



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

2:00 PM, MONDAY, MAY 13, 2024

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

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

AGENDA

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

Members of the public may view the meeting in real time via YouTube using this link: <http://bit.ly/3mmlnzy>. **To 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 or leaving a voice message at 541-385-1734.

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

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

- To join the meeting via Zoom from a computer, use this link: <http://bit.ly/3h3oqD>.
- To join by phone, call 253-215-8782 and enter webinar ID # 899 4635 9970 followed by the passcode 013510.
- If joining by a browser, use the raise hand icon to indicate you would like to provide public comment, if and when allowed. If using a phone, press *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.

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

CALL TO ORDER

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

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

ACTION ITEMS

1. **2:00 PM** Work Session: Community Development Department Draft FY 2024-25 Work Plan and 2023 Annual Report

2. **2:10 PM** Work Session: Dedication of a road extending east and south of Cloverdale Road

OTHER ITEMS

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

EXECUTIVE SESSION

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

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

ADJOURN



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 13, 2024

SUBJECT: Community Development Department Draft FY 2024-25 Work Plan and 2023 Annual Report / Work Session

RECOMMENDED MOTION:

N/A

BACKGROUND AND POLICY IMPLICATIONS:

Each spring, CDD prepares an annual work plan describing proposed projects for the coming fiscal year. A review of the draft work plan provides the Planning Commission, Historic Landmarks Commission (HLC), County Administration, CDD's customers and partner agencies, and the Board an opportunity to offer input, including additions, modifications and possible re-prioritization.

CDD's management team on May 13 will briefly highlight projects proposed in the Draft FY 2024-25 Work Plan and accomplishments in the 2023 Annual Report. The Board will conduct a public hearing on the Draft FY CDD 2024-25 Work Plan on May 15.

BUDGET IMPACTS:

None.

ATTENDANCE:

- Peter Gutowsky, Director
Randy Scheid, Building Official
Krista Appleby, Assistant Building Official
Angie Havniear, Administrative Manager
Todd Cleveland, Onsite Wastewater Manager
Will Groves, Planning Manager



COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Board of Commissioners
FROM: Peter Gutowsky, AICP, Director
CDD Management Team
DATE: May 6, 2024
SUBJECT: Community Development Department Draft FY 2024-25 Work Plan and 2023 Annual Report / Work Session

I. WORK SESSION PURPOSES

- Prepare for the Board of County Commissioners’ (Board) public hearing on the Community Development Department (CDD) Draft Fiscal Year (FY) 2024-25 Work Plan and 2023 Annual Report and (Attachment).
• Summarize CDD’s 2023 accomplishments.¹

II. BACKGROUND

Each spring, CDD prepares an annual work plan describing proposed projects for the coming fiscal year. A review of the draft work plan provides the Planning Commission, Historic Landmarks Commission (HLC), County Administration, CDD’s customers and partner agencies, and the Board an opportunity to offer input, including additions, modifications and possible re-prioritization. The work plan describes the most important objectives and projects in each division based on:

1. Board annual goals and policies;
2. Carry-over projects from current or prior years;
3. Changes in state law;
4. Grants/funding sources; and
5. Public comments.

It also serves as the context within which new projects that arise during the course of the year are prioritized and initiated.

III. DRAFT FY 2024-25 WORK PLAN & 2023 ACCOMPLISHMENTS

CDD’s management team on May 13 will briefly highlight projects proposed in the Draft FY 2024-25 Work Plan and accomplishments in the 2023 Annual Report. The foundations of the work plan include:

¹ The Board’s May 15 public hearing will focus on CDD’s Draft FY 2024-25 Work Plan.

- Sustaining high customer service levels while adjusting to staff retention and recruitment challenges.
- Implementing robust Long Range Planning work plans.
- Continuing to improve CDD’s website and other electronic services to enhance efficiency and service delivery.

IV. PLANNING COMMISSION RECOMMENDATION

The Planning Commission conducted a work session and public hearing on the Draft FY 2024-25 Planning Division Work Plan in April. Staff presented three tables (below) to facilitate the Planning Commission’s deliberation. Table 1 captures priority discretionary and nondiscretionary projects that are supported by the Board and Planning Commission, grant funded, or in process. These projects in their totality are “significant,” requiring staffing resources that span 6 to 12 months or longer.

Table 1 – Priority Discretionary and Non-discretionary Projects

Priority Projects	
<ol style="list-style-type: none"> 1. Current Planning ² 2. Comprehensive Plan 2040 Update 3. Engage Newberry Country residents to determine if the area plan requires an update. 	<ol style="list-style-type: none"> 4. Clear and Objective Standards for Housing (HB 3197) 5. Natural Hazards – Amend Comprehensive Plan and County Code to address defensible space and fire-resistant building material requirements per SB 762 (2021) and SB 80 (2023), Wildfire Mitigation.

Table 2 identifies ongoing Planning Division operational responsibilities, regional coordination duties, and code maintenance tasks. These projects in their totality range from “minor” to “moderate,” requiring staffing resources that span 4 to 8 months to complete.

Table 2 – Operational Responsibilities, Coordination Duties, and Code Maintenance

Category	Projects
Operational Responsibilities	<ol style="list-style-type: none"> 1. Destination Resort and Overnight Lodging Reporting. 2. Marijuana inspections. 3. Population estimates and forecasting. 4. Staffing HLC, Bicycle and Pedestrian Advisory Committee, and Deschutes River Mitigation and Enhancement Committee. 5. Participate in 2025 Legislative Session. 6. Support internal County departments (new landfill siting, etc.).
Coordination Duties	<ol style="list-style-type: none"> 7. City of Bend / Bend Park District <ul style="list-style-type: none"> • Coordinate with City of Bend on growth management issues, including technical analyses related to housing and employment needs. • Coordinate with Bend Parks and Recreation District for the future development of park space in southeast Bend. • Process a Plan Amendment and Zone Change to add the Stevens Road Tract to the Bend Urban Growth Boundary (UGB) in accordance with HB 3319. 8. City of La Pine <ul style="list-style-type: none"> • Participate with Property Management and the City of La Pine process to update and amend the County-owned New Neighborhood comprehensive plan designations, master plan and implementing regulations. • Participate in La Pine 2045 Comprehensive Plan Update process.

² Current Planning responsibilities are non-discretionary. Local land use decisions are subject to specific deadlines per state law. ORS 215.427.

Category	Projects
	<p>9. City of Redmond</p> <ul style="list-style-type: none"> • Coordinate to implement the Redmond Comprehensive Plan 2040. • Coordinate on CORE3, a multi-stakeholder regional emergency coordination center. • Coordinate to update the Joint Management Agreement and Urban Holding-10 zone lands per HB 3197 requirements. • Coordinate planning efforts for McVey interchange on South Highway 97 to access Large Lot Industrial Lands through either a Goal Exception process or legislative equivalent. <p>10. City of Sisters</p> <ul style="list-style-type: none"> • Participate in the implementation of Sisters Country Vision Plan and City of Sisters Comprehensive Plan Update. • Participate in Sisters UGB expansion process. <p>11. Dark Skies Coordination</p> <p>12. Department of Land Conservation and Development Rulemaking</p> <ul style="list-style-type: none"> • Monitor rulemaking as it pertains to Goal 5 – Cultural Areas, Farm and Forest Conservation Program Improvements, and Eastern Oregon Solar Siting. • If required, initiate legislative amendments to the Comprehensive Plan and zoning code. <p>13. Groundwater Protection</p> <ul style="list-style-type: none"> • Support efforts by the Oregon Department of Environmental Quality and Onsite Wastewater Division to protect South County groundwater. • Administer, if awarded, a U.S. Environmental Protection Agency, Community Change Grant. <p>14. Housing Strategies</p> <ul style="list-style-type: none"> • Amend County Code to define family for unrelated persons HB 2538, non-familial Individuals. • Explore options and approaches to address rural housing and homelessness as allowed under state law. <p>15. Sage Grouse Coordination</p> <p>16. Transportation Planning</p> <ul style="list-style-type: none"> • Process road naming requests associated with certain types of development on a semi-annual basis. • Administer the County’s Transportation System Development Charge program. • Coordinate with Bend Metropolitan Planning Organization on regional projects and comprehensive planning. • Coordinate with the Oregon Department of Transportation on roadway projects and interchange area management plans.
<p>Code Maintenance</p>	<p>17. Housekeeping Amendments</p> <ul style="list-style-type: none"> • Initiate Comprehensive Plan and/or Zoning Text amendments to comply with and implement new or revised state laws.

Table 3 lists discretionary zoning text amendments. These are “lower” priority projects, requiring staffing resources that span 4 to 12 months or longer to complete.

Table 3 – Low Priority Zoning Text Amendments

Category	Projects
Zoning Text Amendments	<ol style="list-style-type: none"> 1. Allow “self-serve” farm stands in Rural residential Exception Areas Comply with House Bill 3109 (2021) pertaining to establishment of childcare facilities in industrial zones. 2. Childcare facilities in Industrial Zones 3. Define family for unrelated persons per HB 2538 (Non-familial Individuals). 4. Forest Zone Code—Review for compliance with Oregon Administrative Rule. 5. Lot Line Adjustments and Re-platting. 6. Medical Hardship Dwellings—review for consistency with state law. 7. Minor variance 10% lot area rule for farm and forest zoned properties. 8. Outdoor Mass Gatherings update. 9. Section 6409(a) of the Spectrum Act (Wireless Telecommunication Amendments). 10. Sign code to become consistent with federal law. 11. Title 19, 20, 21—Language related to Class I, II, and III road projects as allowed uses. 12. Title 22—Procedures Ordinance for consistency with state law and planning department interpretations. 13. Wetland Regulation Clarification for Irrigation or Artificially Created Wetlands.

The Board will ultimately prioritize projects based on their annual goals and objectives as planning resources become available.

