pine Subzone (“**EFU-LA**”). The Property is also designated with the County’s Landscape Management (“**LM**”) and Wildlife Area (“**WA**”) overlay districts.
- C. Developer currently operates Thousand Trails Bend-Sunriver RV Campground at the Property.
- D. On or before 1973, the County approved a master plan for a planned development known as Fort Laramie and, thereafter, zoned the Property Planned Development (“**PD**”). This development is now known as Thousand Trails.

- E. The 1973 County land use decision approving the Fort Laramie master plan and rezone has not been maintained by the County due to fire or other unknown reasons. Subsequent to the loss of the 1973 master plan approval, there has been confusion regarding the scope and intensity of development allowed at the Property.
- F. In 1979, a new master plan was recorded to reflect the development originally approved in the 1973 master plan. **Exhibit B**. On July 22, 1986, the County approved a minor alteration to SP-78-68 (the “**1986 Decision**”), further confirming the development originally approved in the 1973 master plan. **Exhibit C**.
- G. In order to provide certainty for the Developer and the County regarding the development allowed at the Property, Developer and County desire to enter into this Agreement.

## **AGREEMENT**

In consideration of the mutual promises and performance obligations of each Party set out in this Agreement, the County and Developer hereby agree to the following terms and conditions, including three (3) exhibits, attached hereto and incorporated as referenced herein.

### **1. Effective Date and Term of Agreement.**

- 1.1.** This Agreement shall be effective upon the later of (1) adoption of an ordinance by the County approving this Agreement pursuant to ORS 94.508, and (2) execution of this Agreement by both Parties. The Agreement shall continue in effect for a period of seven (7) years after its effective date, unless it is terminated in accordance with Section 7 of this Agreement.

### **2. Description of Development Authorized by this Development Agreement.**

- 2.1** This Agreement confirms that the development originally authorized by the 1973 master plan and depicted on **Exhibit A** is hereby deemed vested and previously approved by the County (hereinafter the “Approved Development”) as follows:
  - 2.1.1** A maximum of 520 total camp sites shall be allowed at the Property.
  - 2.1.2** All existing facilities at the Property shall be permitted pursuant to this Agreement.
  - 2.1.3** The Parties agree that **Exhibit A** is a true and correct depiction of the Approved Development that is authorized at the Property.

### **2.2 Future Alterations to Approved Development.**

**2.2.1** The Developer recognizes that any future alteration or expansion to the Approved Development authorized by Section 2.1 of this Agreement will require approval from the County.

**2.2.2** The County shall process any application to alter or expand the Approved Development at the Property as a site plan review or alteration, pursuant to Deschutes County Code (“DCC”) 18.124 and within the 150-day time period as provided for in ORS 215.427(1), unless extended or waived in writing by the Developer.

### **2.3 No Code Enforcement Violations.**

The Parties agree that by executing this Agreement, the Approved Development is hereby deemed vested and previously approved by the County and shall not constitute a basis for a County code compliance action.

### **2.4 Waiver of Paving Standards within DCC Chapter 18.124; Chapter 18.116.**

The Parties hereby agree that any future alteration or expansion to the Approved Development authorized by Section 2.1 of this Agreement will be exempt from the paving standards set forth in DCC Chapter 18.124 and DCC 18.116.030(F)(4).

## **3. Public Facilities, Services, and Dedications.**

This Agreement is intended to confirm existing development at the Property. The requirements of ORS 94.504(2)(e), (h) are not applicable.

## **4. Applicable Approval Criteria.**

For purposes of any future alteration to the Approved Development as set forth in Section 2.3 of this Agreement, the applicable zoning ordinances and other County rules and policies shall be those in effect on the date that the Agreement is approved as provided for in ORS 94.518.

## **5. Continuing Effect of Agreement.**

**5.1** In the case of any change in regional policy or federal or state law or other change in circumstance which renders compliance with this Agreement impossible or unlawful, the Parties will attempt to give effect to the remainder of this Agreement, but only if such effect does not prejudice the substantial rights of either Party under this Agreement. If the substantial rights of either Party are prejudiced by giving effect to the remainder of this Agreement, then the Parties



shall negotiate in good faith to revise this Agreement to give effect to its original intent. If, because of a change in policy, law or circumstance, this Agreement fails of its essential purpose (confirming that the established development at the Property is deemed vested and previously approved) then the Parties shall be placed into their original position to the extent practical.

**5.2** This Agreement shall be binding on any city should the property be annexed.

## **6. Default; Remedy.**

**6.1 Default/Cure.** The following shall constitute defaults on the part of a Party:

**6.1.1** A breach of a material provision of this Agreement, whether by action or inaction of a Party which continues and is not remedied within sixty (60) days after the other Party has given notice specifying the breach; provided that if the non-breaching Party determines that such breach cannot with due diligence be cured within a period of sixty (60) days, the non-breaching Party may allow the breaching Party a longer period of time to cure the breach, and in such event the breach shall not constitute a default so long as the breaching Party diligently proceeds to affect a cure and the cure is accomplished within the longer period of time granted by the non-breaching Party; or

**6.1.2** Any assignment by a Party for the benefit of creditors, or adjudication as a bankrupt, or appointment of a receiver, trustee or creditor's committee over a Party.

**6.2 Remedies.** Each Party shall have all available remedies at law or in equity to recover damages and compel the performance of the other Party pursuant to this Agreement. The rights and remedies afforded under this Agreement are not exclusive and shall be in addition to and cumulative with any and all rights otherwise available at law or in equity. The exercise by either Party of any one or more of such remedies shall not preclude the exercise by it, at the same or different time, of any other such remedy for the same default or breach or of any of its remedies for any other default or breach by the other Party, including, without limitation, the right to compel specific performance.

## **7. Amendment or Termination of Agreement.**

This Agreement may only be amended or terminated by the mutual consent of the Parties, or their successors in interest, pursuant to ORS 94.522.

## **8. Miscellaneous Provisions.**

- 8.1 Notice.** All notices and communications under this Agreement will be in writing and may be delivered by personal delivery, e-mail, by overnight courier service, or by deposit in the United States Mail, postage prepaid, as certified mail, return receipt requested, and addressed as follows:

In the case of a notice or communication to the County, addressed as follows:

County: Deschutes County  
 Attention: BoCC  
 PO Box 6005  
 Bend, OR 97708-6005  
 Telephone: (541) 388-6570

In the case of a notice or communication to Developer, addressed as follows:

Developer: MHC TT, L.P.  
 c/o Equity Lifestyle Properties, Inc.  
 Two North Riverside Plaza, Suite 800  
 Chicago, Illinois 60606  
 Attention: President  
 Telephone: (312) 279-1400

Copy to: Equity Lifestyle Properties, Inc.  
 Two North Riverside Plaza, Suite 800  
 Chicago, Illinois 60606  
 Attention: Chief Legal Officer  
 Telephone: (312) 279-1400

Schwabe, Williamson & Wyatt PC  
 Attn: Kenneth Katzaroff  
 360 SW Bond St., Ste. 500  
 Bend, OR 97702  
 E-mail: Kkatzaroff@SCHWABE.com  
 (503) 222-9981

Notices will be deemed received by the addressee upon the earlier of actual delivery or refusal of a party to accept delivery thereof. The addresses to which notices are to be delivered may be changed by giving notice of such change in address in accordance with this notice provision.

- 8.2 Headings.** Any titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.
- 8.3 Counterparts.** In the event this Agreement is executed in two (2) or more counterparts, each counterpart shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.
- 8.4 Waivers.** No waiver made by either Party with respect to the performance, or manner or time thereof, of any obligation of the other Party or any condition inuring to its benefit under this Agreement shall be considered a waiver of any other rights of the Party making the waiver. No waiver by County or Developer of any provision of this Agreement or any breach thereof shall be of any force or effect unless in writing; and no such waiver shall be construed to be a continuing waiver.
- 8.5 Time of the Essence.** Time is of the essence under this Agreement.
- 8.6 Choice of Law.** This Agreement shall be interpreted under the laws of the State of Oregon.
- 8.7 Attorneys' Fees.** In the event a dispute arises under this Agreement and either party files legal action to interpret or enforce its terms, the prevailing party in any arbitration, legal action in state or federal court, and any appeals therefrom shall be entitled to recover its reasonable costs thus incurred, including expert witness and attorney fees, from the losing party.
- 8.8 Calculation of Time.** All periods of time referred to herein shall include Saturdays, Sundays, and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday, or legal holiday in the State of Oregon, the period shall be extended to include the next day which is not a Saturday, Sunday, or such a holiday.
- 8.9 Construction.** In construing this Agreement, singular pronouns shall be taken to mean and include the plural and the masculine pronoun shall be taken to mean and include the feminine and the neuter, as the context may require.
- 8.10 Severability.** Consistent with Section 6 above, if any clause, sentence or any other portion of the terms and conditions of this Agreement becomes illegal, null or void for any reason, the remaining portions will remain in full force and effect to the fullest extent permitted by law.