V. BOARD PUBLIC HEARING

The Board will conduct a public hearing on the Draft FY CDD 2024-25 Work Plan on May 15. Public comments are invited and welcome. Written and email comments should be sent to Peter.Gutowsky@deschutes.org. CDD coordinated with Administration to issue a press release announcing this public hearing.

Attachment:

CDD Draft FY 2024-25 Work Plan & 2023 Annual Report



Draft
**COMMUNITY
DEVELOPMENT**

**FY 2024-25 Work Plan &
2023 Annual Report**



117 NW Lafayette Avenue
P.O. Box 6005
Bend, OR 97703
www.deschutes.org/cd
(541) 388-6575

Building Safety
Code Enforcement
Coordinated Services
Onsite Wastewater
Planning

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Introduction

Community Development Mission Statement

The Community Development Department (CDD) facilitates orderly growth and development in the Deschutes County community through coordinated programs of Building Safety, Code Enforcement, Coordinated Services, Onsite Wastewater, Planning, and education and service to the public.

Purpose

The 2023 Annual Report and FY 2024-25 Work Plan highlight the department's accomplishments, goals and objectives and are developed to:

- Report on achievements and performance.
- Implement the Board of County Commissioners (BOCC) goals and objectives.
- Implement the Deschutes County Customer Service "Every Time" Standards.
- Effectively and efficiently manage organizational assets, capabilities and finances.
- Fulfill the department's regulatory compliance requirements.
- Address changes in state law.
- Enhance the county as a safe, sustainable and highly desirable place to live, work, learn, recreate, visit and more.

Adoption

The BOCC adopted this report on TBD, after considering public, stakeholder and partner organization input and Planning Commission and Historic Landmarks Commission recommendations. The Work Plan often includes more projects than there are resources available. CDD coordinates with the BOCC throughout the year to prioritize and initiate projects. Projects not initiated are often carried over to future years.



Sisters Wildlife Open House

Elected & Appointed Officials

BOARD OF COUNTY COMMISSIONERS

Anthony DeBone, Chair, January 2027
Patti Adair, Vice Chair, January 2027
Phil Chang, Commissioner, January 2025

COUNTY ADMINISTRATION

Nick Lelack, County Administrator
Whitney Hale, Deputy County Administrator
Erik Kropp, Deputy County Administrator

PLANNING COMMISSION

Toni Williams — Chair, South County Area, 6/30/25
Jessica Kieras — Vice Chair, Redmond Area, 6/30/26
Susan Altman — Bend Area, 6/30/24
Matt Cyrus — Sisters Area, 6/30/26
Nathan Hovekamp — Vice Chair, Bend Area, 6/30/27
Kelsey Kelley — Tumalo Area, 6/30/27
Open Position — At Large, 6/30/27

HISTORIC LANDMARKS COMMISSION

Rachel Stemach — Chair, Bend Area, 3/31/28
Dennis Schmidling — Vice Chair, City of Sisters, 3/31/28
Eli Ashley — At Large, 3/31/26
Lore Christopher — At Large, 3/31/2026
Christine Horting-Jones — Ex-Officio, 3/31/28
Marc Hudson — At Large, 3/31/2028
Lilian Syphers — Ex-Officio, 3/31/2028

HEARINGS OFFICERS

Gregory J. Frank
Tommy Brooks
Laura Westmeyer
Alan Rapplelea

BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

Dave Thomson — Chair, At Large, 6/30/24
David Green — Vice Chair, At Large, 6/30/26
Rachel Zakem — Secretary, At Large 6/30/26
Neil Baunsgard — Bend, 6/30/24
Christopher Cassard — At Large, 6/30/24
Sabrina Haggerty — At Large, 6/30/24
Wendy Holzman — At Large, 6/30/26
Mason Lacy — At Large, 6/30/26
Jennifer Letz — Sisters, 6/30/2026
Matt Muchna — Redmond, 6/30/2026
David Roth — Bend, 6/30/2026
Mark Smith — At Large, 6/30/24
Open — La Pine, 6/30/2026



Board of County Commissioners

FY 2024-25 Goals & Objectives

Mission Statement: Enhancing the lives of citizens by delivering quality services in a cost-effective manner.

Safe Communities (SC): Protect the community through planning, preparedness, and delivery of coordinated services.

- Provide safe and secure communities through coordinated public safety and crisis management services.
- Reduce crime and recidivism and support victim restoration and well-being through equitable engagement, prevention, reparation of harm, intervention, supervision and enforcement.
- Collaborate with partners to prepare for and respond to emergencies, natural hazards and disasters.

Healthy People (HP): Enhance and protect the health and well-being of communities and their residents.

- Support and advance the health and safety of all Deschutes County's residents.
- Promote well-being through behavioral health and community support programs.
- Ensure children, youth and families have equitable access to mental health services, housing, nutrition, child care, and education/prevention services.
- Help to sustain natural resources and air and water quality in balance with other community needs.
- Apply lessons learned from pandemic response, community recovery, and other emergency response events to ensure we are prepared for future events.

A Resilient County (RC): Promote policies and actions that sustain and stimulate economic resilience and a strong regional workforce.

- Update County land use plans and policies to promote livability, economic opportunity, disaster preparedness, and a healthy environment.
- Maintain a safe, efficient and economically sustainable transportation system.
- Manage County assets and enhance partnerships that grow and sustain businesses, tourism, and recreation.

Housing Stability and Supply (HS): Support actions to increase housing production and achieve stability.

- Expand opportunities for residential development on appropriate County-owned properties.
- Support actions to increase housing supply.
- Collaborate with partner organizations to provide an adequate supply of short-term and permanent housing and services to address housing insecurity.

Board of County Commissioners

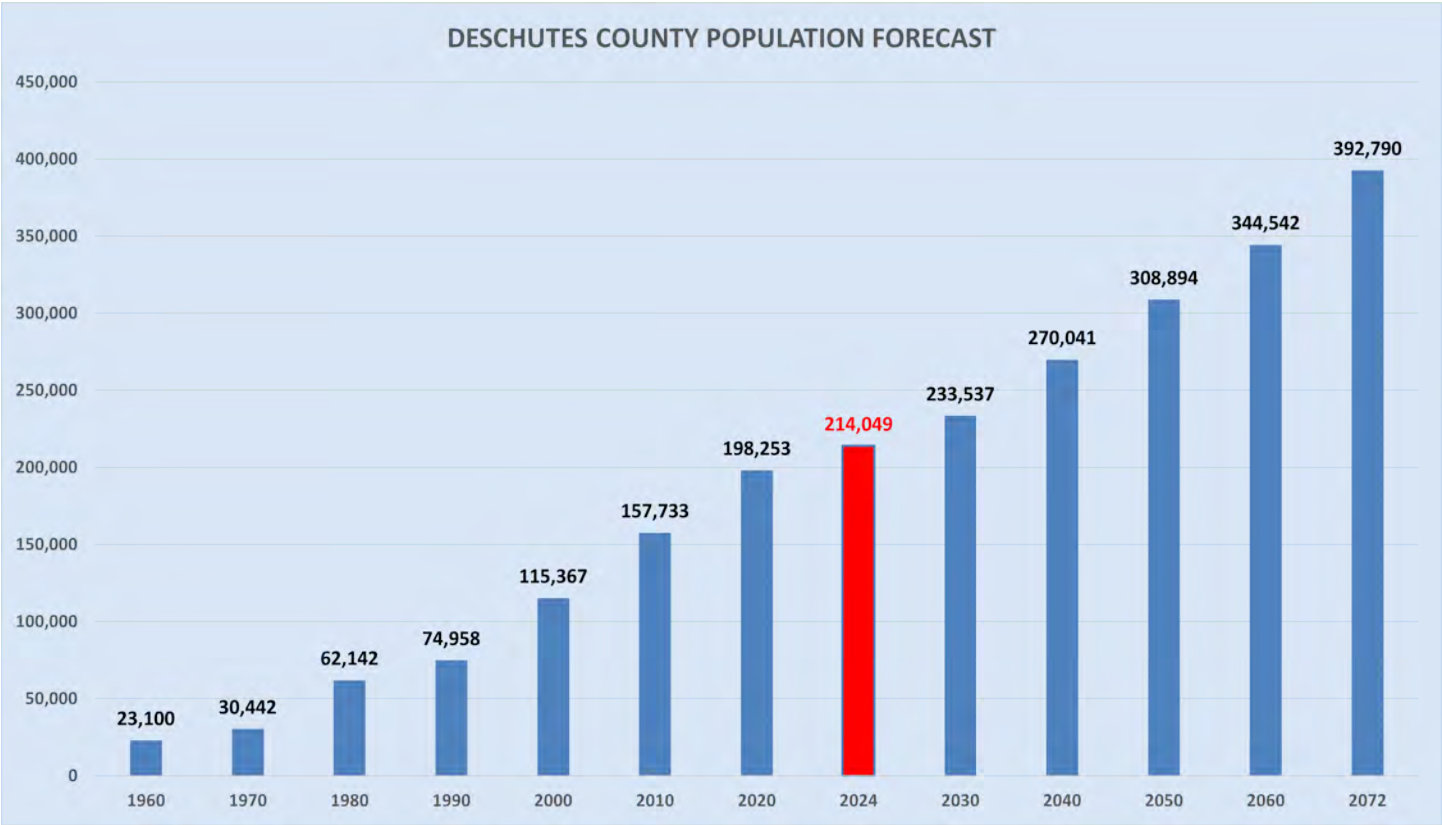
FY 2024-25 Goals & Objectives, Continued

Service Delivery (SD): Provide solution-oriented service that is cost-effective and efficient.

- Ensure quality service delivery through the use of innovative technology and systems.
- Support and promote Deschutes County Customer Service “Every Time” standards.
- Continue to enhance community participation and proactively welcome residents to engage with County programs, services and policy deliberations.
- Preserve, expand and enhance capital assets, to ensure sufficient space for operational needs.
- Maintain strong fiscal practices to support short and long-term county needs.
- Prioritize recruitment and retention initiatives to support, sustain, and enhance County operations.