- 8.11 Place of Enforcement.** Any action or suit to enforce or construe any provision of this Agreement by any Party shall be brought in the Circuit Court of the State of Oregon for Deschutes County, or the United States District Court for the District of Oregon.
- 8.12 Good Faith and Reasonableness.** The Parties intend that the obligations of good faith and fair dealing apply to this Agreement generally and that no negative inferences be drawn by the absence of an explicit obligation to be reasonable in any portion of this Agreement. The obligation to be reasonable shall only be negated if arbitrariness is clearly and explicitly permitted as to the specific item in question, such as in the case of a Party being given “sole discretion” or being allowed to make a decision in its “sole judgment.”
- 8.13 Condition of County Obligations.** All County obligations pursuant to this Agreement which require the expenditure of funds are contingent upon future appropriations by the County as part of the local budget process. Nothing in this Agreement implies an obligation on the County to appropriate any such monies.
- 8.14 Cooperation in the Event of Legal Challenge.** In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the Parties agree to cooperate in defending such action.
- 8.15 Enforced Delay, Extension of Times of Performance.** In addition to the specific provisions of this Agreement, performance by any Party shall not be in default where delay or default is due to war; insurrection, strikes, riots, floods, drought, earthquakes, fires, casualties, acts of God, governmental restrictions imposed or mandated by governmental entities other than the County, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation or similar bases for excused performance which is not within reasonable control of the Party to be excused; provided, however, that the Parties agree to proceed in accordance with Section 6 in the event of the occurrence of any of the foregoing events also described in Section 6.
- 8.16 Other Necessary Acts.** Each Party shall execute and deliver to the other all such further instruments and documents and take such additional acts (which, in the case of the County, shall require adopting necessary ordinances and resolutions) as may be reasonably necessary to carry out this Agreement in order to provide and secure to the other Parties the full and complete enjoyment of rights and privileges hereunder.
- 8.17 Entire Agreement.** This Agreement constitutes the entire agreement between the Parties as to the subject matter covered by this Agreement.

- 8.18 Interpretation of Agreement.** This Agreement is the result of arm's length negotiations between the Parties and shall not be construed against any Party by reason of its preparation of this Agreement.
- 8.19 Capacity to Execute; Mutual Representations.** The Parties each warrant and represent to the other that this Agreement constitutes a legal, valid, and binding obligation of that Party. Without limiting the generality of the foregoing, each Party represents that its governing authority has authorized the execution, delivery, and performance of this Agreement by it. The individuals executing this Agreement warrant that they have full authority to execute this Agreement on behalf of the entity for whom they purport to be acting. Each Party represents to the other that neither the execution nor delivery of this Agreement, nor performance of the obligations under this Agreement will conflict with, result in a breach of, or constitute a default under, any other agreement to which it is a Party or by which it is bound.
- 8.20 Recording.** County shall cause this Agreement to be recorded pursuant to ORS 94.528.
- 8.21 Form of Agreement; Exhibits.** This Agreement consists of \_\_\_\_ pages and \_\_\_\_ exhibits. The exhibits are identified as follows: Exhibit A (Existing Master Plan), Exhibit B (1979 Master Plan), and Exhibit C (1986 Decision).
- 8.22 Fees.** The fee charged for the review of the Required Applications shall be the same as applicable fee at the time, as shown in the adopted Deschutes County Fee Schedule for the applicable fiscal year.
- 8.22.1** For the purposes of processing this Agreement, Developer agrees to pay County a processing fee of \$3,235 dollars.

Executed as of the day and year first above written.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

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

\_\_\_\_\_  
ANTHONY DEBONE, Vice-Chair

ATTEST:

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

\_\_\_\_\_  
PHIL CHANG, Commissioner

STATE OF OREGON, County of Deschutes ) ss.

Before me, a Notary Public, personally appeared ANTHONY DEBONE, PHIL CHANG, PATTI ADAIR, the above-named Board of County Commissioners of Deschutes County, Oregon and acknowledged the foregoing instrument on behalf of Deschutes County, Oregon.

DATED this \_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public, State of Oregon

DATED this \_\_\_ day of \_\_\_\_\_, 20\_\_

**DEVELOPER:**

MHC TT, L.P., a Delaware limited partnership MHC Trails GP, L.L.C., a Delaware limited liability company, its general partner

By:\_\_\_\_\_

Name: Brett Hattel

Title: Senior Vice President-Asset Management

STATE OF OREGON, County of Deschutes ) ss.

Before me, a Notary Public, personally appeared Brett Hattel, and acknowledged the foregoing instrument as the Senior Vice President – Asset Management, as General Partner of MHC Trails GP, LLC, on behalf of MHC TT, LP, a Delaware limited partnership.