Population Growth



This graph provides a snapshot of the County’s growth since 1960 and the coordinated 50-year Portland State University (PSU) Oregon Population Forecast Program through 2072.

HISTORICAL AND PORTLAND STATE UNIVERSITY FORECAST TRENDS

Geographic Area	2000	2010	*AAGR 2024-2047	2024	2047	2072
Deschutes County	114,827	157,733	1.3%	213,802	298,937	392,790
Bend	52,163	77,010	1.6%	107,643	160,361	225,619
Redmond	15,524	26,508	1.7%	38,789	60,060	82,601
Sisters	961	2,038	3.1%	3,674	7,911	14,881
La Pine	899	1,653	2.3%	2,877	5,129	8,336
Unincorporated	45,280	50,524	0.3%	60,819	65,476	61,352

*AAGR: Average Annual Growth Rate

Budget & Organization

Fiscal Issues

- On December 31, 2023, CDD completed its second consecutive year of permitting volume decreases resulting in an estimated 21% to 30% decrease and stabilizing at volumes experienced during the 2014 – 2016 time period. The decrease in permitting volumes resulted in overall staff reductions by removing 16 unfilled positions and initiating the layoff of 4 staff in November 2023 for a total reduction of 20 positions. A short-term challenge will be to navigate this period of decreasing revenue while focusing on service delivery and staff training and education while reducing expenditures, where possible.
- Ensure financial stability and sustained high quality services during a period of decreased permitting volumes, continued staff turnover and increased costs by establishing a multi-year financial strategy during the budget process, providing a clear course of action to manage CDD's reserve fund balances.
- CDD continues to respond to inquiries regarding rural development opportunities, implement legislative and BOCC priorities and be responsive to potential County programs, such as Short-Term Rental Licensing. Many of these require research and in-depth responses, but do not result in permits or corresponding revenue. This “non-fee generating” work, a public good, is consuming limited resources to efficiently process a variety of permits.



Operational Challenges

- Maintaining productivity while experiencing continued staff resignations and completing comprehensive training and development plans for new staff. During 2023, CDD welcomed 4 new staff, eliminated 16 vacant positions, initiated the layoff of 4 staff and will carry a total of 52 positions to FY 2024-25. An estimated 40% of CDD staff have 5 years or less experience with the department.
- Coordinating with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands in a highly competitive market.
- Continue succession planning to prepare for anticipated staff retirements. An estimated 22% of current staff will be eligible for retirement within the next 3 to 8 years based on length of service.
- Implementing short-term modified lobby hours due to staff resignations resulting in a staffing shortage.
- Implementing new laws from the 2024 Legislative Session.
- Processing complex and controversial code enforcement cases and improving procedures for property abatement.
- Continue addressing affordable housing through collaboration with cities, the County's Property Manager, and rural land use strategies.
- Continuing improvement of the department's website and other electronic internal and external services to improve efficiencies and service delivery.

Budget & Organization

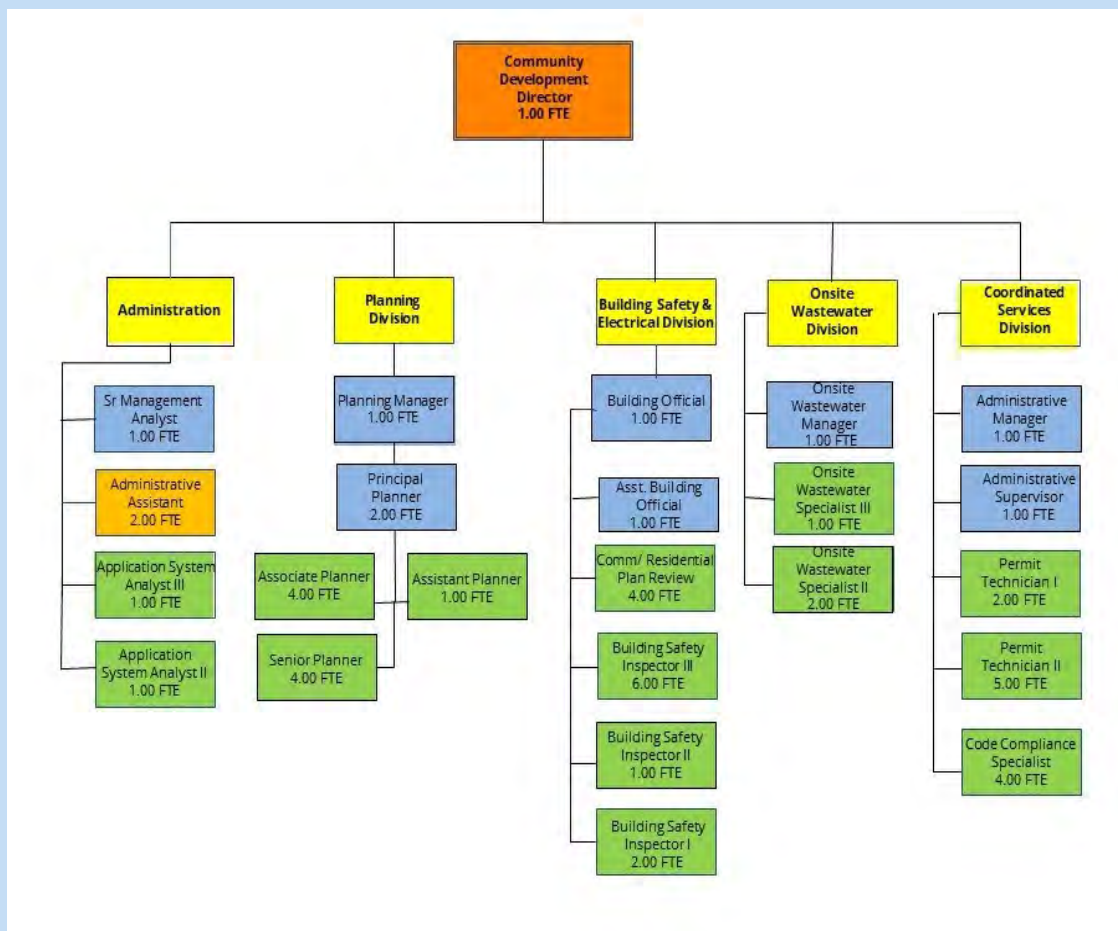
Budget Summary

	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Resources	\$10,940,808	\$11,302,683	\$13,932,023	\$12,480,383	
Requirements	\$10,940,808	\$11,302,683	\$13,932,023	\$12,480,383	

Staff Summary

	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Total FTE's	65.00	70.00	65.00	58.00	50.00

Organizational Chart



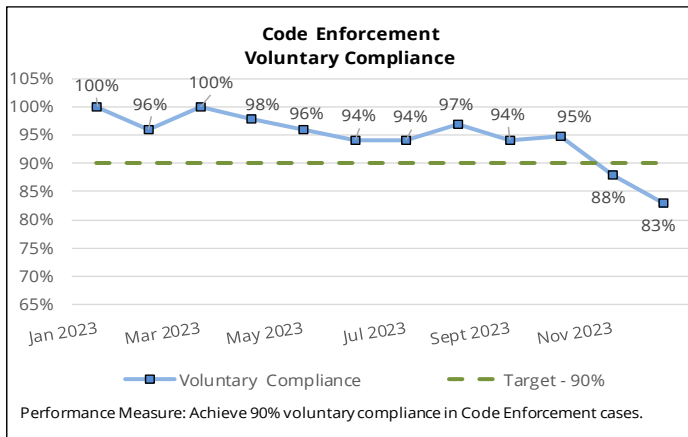
Performance Management

CDD is committed to a comprehensive approach to managing performance. The department achieves its goals and objectives by strategically establishing and monitoring performance measures and by adjusting operations based on those results. The performance measures allow staff to:

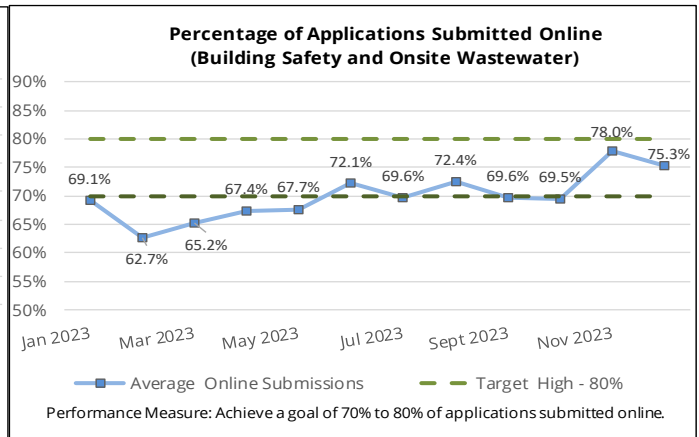
- Address service delivery expectations from the perspectives of CDD’s customers.
- Ensure the department fulfills its regulatory compliance requirements.
- Efficiently and effectively manage the organization’s assets, capacities and finances; and
- Preserve and enhance the County as a safe, sustainable and desirable place to live, visit, work, learn and recreate.

The following graphs represent a sample of CDD’s performance measures for 2023. For a complete review of performance measures, please follow this link: <https://deschutes.org/cd/>.

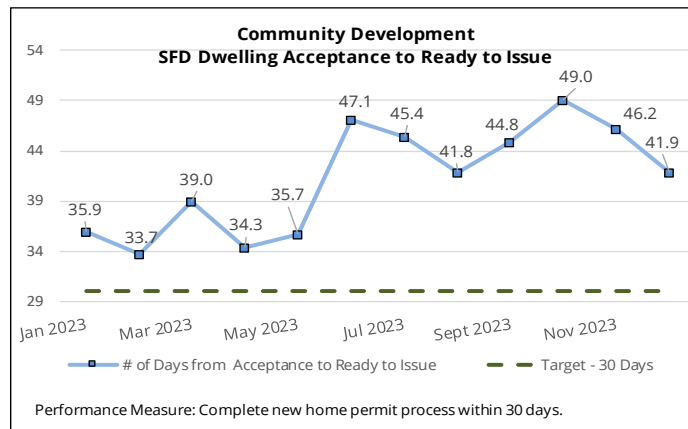
2023 Performance Management Results



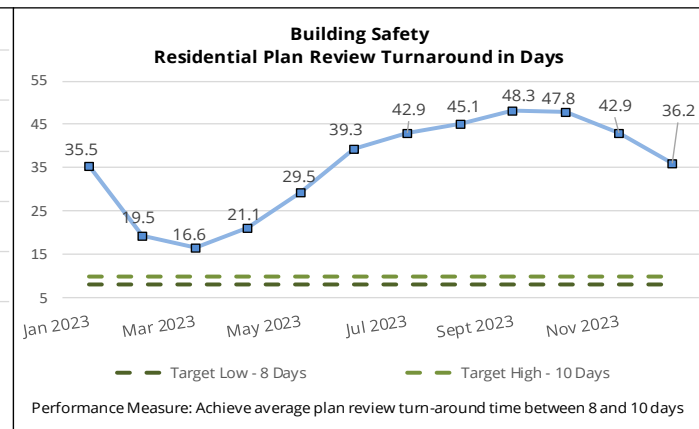
Annual Average of 94% - Target Achieved



Annual Average of 70% Submitted Online- Target Achieved



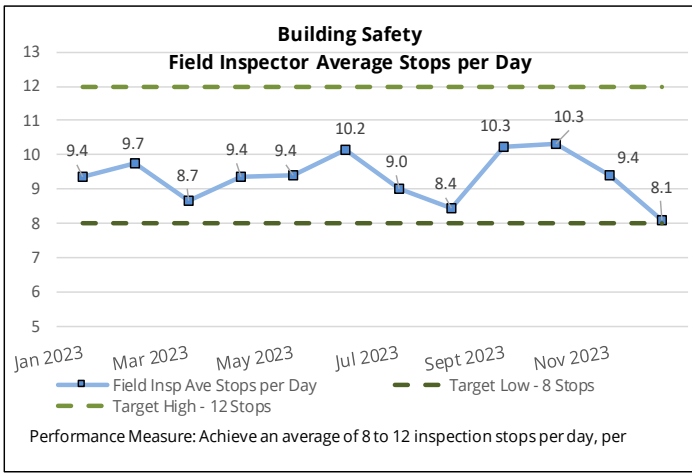
Annual Average of 41.2 Days - Target Not Achieved



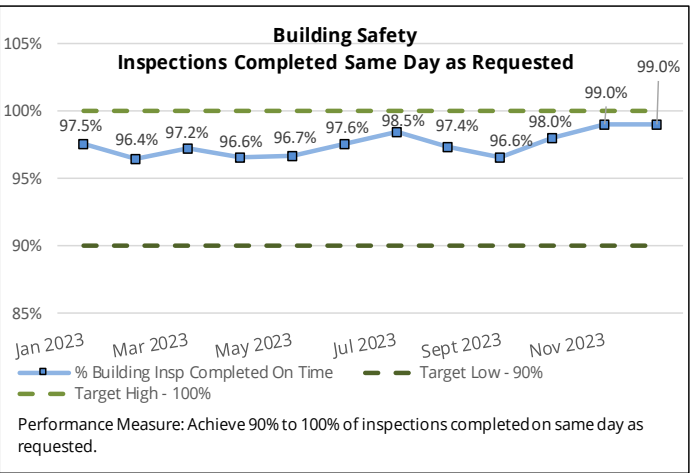
Annual Average of 35.4 Days - Target Not Achieved

Performance Management

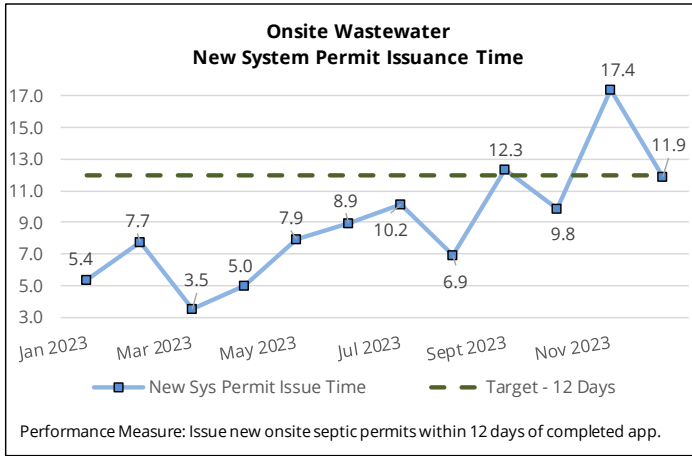
2023 Performance Management Results, continued



Annual Average of 9.4 Stops Per Day - Target Achieved



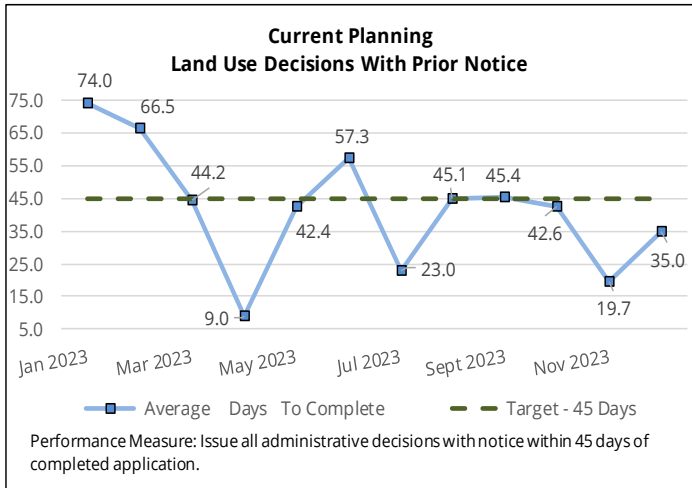
Annual Average of 97.6% - Target Achieved



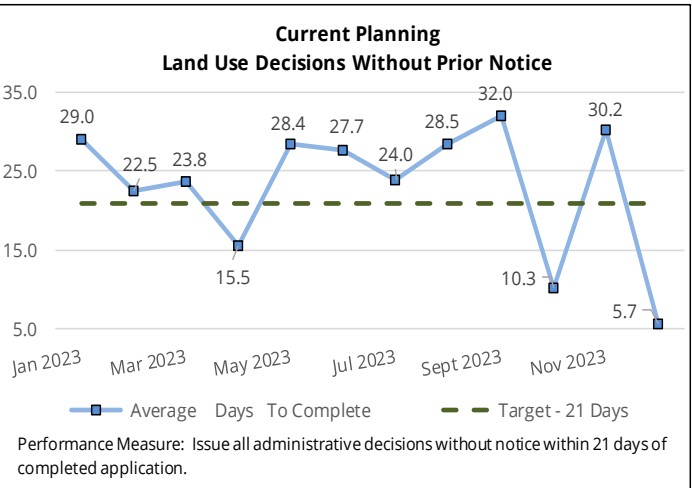
Annual Average of 8.9 Days - Target Within Range



Annual Average of 99.3% Completed - Target Achieved



Annual Average of 42 Days - Target Achieved



Annual Average of 23.1 Days - Target Within Range

Performance Management

2023 Year in Review

- ✓ Continued to invest significant resources in comprehensive training and development plans for new staff.
- ✓ In Code Enforcement, transitioned to a system of reporting the number of properties with code enforcement violations rather than the total number of violations.
- ✓ Revised reporting to eliminate periods of time waiting for applicant response.

FY 2024-25 Performance Measures By Division

CDD’s 2024-25 performance measures align the department’s operations and work plan with BOCC annual goals and objectives and the County’s Customer Service “Every Time” Standards. <https://intranet.deschutes.org/Pages/Customer-Service-Standards.aspx>

Building Safety

- Achieve 8—12 inspection stops per day to provide quality service. (BOCC Goal & Objective SD-1)
- Achieve an average turnaround time on building plan reviews of 8-10 days to meet or exceed state requirements. (BOCC Goal & Objective SD-1)
- Achieve 90-100% of inspections completed the same day as requested. (BOCC Goal & Objective SD-1)

Code Enforcement

- Achieve 90% voluntary compliance in code enforcement cases. (BOCC Goal & Objective SC-1)
- **Achieve case adjudication within XX days of case assignment.** (BOCC Goal & Objective SC-1)

Coordinated Services

- Achieve structural permit ready-to-issue turnaround time for Coordinated Services of 4 days or less. (BOCC Goal & Objective SD-1)

Onsite Wastewater

- Achieve compliance with the Alternative Treatment Technology (ATT) Septic System Operation and Maintenance (O&M) reporting requirements of 95% to protect groundwater. (BOCC Goal & Objective HP-4)
- Achieve the issuance of onsite septic system permits within 12 days of completed application. (BOCC Goal & Objective SD-1)
- Achieve 90-100% of Pre-cover inspections completed the same day as requested. (BOCC Goal & Objective SD-1)

Performance Management

FY 2024-25 Performance Measures By Division, continued

Planning

- Sustain the issuance of land use administrative decisions with notice within 45 days and without notice within 21 days of completed application. (BOCC Goal & Objective SD-1)
 - Update Deschutes County Code (DCC) to comply with HB 3197 Clear and Objective Code Update Project, which requires clear and objective standards for housing development in rural residential exception areas, unincorporated communities, and for accessory farm worker accommodations. (BOCC Goal & Objectives SC-3, HP-4, and RC-1)
- Natural Resources:
 - Natural Hazards— Develop a work plan to amend the Comprehensive Plan and County Code requiring defensible space and fire-resistant building materials per SB 762 and SB 644—Wildfire Mitigation. (BOCC Goal & Objectives SC-3, HP-4, and RC-1)



Administrative Services

Overview

Administrative Services consists of the Community Development Director, Senior Management Analyst, two Systems Analysts and **one Administrative Assistant**. The Administrative Services Division provides oversight for all departmental operations and facilities, human resources, budget, customer services, technology and performance measures. Analyst staff are responsible for the integration of technology across all CDD divisions, coordination with the cities as well as providing direct service to the public via application training and support, web-based mapping, reporting services and data distribution.