DATED this \_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public, State of Oregon



SCALE: 1"=200'

# THOUSAND TRAILS BEND - SUNRIVER EXISTING CONDITIONS PER EARLIER AUTHORIZATIONS

LOCATED IN THE S 1/2 OF SECTION 19 AND IN THE  
W 1/2 SW 1/4 OF SECTION 20, TOWNSHIP 20 SOUTH,  
RANGE 11 EAST, W.M., DESCHUTES COUNTY, OREGON

OWNER:  
MHC TT INC  
P.O. BOX 06115  
CHICAGO, IL 60606

ATTORNEY:  
KENNETH KATZAROFF  
SCHWABE, WILLIAMSON & WYATT  
360 SW BOND ST., STE. 500  
BEND, OREGON 97702

SURVEYING:  
TYE ENGINEERING & SURVEYING, INC.  
725 NW HILL STREET  
BEND, OREGON 97703

TAX LOTS:  
2011000002510; 201119C000100; 2011200001300  
ADDRESSES:  
TL 2510 - 17480 SOUTH CENTURY DRIVE  
TL 100 - 17320 SOUTH CENTURY DRIVE  
TL 1300 - 55811 SOUTH CENTURY DRIVE  
BEND, OREGON 97707  
ZONE: RR10, EFU-LA, FP, LM & WA  
AREA: 276 ACRES  
WATER: WELL, RESERVOIR & WATER SYSTEM  
SEWER: SEWER TREATMENT PLANT  
POWER: MIDSTATE ELECTRIC  
PHONE/CABLE: CENTURY LINK  
FIRE: LAPINE RURAL FIRE DISTRICT  
IRRIGATION: 3.7 AC FROM WELL

NUMBER OF TOTAL EXISTING SITES: 335  
FORT LARAME SITES (FL) - 28 SITES  
(FL) PARK MODEL HOMES - 15  
(FL) TRAILER SITES - 13  
YURTS - 8  
COTTAGES/CABINS - 11  
FULL HOOK UP CAMP SITES - 288

- PRIVATE PARK MODELS - FORT LARAME
- THOUSAND TRAILS COTTAGES/CABINS PARK MODELS
- YURT
- RESORT BUILDINGS
- MISC SMALL SHEDS

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
JAMES L. TYE  
DRIVE 725 NW HILL STREET  
BEND, OREGON 97703  
LICENSE NO. 1279/23

JOB NO. 2873 - EQUITY LIFESTYLES  
DATE: 12-13-2023  
DRAWN BY: P.A.T.  
SCALE: 1"=200'  
DWG: 2873\_Thousand\_Trails\_Existing\_Authorized.dwg

THOUSAND TRAILS  
EXISTING CONDITIONS PER  
EARLIER AUTHORIZATIONS

EQUITY LIFESTYLE  
7310 N. 16TH ST., STE. 300  
PHOENIX, AZ 85020

TYE ENGINEERING & SURVEYING, INC.  
725 NW HILL STREET  
BEND, OREGON 97703  
email: office@tyesurveying.com  
www.tyesurveying.com



Sheet 1 of 3

NOTE: RIGHT OF WAY OF SOUTH  
CENTURY DRIVE NOT DETERMINED  
IN THIS SURVEY.

SEE SHEETS 2 AND 3  
FOR SITE DETAILS

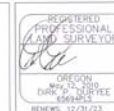




SCALE: 1"=100'

THOUSAND TRAILS  
BEND - SUNRIVER  
EXISTING CONDITIONS PER  
EARLIER AUTHORIZATION

LOCATED IN THE S 1/2 OF SECTION 19 AND IN THE  
W 1/2 SW 1/4 OF SECTION 20, TOWNSHIP 20 SOUTH,  
RANGE 11 EAST, W.M., DESCHUTES COUNTY, OREGON



JOB NO. 2873 - EQUITY LIFESTYLE  
DATE: 12-13-2023  
DRAWN BY: P.A.T.  
SCALE:  
DWG: 2023\_Thousand\_Trail\_Existing\_Authorization

TITLE:  
THOUSAND TRAILS  
EXISTING CONDITIONS PER  
EARLIER AUTHORIZATION

FOR:  
EQUITY LIFESTYLE  
7310 N. 16TH ST., STE. 300  
PHOENIX, AZ 85020

THE ENGINEERING & SURVEYING, INC.  
725 NW HILL STREET  
BEND, OREGON 97703  
PH: 541-338-6559  
EMAIL: info@tyesurveying.com  
WWW.TYESURVEYING.COM



SHEET  
2 OF 3





SCALE: 1"=200'