2023 Year in Review

- ✓ Improved electronic processes in Accela Code Enforcement module including a temporary solution to accept payments for fines and fees while a permanent solution is being explored.
- ✓ Implemented monthly operational meetings with each division.
- ✓ Coordinated with Human Resources to create job series within the permit technician and code enforcement specialist classifications.
- ✓ Issued Request for Proposal for Hearings Officer services.
- ✓ Participated in conflict de-escalation and safety and awareness trainings presented by the Sheriff's Office.
- ✓ Provided addressing services to the City of Redmond on contract.
- ✓ Facilitated division website updates including improved application instructions and informational pages for new opportunities such as rural accessory dwelling units and recreational vehicles as rental dwellings.



Administrative Services

FY 2024-25 Work Plan Projects

- Continue to reconfigure Accela to improve Code Enforcement case management and planning land use module interoperability.
- Continue to participate in a County-led effort to create a county-wide Pre-disaster Preparedness Plan.
- Continue to update CDD's Continuity Of Operation Plan (COOP), as necessary, based on lessons learned and ensure staff are aware of their roles and responsibilities during an emergency.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands in a highly competitive market.
- Coordinate with Human Resources to participate in the salary study and market review.
- Continue to explore and research opportunities to increase CDD's sustainable business practices while maximizing the efficiency of operations in a cost effective manner.
- Continue improvements to CDD's enhanced website which is more customer-centric. Improved content will allow customers to better understand CDD's policies and procedures and create an improved customer experience that acts as a guide for understanding the process of development in Deschutes County while also expanding online application instruction content.
- Research help desk service software to assist with tracking citizen inquiries and staff responses.
- Expand Code Enforcement reporting capabilities.



Staff Directory

Peter Gutowsky	Community Development Director	(541) 385-1709	Peter.Gutowsky@deschutes.org
Tim Berg	Applications System Analyst III	(541) 330-4648	Tim.Berg@deschutes.org
Ines Curland	Applications System Analyst II	(541) 317-3193	Ines.Curland@deschutes.org
Tracy Griffin	Administrative Assistant	(541) 388-6573	Tracy.Griffin@deschutes.org
Sherri Pinner	Senior Management Analyst	(541) 385-1712	Sherri.Pinner@deschutes.org

Building Safety

Overview

Building Safety consists of one Building Official, one Assistant Building Official and thirteen Building Safety Inspectors. The Building Safety Division administers and implements state and federal building codes through a process of education and a clear and consistent application of the specialty codes. The division provides construction plan reviews, consultation and inspection services throughout the rural county and the cities of La Pine and Sisters. The division also provides services to Lake, Jefferson, Klamath and Crook counties, the cities of Bend and Redmond, and the State of Oregon Building Codes Division (BCD) on an as-needed basis.

2023 Year in Review

- ✓ Issued 395 new single-family dwelling permits in 2023. The distribution of these new homes for Deschutes County’s building jurisdiction included:
 - Rural/unincorporated areas: 275
 - City of La Pine: 62
 - City of Sisters: 58
- ✓ Completed inspections on major projects such as:
 - Sisters School District New Elementary School
 - Mt. Bachelor Skyliner Chairlift
 - La Pine Manufactured Home Park Addition
 - Deschutes County Library Renovations
 - La Pine Septic to Sewer—City water and sewer to existing homes.
 - Numerous single-family dwellings in Sisters Woodlands Subdivision.
 - Numerous two-family dwellings for Forestbrook Vacation Homes in Caldera Springs.
 - Numerous single-family dwellings in La Pine’s Reserve in the Pines Subdivision.
 - Caldera Spring’s Forest House, an aquatics complex with pools, fitness center and restaurant.
- ✓ Completed major building plan reviews for:
 - La Pine CHC Wellness Center
 - Morningstar Family Relief Nursery Facility in La Pine
 - Huntington Apartment Complex (9 buildings) in La Pine
 - Sunriver Public Safety Building Renovation
 - New Negus Transfer Station in Redmond
 - US Forest Service Sisters Ranger Station Administration Office

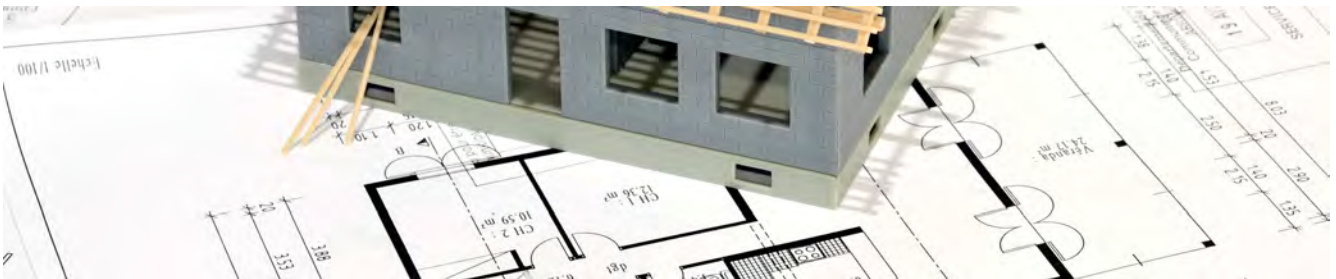


Sisters Ranger Station

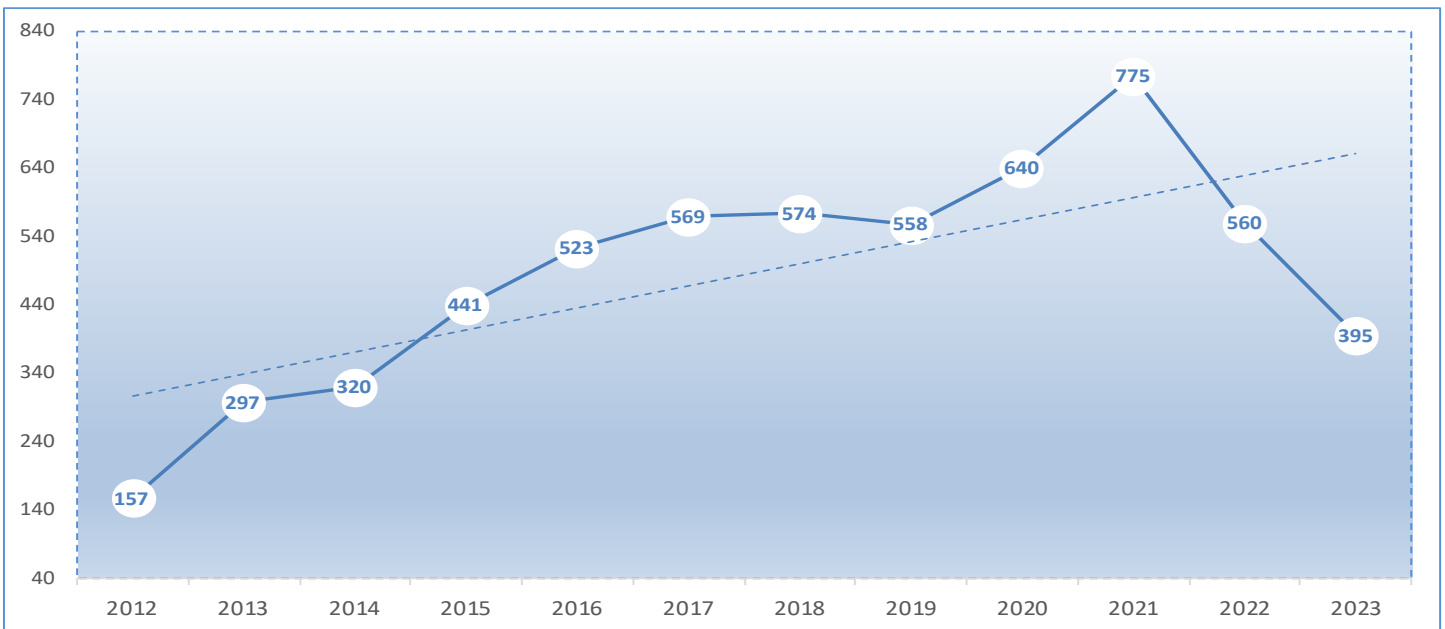
Building Safety

2023 Year in Review, continued

- ✓ Participated in CDD's SB 391 Rural ADU presentation to the community.
- ✓ Participated in CDD's SB 1013 RV's as Residential Tenancies discussions.
- ✓ Provided A-level Commercial Electrical and Plumbing inspections for the City of Redmond.
- ✓ Participated in the Oregon Skilled Trades Show/Fair to educate about careers in building safety.
- ✓ Several staff attended the National Fire Academy Fire Plans Examiner course.
- ✓ Implemented the State's Mechanical Minor Label Program.
- ✓ Participated in CDD's website update meetings.
- ✓ Participated in discussions with the City of Sisters staff on possible local ordinance for fire mitigation standards within city limits.
- ✓ Participated in pre-application meetings for the new Bend Airport Control Tower and Cab.
- ✓ Staff continued to obtain their inspection certifications.



New Single Family Dwelling Permits Issued



Building Safety

FY 2024-25 Work Plan Projects

- Continue succession planning in anticipation of future retirements and explore staffing needs such as obtaining additional certifications to enhance department efficiencies.
- Continue certification cross-training for all new hires to maintain the division's goal of having fully certified residential inspection staff.
- Update informational brochures, handouts and forms: i.e. accessory structures, special inspection agreement form, residential additional energy measure, etc.
- Explore the use of iPad's for field inspector access to building codes in lieu of printed materials.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet increasing service demands in a highly competitive market.
- Explore implementing a Master Permit Program for the cities of Sisters and La Pine in single-contractor subdivisions as a way to reduce plan review fees, review time and create efficiencies.
- Continue to promote video inspections for difficult to access areas, such as underfloor areas that are covered.
- Review job descriptions and update for clarity.