# THOUSAND TRAILS BEND - SUNRIVER EXISTING CONDITIONS PER EARLIER AUTHORIZATIONS

LOCATED IN THE S 1/2 OF SECTION 19 AND IN THE  
W 1/2 SW 1/4 OF SECTION 20, TOWNSHIP 20 SOUTH,  
RANGE 11 EAST, W.M., DESCHUTES COUNTY, OREGON

OWNER:  
MHC TT INC  
P.O. BOX 06115  
CHICAGO, IL 60606

ATTORNEY:  
KENNETH KATZAROFF  
SCHWABE, WILLIAMSON & WYATT  
360 SW BOND ST., STE. 500  
BEND, OREGON 97702

SURVEYING:  
TYE ENGINEERING & SURVEYING, INC.  
725 NW HILL STREET  
BEND, OREGON 97703

TAX LOTS:  
2011000002510; 201119C000100; 2011200001300  
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BEND, OREGON 97707  
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PHONE/CABLE: CENTURY LINK  
FIRE: LAPINE RURAL FIRE DISTRICT  
IRRIGATION: 3.7 AC FROM WELL

NUMBER OF TOTAL EXISTING SITES: 335  
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(FL) PARK MODEL HOMES - 15  
(FL) TRAILER SITES - 13  
YURTS - 8  
COTTAGES/CABINS - 11  
FULL HOOK UP CAMP SITES - 288

- PRIVATE PARK MODELS - FORT LARAME
- THOUSAND TRAILS COTTAGES/CABINS PARK MODELS
- YURT
- RESORT BUILDINGS
- MISC SMALL SHEDS

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
JENNIFER L. TYE  
DRIVE 725 NW HILL STREET  
BEND, OREGON 97703  
LICENSE NO. 1279/23

JOB NO. 2873 - EQUITY LIFESTYLES  
DATE: 12-13-2023  
DRAWN BY: P.A.T.  
SCALE: 1"=200'  
DWG: 2873\_Thousand Trails\_Existing Authorizations.dwg

THOUSAND TRAILS  
EXISTING CONDITIONS PER  
EARLIER AUTHORIZATIONS

EQUITY LIFESTYLE  
7310 N. 16TH ST., STE. 300  
PHOENIX, AZ 85020

TYE ENGINEERING & SURVEYING, INC.  
725 NW HILL STREET  
BEND, OREGON 97703  
email: office@tyesurveying.com  
www.tyesurveying.com



Sheet 1 of 3

NOTE: RIGHT OF WAY OF SOUTH  
CENTURY DRIVE NOT DETERMINED  
IN THIS SURVEY.

SEE SHEETS 2 AND 3  
FOR SITE DETAILS





**Thousand Trails, Inc.**  
BEND, OREGON PRESERVE

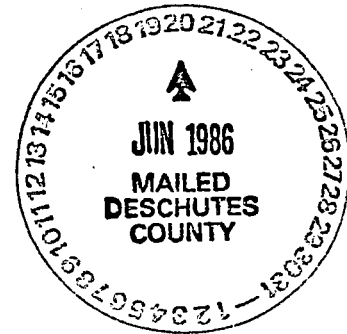
MASTERPLAN



DATE: 10/1/2019  
DESIGNED BY: J. L. BROWN  
DRAWN BY: J. L. BROWN  
CHECKED BY: J. L. BROWN  
APPROVED BY: J. L. BROWN

## DESCHUTES COUNTY PLANNING DIVISION

## STAFF REPORT



**FILE NUMBER:** SP-86-17

**HEARING DATE:** July 8, 1986

**TIME:** 7:00 p.m.

**PLACE:** Courthouse Annex, Room A

**APPLICANT:** Thousand Trails Resort  
% Pat Harper, Representative  
15325 30th Place  
Bellevue, Washington 98007

**PROPERTY OWNER:** Thousand Trails Resort  
% Pat Harper, Representative  
15325 30th Place  
Bellevue, Washington 98007

**REQUEST:** An application for a minor alteration of a site plan for the Thousand Trails campground facility on South Century Drive. The applicant is proposing to add camping spaces and a miniature golf facility.

**LOCATION:** The subject property is located at 17480 South Century Drive, south of Sunriver, and is further described as tax lot 2510 in Section 19 of Township 20S, Range 11E.

**REVIEWER:** Paul E. Blikstad

LEGAL FINDINGS:

- A. Article VII of PL-15, the Deschutes County Zoning Ordinance, establishes standards and criteria for site plan review.
- B. The Deschutes County Comprehensive Plan is implemented by PL-15, the Deschutes County Zoning Ordinance.
- C. Section 4.120 of PL-15 establishes uses and standards for the RR-10, Rural Residential zone.
- D. Section 4.210 of PL-15 establishes uses and standards for the Flood Plain zone.