Building Safety



Staff Directory

Randy Scheid	Building Official	(541) 317-3137	Randy.Scheid@deschutes.org
Krista Appleby	Assistant Building Official	(541) 385-1701	Krista.Appleby@deschutes.org
Keri Blackburn	Building Inspector III	(541) 388-6577	Keri.Blackburn@deschutes.org
Mark Byrd	Building Inspector III	(541) 749-7909	Mark.Byrd@deschutes.org
Rainer Doerge	Building Inspector III	(541) 480-8935	Rainer.Doerge@deschutes.org
Ami Dougherty	Building Inspector II	(541) 385-3217	Ami.Dougherty@deschutes.org
Travis Eggleston	Building Inspector I	(541) 480-8934	Travis.Eggleston@deschutes.org
David Farrin	Building Inspector III	(541) 385-1702	David.Farrin@deschutes.org
Owen Gilstrap	Building Inspector III	(541) 480-8948	Owen.Gilstrap@deschutes.org
John Kelley	Building Inspector III	(541) 797-3582	John.Kelley@deschutes.org
Michael Liskh	Building Inspector III	(541) 280-0342	Michael.Liskh@deschutes.org
Brian Moore	Building Inspector III	(541) 385-1705	Brian.Moore@deschutes.org
Aaron Susee	Building Inspector III	(541) 749-7370	Aaron.Susee@deschutes.org
Laurie Wilson	Building Inspector III	(541) 383-6711	Laurie.Wilson@deschutes.org
Nicholas Wood	Building Inspector I	(541) 213-0653	Nicholas.Wood@deschutes.org

Code Enforcement

Overview

Code Enforcement consists of three Code Enforcement Specialists with one designated as Lead. The program is managed by an Administrative Manager and is supported by a law enforcement deputy from the Deschutes County Sheriff's Office (DCSO) and CDD's operating divisions. The Code Enforcement Division is responsible for investigating code violation complaints to ensure compliance with land use, onsite wastewater disposal, building and solid waste codes (by contract with the Solid Waste Department), and provides direct service to the cities of La Pine and Sisters for building code violations under the Building Safety program. The program's overriding goal is to achieve voluntary compliance. If necessary, cases are resolved through Circuit Court, Justice Court or before an Administrative Hearings Officer proceeding. The program continues to adapt to the county's challenges of growth and diversification, incorporating new measures to ensure timely code compliance.

While voluntary compliance is the primary objective, an ever-growing number of cases require further code enforcement action because of delayed correction or non-compliance. Through the refinement of departmental procedures for administrative civil penalty, Code Enforcement is obtaining compliance from citations rather than court adjudication, resulting in greater cost recovery. A disconcerting trend is the need for county abatement in some cases. In abatement, the county corrects the violations. Abatement action is reserved for matters of chronic nuisance and public health and safety. In response to this trend, Code Enforcement is closely coordinating with other county departments in the development and enactment of abatement plans.



2023 Year in Review

- ✓ Received 721 new cases and resolved 490 during the year.
- ✓ Conducted the first public education session since the pandemic to educate the public on the Code Enforcement program.
- ✓ Analyzed the Code Enforcement program and revised procedures resulting in efficiencies for case assignment, management and proceedings.
- ✓ Continued to partner with county departments to resolve difficult cases. Coordination ensures efficient operations and avoids overlapping efforts, thus allowing staff to conduct a thorough investigation on behalf of community members.
- ✓ Continued to offer staff remote work options and flex schedules for efficiency and staff retention.
- ✓ Continued to utilize the designated DSCO deputy for site visits as a safety measure.
- ✓ Continued to refine remote hearing's officer proceedings and engagement strategies to ensure an opportunity for citizens to participate.
- ✓ Secured funding from Solid Waste to enact an abatement process.
- ✓ Updated the Code Enforcement Policy and Procedure Manual.
- ✓ Implemented payment of court fines and fees in Accela.
- ✓ Improved website to include frequently asked questions among other topics.

Code Enforcement

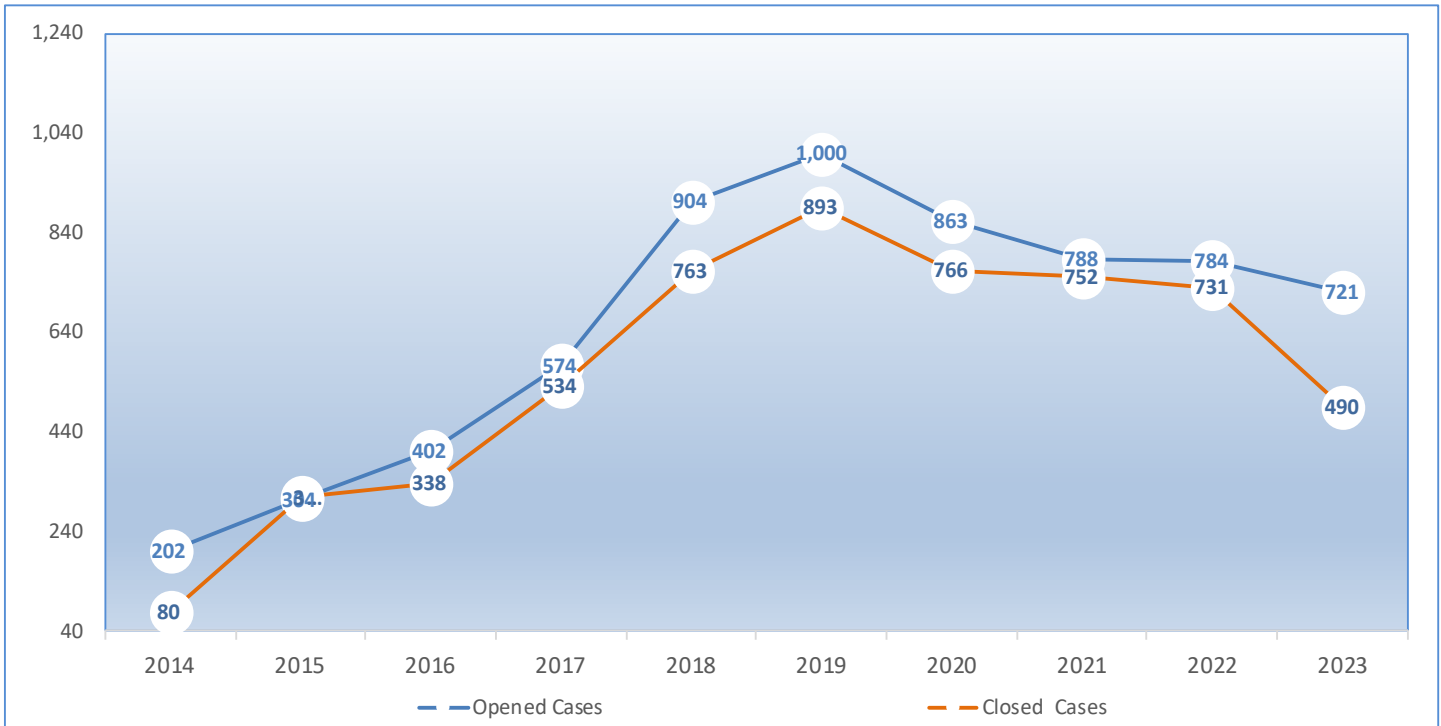
FY 2024-25 Work Plan Projects

- Improve methods of communication with complainants regarding case status and case closure.
- Continue to improve public education through website updates and public education.
- Improve the tracking process for medical hardships.
- Complete process of creating a Code Enforcement Specialist job series offering promotional paths for staff.
- In coordination with the Onsite Wastewater Division, develop an efficient process for the Operation & Maintenance (O&M) program reporting violations.
- Coordinate with DSCO and Risk Management to develop and implement annual field safety classes.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands in a highly competitive market.
- Create a workflow and tracking system for the abatement program as well as identify professional services to be used for property abatements.
- Revise online complaint submittal process to include photos, geographic information systems (GIS) and communication in an effort to improve efficiency and record keeping.
- Update DCC 1.16 Abatement language to include appeal processes.
- Revise Code Enforcement dashboard to include management tools to ensure relevant data is utilized.
- Explore software revisions to improve record keeping.
- Review and revise performance measures to ensure relevancy.
- Refine abatement procedure based on experiences observed in 2024.
- Formalize staff training program and track training topics and education hours.



Code Enforcement

Annual Cases Opened and Closed



Staff Directory

Carolyn Francis	Code Compliance Specialist	(541) 617-4736	Carolyn.Francis@deschutes.org
Dan Smith	Code Compliance Specialist	(541) 385-1710	Daniel.Smith@deschutes.org
Jeff Williams	Code Compliance Specialist	(541) 385-1745	Jeff.Williams@deschutes.org

Coordinated Services

Overview

Coordinated Services consists of an Administrative Manager, one Administrative Supervisor, **three Permit Technician II's, and four Permit Technician I's**. The Coordinated Services Division provides permitting and "front line" direct services to customers. While coordinating with all operating divisions, staff ensure accurate information is provided to the public, while minimizing wait times and ensuring the efficient operation of the front counter and online services.

2023 Year in Review

- ✓ Permit Technicians continued to provide exceptional customer service to in-person customers as well as virtually through the Accela online portal.
- ✓ Implemented one-on-one training to customers for electronic application submittals and inspection scheduling.
- ✓ Created a Permit Technician job series to offer promotional opportunities to staff and as a retention strategy.
- ✓ Several staff obtained their International Code Council (ICC) Permit Technician Certification.
- ✓ Implemented system of assigning a permit technician to assist with complex Code Enforcement property research.
- ✓ Improved website information.
- ✓ Regularly attended pre-application meetings.
- ✓ Continued to update the Standard Operating Procedures Manual which serves as an additional resource for staff consistency and succession planning.



FY 2024-25 Work Plan Projects

- Reinstatement of a lead position to train new staff, assist with complex workload demands and for succession planning.
- Revision of CDD's decommissioning plan process and procedure and creation of a new record type to track completion.
- Revision of internal process and procedure for legitimizing unpermitted structures.
- Development of a project-based inspections list and identification of the best method for notifying customers.
- Continuation of participation in CDD's website updates.

Coordinated Services



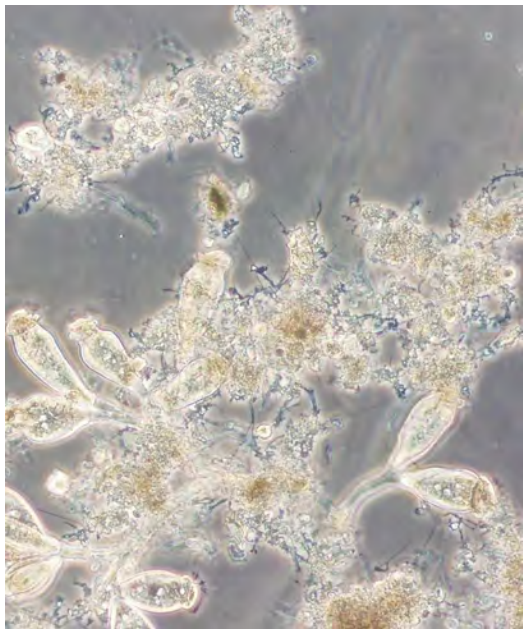
Office Location & Lobby Hours
117 NW Lafayette Ave, Bend, OR 97703
Monday, Tuesday, Thursday, Friday 8:00 AM—4:00 PM,
Wednesday 9:00 AM—4:00 PM

Staff Directory

Angie Havniar	Administrative Manager	(541) 317-3122	Angela.Havniar@deschutes.org
Jennifer Lawrence	Administrative Supervisor	(541) 385-1405	Jennifer.L.Lawrence@deschutes.org
Miu Green	Permit Technician	(541) 385-3200	Miu.Green@deschutes.org
Jessie Henderson	Permit Technician	(541) 385-1730	Jessica.Henderson@deschutes.org
Adam Weisgerber	Permit Technician	(541) 322-7193	Adam.weisgerber@deschutes.org

Onsite Wastewater

Overview



Onsite Wastewater consists of one Onsite Wastewater Manager, one Onsite Wastewater Specialist III, and two Onsite Wastewater Specialists II's. The Onsite Wastewater Division regulates onsite wastewater treatment systems (septic) to assure compliance with state rules, and monitors environmental factors for public health and resource protection. They provide site evaluations, design reviews, permitting, inspections, technical assistance, and education and coordination with the Oregon Department of Environmental Quality (DEQ) for onsite wastewater treatment and dispersal systems. Staff inspects sewage pumper trucks, reports on the condition of existing wastewater systems, maintains an Operation & Maintenance (O&M) tracking system, provides the public with information on wastewater treatment systems and regulations and investigates sewage hazards to protect public health and the environment. Staff are also engaged in the proactive pursuit of protecting the groundwater in Deschutes County and continue to work with DEQ on permitting protective onsite wastewater systems in southern Deschutes County.

2023 Year in Review

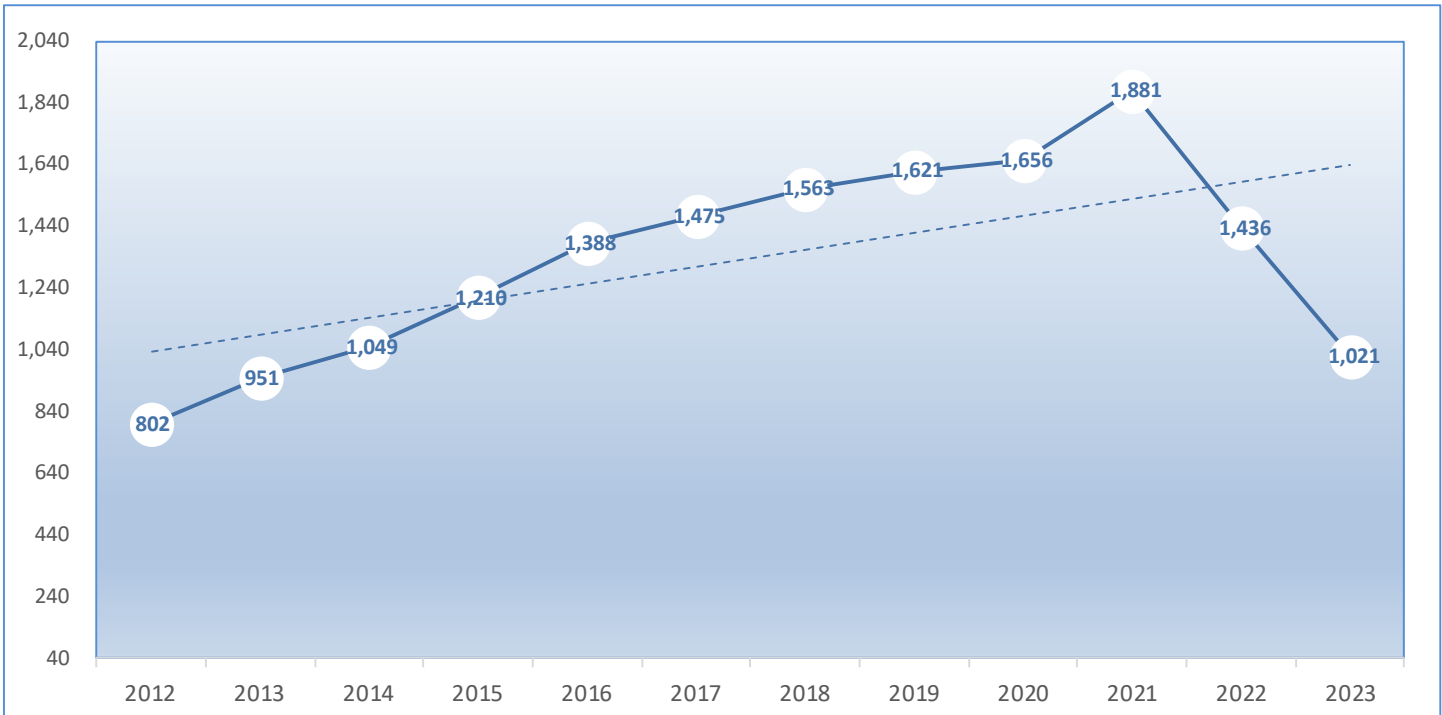
- ✓ Assessed 169 sites for onsite wastewater treatment and dispersal systems, a decrease of 21.8% from 2022, and issued 801 permits and authorizations for new and existing onsite treatment and dispersal systems, a decrease of 30% from 2022. Applications continued to increase in complexity and technical requirements.
- ✓ Repaired 203 failing or substandard systems correcting sewage health hazards and protecting public health and the environment.
- ✓ Increased electronic permit submittal and inspection scheduling through outreach and education of customers, particularly licensed professionals. The division received 71.6% of applications online compared to 45.7% in 2022.
- ✓ Provided seventeen property owners in south county with rebates of \$3,750 per property for upgrading conventional onsite wastewater treatment systems to nitrogen-reducing pollution reduction systems.
- ✓ Provided technical assistance to Terrebonne Sanitary District Formation Committee.
- ✓ Provided technical assistance for the Tumalo sewer feasibility study.
- ✓ Verified an estimated 1,750 septic system maintenance contracts for the O&M tracking system.
- ✓ Worked with DEQ on permitting protective onsite wastewater systems in south county. Participated in dozens of variance hearings for modified advanced treatment systems on severely limited sites.
- ✓ Coordinated with DEQ staff for a south county groundwater and drinking well sampling event.
- ✓ Supported and provided technical assistance for Central Oregon Intergovernmental Council (COIC) in reviewing applications for DEQ Onsite Financial Aid Program (OSFAP) to assist property owners with septic repairs. The COIC program has assisted dozens of property owners and the program will continue until funds are exhausted.
- ✓ Two trainees became fully Registered Environmental Health Specialist.

Onsite Wastewater



Measuring test pits

Onsite Permits Issued



Onsite Wastewater

FY 2024-25 Work Plan Projects

- Work with DEQ staff on planning for and funding of long-term and regular well sampling events approximately every 10 years to monitor changes in water quality in the aquifer.
- Participate in the Upper Deschutes Agricultural Water Quality Management Area Local Advisory Committee.
- Continue to provide financial assistance opportunities to south county property owners to upgrade conventional systems to nitrogen-reducing pollution reduction systems through Nitrogen-Reducing System Rebates and the NeighborImpact Non-conforming Loan Partnership.
- Review current groundwater protection policies for south county and continue review of variance applications with DEQ onsite staff to ensure the goals of water resource protection are addressed. Highest risk areas may require greater scrutiny.
- Prepare for development to occur in the Newberry Neighborhood in La Pine by reviewing financial assistance programs for groundwater protection efforts. This may include creation of a financial advisory group process to include community members.
- Continue providing technical assistance support for the Terrebonne Sanitary District formation and Tumalo sewer feasibility study.
- Coordinate with the Planning Division regarding process or code amendments that could impact onsite wastewater processes.
- Update website information for onsite wastewater and groundwater protection.
- Improve the O&M program by creating standard forms and obtaining approval to require the forms from DEQ and work with service providers to implement the improvements.
- Consult with DEQ and the BOCC to develop plans for addressing nitrate pollution in south Deschutes County.
- Provide guidance to the public at large and at pre-application meeting for projects involving Accessory Dwelling Units (ADU's).
- Support staff in obtaining Professional Soils Scientist Certification. This certification will strengthen the technical skills of Onsite staff and provide greater professional status for the entire program.