BASIC FINDINGS:

- A. The subject property is zoned RR-10, Rural Residential, with a portion of the property in the Flood Plain zone of the Little Deschutes River.
- B. The Thousand Trails Resort, according to Planning Division records, received approval for a master plan for development.
- C. Three other previous applications have been filed for the Thousand Trails facility:
  - 1) SP-78-68, an application for a site plan for a lodge facility and campsite improvement; this application was approved.
  - 2) V-80-17, an application for a variance to the maximum height for structures in an RR-10 zone to allow a water tower; this application was denied.
  - 3) SP-80-27, an application for a reservoir for the water system on the site; this application was approved.
- D. There is reference (in several instances) in the county files to 520 total camping spaces. The 520 spaces is also mentioned in an engineer's report for the domestic water supply system for Thousand Trails.
- E. The development at this site was originally designated or called Ft. Laramie, and the name was changed when Thousand Trails took over the facility.
- F. There are existing dwellings in the area described as Ft. Laramie West Subdivision. According to the applicant's representative, there are 13 of the lots in Ft. Laramie Subdivision with dwellings that are owned by private individuals. The remaining lots are owned by Thousand Trails and are not proposed to be used for camping purposes. There is no designation for Ft. Laramie West on the site plan, and no additional camping sites or additional dwellings will be allowed.
- G. The Thousand Trails property extends to the east side of the Little Deschutes River where, on the east side, it is zoned EFU-80, Flood Plain, and Landscape Management. The site plan does not include this eastern part of the property nor any development for it. Any proposed use of this property should need some type of land use action.

CONCLUSIONARY FINDINGS:

- A. The miniature golf course was originally shown on the 1978 site plan SP-78-68, and is determined to be a designated

part of the facility by the Planning staff. Any construction of the miniature golf course will require screening (landscaping) for the visual impact to South Century Drive.

- B. According to the applicant, the site of the chapel on SP-78-68 has been removed, with the place for religious services moved to the lodge.
- C. The "Old West" compound area includes facades that read "Saloon" and "Schoolhouse". According to the applicant, these do not exist as facilities, but are only facades. No saloon (bar) or school will be allowed as part of this site plan review.
- D. The site plan submitted by the applicant includes the wording "Temporary Trading Post" for the store that is located on the site. The word "temporary" indicates a possible relocation, which would not be allowed as part of this review or in this zone. In addition, no expansion of the existing store is allowed as a part of this review.
- E. The recreational vehicle storage area indicated on the site plan is possibly in the flood plain; the applicant will need to demonstrate that the maintenance building is not in the flood plain.
- F. According to the applicant, the gas pump was in existence when Thousand Trails purchased the property, and it now services only staff vehicles. The Planning staff recommends that it remain in this status.
- G. A development of a campsite for over 500 potential campers creates a need for an additional accessway for emergency vehicles and egress. In the event of a fire, one access point is not sufficient for maximum safety. The Planning staff recommends a requirement that an additional access roadway be made available for emergency purposes only.
- H. The total number of camping spaces allowed for this site plan review will be 520. The facility currently has 301 camping spaces, with a proposed expansion of 232 spaces. The expansion will have to be reduced by 13 spaces.
- I. In conjunction with an additional access road, a fire prevention plan for the development appears to be necessary. The Planning staff recommends that a fire protection plan be a requirement of approval for the site plan. The following items need to be addressed:
  - 1) Tree thinning and brush clearance around fire pits.
  - 2) Access for fire trucks, the types of fire equipment, and where fuel breaks should be, as determined by the



local fire authority, etc. (see natural hazards section of the County Comprehensive Plan, policies 5, 6, and 13).

- J. The applicant should be required to submit phased development time estimates. There are three proposed additions on the site plan designated "J", "L", and "M". The Planning staff recommends a phasing plan be submitted to the Planning Division.
- K. The campground facility currently has cindered and dirt roads, with a speed limit imposed for the facility. The Planning staff recommends that all roads have cindered or aggregate surfaces and that adequate dust control measures be taken.

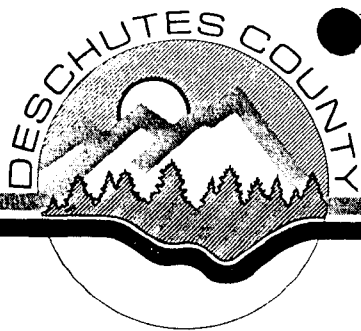
#### CONCLUSIONS:

The Thousand Trails facility is a legal existing use, with the proposed expansion requiring site plan review. The Planning staff believes this site plan to be in conformance with the Deschutes County Zoning Ordinance PL-15, the Deschutes County Comprehensive Plan, and the Statewide Planning Goals. Therefore, the Planning staff would recommend approval of this site plan with the following conditions of approval:

- 1. A maximum of 520 total campsites shall be allowed, including the individual lots in Ft. Laramie West Subdivision, owned by Thousand Trails.
- 2. The Thousand Trails property on the east side of the Little Deschutes River will be required to have a site plan review for any development.
- 3. The miniature golf course shall not be open to the public, but for Thousand Trails members only. The miniature golf course shall be required to have landscaping on the south, west, and east boundaries to limit its visual impact on South Century Drive. A landscape plan shall be submitted to the Planning Division, which shall require approval from the planning director.
- 4. No expansion of the "Trading Post" shall be allowed as part of this site plan review.
- 5. No saloon/bar or school shall be allowed as part of this site plan review.
- 6. The applicant shall provide adequate information demonstrating that the RV maintenance building is not in the floodplain.
- 7. The gas pump shall be used for Thousand Trails staff vehicles only.

8. An additional accessway shall be made available to South Century Drive for emergency vehicles. An access permit from the Deschutes County Public Works Department shall be required for the accessway location.
9. The applicant shall submit a fire prevention plan to the Planning Division, which will also be reviewed by the local fire authority.
10. The applicant shall submit a phased development plan to the Planning Division. The plan shall include a schedule of additions and improvements to the approved site plan.
11. The applicant shall sign and enter into a development agreement with Deschutes County to ensure that all elements of this site plan will be installed as approved. This development agreement shall be approved and recorded with the Deschutes County Clerk prior to issuance of any building permits.
12. The applicant shall meet all requirements of the Deschutes County Environmental Health Division and/or the Oregon State Department of Environmental Quality.
13. The applicant shall meet all requirements of the Deschutes County Building Safety Division and/or the State of Oregon.

PEB/scw



# Hearings Officer/ Administrative Law Judge

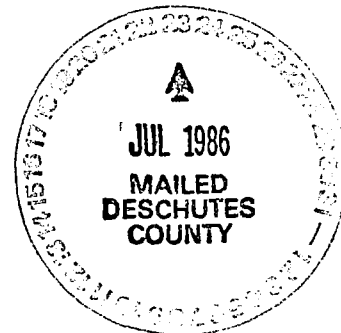
Courthouse Annex / Bend, Oregon 97701 / (503) 388-6626  
(503) 382-8721

Michael T. Dugan

## DESCHUTES COUNTY HEARINGS OFFICER

PUBLIC HEARING, July 8, 1986

### FINDINGS AND DECISIONS



File Number: SP-86-17

Applicant: Thousand Trails Resort, Inc.

Request: Application for a minor alteration of a site plan for the Thousand Trails Campground Facility on South Century Drive. The applicant is proposing to add camping spaces and a miniature golf facility.

Planning Staff  
Representative: Paul Blikstad

Planning Staff  
Recommendation: Approval

Public Hearing: A public hearing was held in Conference Room A of the Deschutes County Courthouse Annex, Bend, Oregon, on Tuesday, July 8, 1986, at 7:00 p.m.

Burden of Proof: In order to receive approval of this request, the applicant must demonstrate conformance with the applicable criteria as contained in Article VII of PL 15, the Deschutes County zoning ordinance and Section 4.120 and 4.210 of Deschutes County Zoning Ordinance No. PL 15.

### FINDINGS:

1. Location: The subject property is located at 17480 S. Century Drive, South of Sunriver and is further described as Tax Lot 2510 in Section 19, Township 20 S., Range 11 E.

2. Zone: The subject property is zoned RR-10, Rural Residential, with a portion of the property in the flood plain zone and EFU zone of the Little Deschutes River.

3. Comprehensive Plan Designation: The subject property is

Findings and Decisions



designated Rural Residential in the Deschutes County Comprehensive Plan Map.

4. Site Description: There are existing dwellings in the area described as Fort Laramie West Subdivision. There are 13 of the lots in the Fort Laramie Subdivision with dwellings that are privately owned. The remaining lots are owned by Thousand Trails. The Thousand Trails property extends to the East side of the Little Deschutes River where, on the East side it is zoned EFU-80, flood plain and landscape management. The subject property is currently developed as a campground and there are currently 301 camping spaces. The original development was called Fort Laramie and the name was changed when Thousand Trails took over the facility.

5. Proposed Use: The applicants propose to increase the number of camping spaces so that there is a total of 520 spaces. There is reference in the county files to 520 total camping spaces. The 520 spaces is also mentioned in the engineer's report for domestic water supply system for Thousand Trails. The applicants additionally propose to install a miniature golf course which was originally shown on the 1978 site plan, SP-78-68, and is determined to be a designated part of the facility by the Planning staff. The applicants propose to install visual screening to lessen the visual impact of the miniature golf course towards South Century Drive.

Current Use: According to the applicant, the site of the chapel on Site Plan 78-68 has been removed with the place for the religious services being moved to the lodge. -The "Old West" compound area includes the facades that read "Saloon" and "School House". The applicant maintains that these do not exist as facilities, but are only facades. No saloon or school will be allowed as a part of this site plan review nor is any sought to be approved. The site plan submitted by the applicant includes the word "Temporary Trading Post" for the store that is located on the site. No expansion of the existing store is allowed as part of this review, nor is the applicant requesting expansion. The gas pump has been in existence since Thousand Trails purchased the property and it now only services staff vehicles. The applicant is not requesting expansion of that facility.

The development of a campsite for approximately 520 potential campers creates a need for an additional access way for emergency vehicles and egress. In the event of a fire, one access point is not sufficient for maximum safety. The applicant will be required to create additional access roadway for emergency purposes only. The total number of camping spaces allowed for this site plan will be 520. According to the applicant at the public hearing only 520 are sought. As part of the landscape plan which the applicant proposes it will be necessary for a fire protection plan and approval of the fire protection plan to be made as part of the site plan. The fire protection plan shall address tree thinning and brush clearance around fire pits,

access for fire trucks and for the type of fire equipment used by the fire department and for fuel breaks as required by the local fire authority.

The applicant has proposed to phase the development. The applicant has not submitted any phase development time estimate. As a condition of approval the applicant will be required to designate the phased J, L, and M on the site plan and submit a phasing plan to the planning division.

The campground facility currently has cindered and dirt roads with a speed limit imposed for the facility. All additional roads and all current roads will have to be cindered or aggregate surfaced to provide adequate dust control measures. The applicant has indicated that they intend to conform with this condition.

DECISION: The applicant has demonstrated conformance with the applicable zoning criteria. Based upon the above findings this application is approved with the following conditions:

1. A maximum of 520 total camp sites shall be allowed, including the individual lots in the Fort Laramie West Subdivision owned by Thousand Trails.

2. Thousand Trails property on the East side of the Little Deschutes River will be required to have a site plan review for any development.

3. The miniature golf course shall not be open to the public and shall be reserved for Thousand Trails members only. The miniature golf course shall be required to have landscaping on the southwest and east boundaries to limit its visual impact on South Century Drive and hours of operation shall be limited to concluding no later than one half hour after sunset. Any additional lighting, or expansion of the facility will require an additional site plan approval.

4. No expansion of the trading post shall be allowed as part of the site plan.

5. No saloon/bar or school shall be allowed as part of the site plan.

6. The gas pump shall be used for Thousand Trails staff vehicles only.

7. Additional access way shall be made available to the South Century Drive for emergency vehicles. An access permit from the Deschutes County Public Works Department shall be required for the access way location.

8. The applicant shall submit a fire prevention plan to the planning division which shall will also be reviewed by the local

fire authority.

9. The applicant shall submit a phase development plan to the planning division. The plan shall include a schedule of additions and improvements to the approved site plan.

10. The applicant shall sign and enter into a development agreement with Deschutes County to insure that all elements of the site plan will be installed as approved. This development agreement shall be approved and recorded with the Deschutes County Clerk prior to issuance of any building permits.

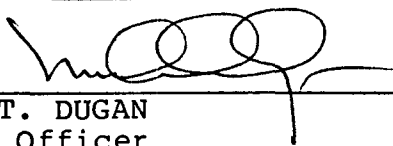
11. The applicant shall meet all requirements of the Deschutes County Environmental Health Division and of the Oregon State Department of Environmental Quality.

12. The applicant shall meet all requirements of the Deschutes County Building Safety Division and/or the State of Oregon.

13. The applicant shall cause to be cindered with cinders or aggregate surface material all roads in the development.

THIS DECISION BECOMES FINAL 15 DAYS FROM THE DATE MAILED, UNLESS APPEALED.

DATED this 22 day of July, 1986.

  
MICHAEL T. DUGAN  
Hearings Officer

MTD/mef

cc: file  
BOCC  
City of Bend Planning Director  
City of Redmond City Planning Director  
Deschutes County Planning Director  
Deschutes County Public Works Department  
Richard B. Wright  
Duane Clark  
James Powell  
Ruth Wahl  
Robert Robinson  
Stephen Thompson  
Kenneth Johnson  
Linda Gross  
Thousand Trails Resort  
Jack Kunkle