Staff Directory

Todd Cleveland	Onsite Wastewater Manager	(541) 617-4714	Todd.Cleveland@deschutes.org
Keoni Frampton	Onsite Wastewater Specialist II	(541) 330-4666	Keoni.Frampton@deschutes.org
Kevin Hesson	Onsite Wastewater Specialist III	(541) 322-7181	Kevin.Hesson@deschutes.org
Lindsey Holloway	Onsite Wastewater Specialist II	(541) 388-6596	Lindsey.Holloway@deschutes.org

Planning

Overview

Planning consists of one Planning Director, one Planning Manager, two Principal Planners, one Senior Planner, two Senior Long Range Planners, one Senior Transportation Planner, four Associate Planners, and one Assistant Planner. The Planning Division consists of two operational areas: Current Planning and Long Range Planning. Current Planning processes individual land use applications and provides information to the public on all land use related issues. Long Range Planning addresses the future needs of the county through updates to the comprehensive plan, changes to the county code and other special projects.

Current Planning

Responsible for reviewing land use applications for compliance with Deschutes County Code (DCC) and state law, including zoning, subdivision and development regulations, and facilitating public hearings with Hearings Officers and the BOCC. Staff is also responsible for verifying compliance with land use rules for building permit applications and septic permits; coordinating with Code Enforcement to respond to complaints and monitor conditions of approval for land use permits; performing road naming duties; providing assistance at the public information counter, over the telephone and via email; and addressing in the rural county and the cities of La Pine and Redmond under contract.

Long Range Planning

Responsible for planning for the future of Deschutes County, including developing and guiding land use policy with the BOCC, Planning Commission, community and partner organizations. It is in charge of updating the County Comprehensive Plan and zoning regulations, coordinating with cities and agencies on various planning projects taking place in the region, including population forecasts with Portland State University and cities. Staff also monitors and participates in annual legislative sessions, and serves on numerous local, regional and statewide committees primarily focusing on transportation, natural resources, growth management and economic development.

Transportation Planning

Provides comments and expertise on land use applications, calculates System Development Charges (SDC's) as part of land use application review process or upon request; provides comments to the County's Risk Management Department regarding traffic issues for permitted events; participates in the annual County Capital Improvement Plan (CIP) process with the Road Department; applies for grants for enhanced bicycle and pedestrian facilities in coordination with the Bicycle and Pedestrian Advisory Committee (BPAC); participates in Oregon Department of Transportation (ODOT) funded refinement planning; coordinates road issues with Bureau of Land Management (BLM) and the United States Forest Service (USFS) for urban interface plans; and serves on several local and regional transportation committees, most notably BPAC, the Bend Metropolitan Planning Organization Technical Advisory Committee, and Central Oregon Area Commission on Transportation Technical Advisory Committee (TAC).

Floodplain & Wetlands Planning

Responsible for providing comments and expertise on land use applications, code enforcement, and general property inquiries that require development, fill, or removal in mapped floodplain and wetland areas. Staff maintains certifications as Association of State Floodplain Managers (ASFPM) Certified Floodplain Manager to provide customers with up-to-date and accurate information regarding Federal Emergency Management Agency (FEMA) regulations, surveying requirements, and construction requirements. Coordination is frequently required with external agencies including FEMA, US Army Corps of Engineers, Oregon Department of State Lands (DSL), ODFW, and USFS.

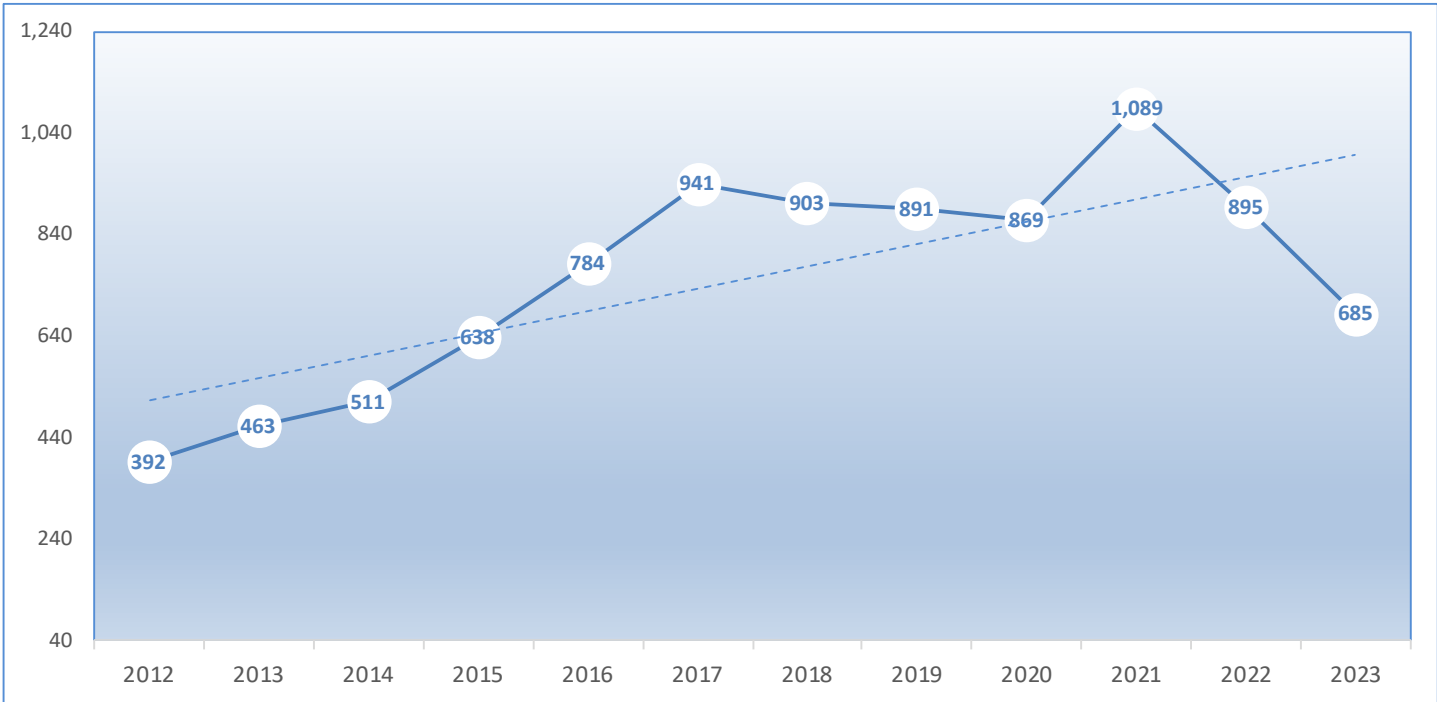
Planning

2023 Year in Review

- ✓ Counter coverage averaged 188 customer visits a month compared to 222 in 2022.
- ✓ Staff responded to 2,821 emails and 2,549 phone call inquiries. This equates to over 235 emails and 212 phone calls per month.
- ✓ Received 685 land use applications compared to 895 in 2022, a decrease of 23.5% from prior year.
- ✓ The Planning Division received 7 non-farm dwelling applications compared with 10 in 2022.
- ✓ Five final plats were recorded in 2023 or are in the process of being recorded, creating a total of 94 residential lots or parcels.



Land Use Applications Received



Planning

2023 Year in Review, continued

Twenty-three (23) land use applications were reviewed by Hearings Officers compared to 13 in 2022. They include:

- ✓ Plan Amendment/Zone Changes from Surface Mining to Non-Resource Zoning (1)
- ✓ Declaratory Rulings for Initiation of Use of Prior Approvals (2)
- ✓ Appeals of Staff Decision (1)
- ✓ Remand Hearings (2)
- ✓ Redmond Airport Master Plan (1)
- ✓ Quasi-Judicial Hearings for Land Use Applications (7)
- ✓ Plan Amendment Zone Changes from Exclusive Farm Use to Non-Resource Zoning (4)
- ✓ City of Bend Urban Growth Boundary (UGB) Amendment / HB 3318 (1)
- ✓ Modification of Conditions to an Approved Land Use Permit (2)
- ✓ Redmond Wetlands and Wastewater Treatment Complex (1)
- ✓ Bend Airport Text Amendment (1)

The BOCC conducted 23 quasi-judicial land use hearings or proceedings compared to 16 during 2022.

- ✓ Appeals declined for review by the BOCC (2)
- ✓ Outdoor Mass Gatherings (1)
- ✓ Improvement Agreements (2)
- ✓ City of Bend UGB Amendment (1)
- ✓ Road Name Change (1)
- ✓ Commercial Activity in Conjunction with Farm Use for a Meadery (1)
- ✓ Plan Amendment Zone Changes from Exclusive Farm Use to Non-Resource Zones(5)
- ✓ Plan Amendment/Zone Changes from Surface Mining to Non-Resource Zoning (1)
- ✓ Thornburg Destination Resort (1)
- ✓ Other Hearings or Proceedings (8)

Six (6) appeals were filed with the Land Use Board of Appeals (LUBA) compared to 10 in 2022:

- ✓ Thornburg Destination Resort
- ✓ 710 Properties
- ✓ Template Dwelling (Remand)
- ✓ Eden (710 Properties) Plan Amendment/Zone Change
- ✓ Marken Plan Amendment/Zone Change
- ✓ 2T Sustainable Guest Ranch

One (1) Petition to Incorporate was reviewed by the BOCC:

- ✓ Mountain View Incorporation Application—BOCC reviewed a petition to incorporate a new city east of Bend, encompassing a 265-square mile area near Millican. The proposal was denied and new internal processes were established to clarify fees and procedures for future application submissions.

Planning

2023 Year in Review, continued

Legislative Amendments

The BOCC adopted:

- ✓ Amateur Radio Facility Text Amendments—Clarified requirements for establishment of amateur (HAM) radio facilities on property in Deschutes County.
- ✓ Conventional Housing Combining Zone Amendment—Repealed this combining zone to remove the restriction to place pre-fabricated and manufactured housing on certain properties.
- ✓ Historic Landmarks Commission Housekeeping Amendment—Clarified the composition of the commission, eliminating the reference to Deschutes County Pioneer Association, which no longer exists.
- ✓ Rural Accessory Dwelling Unit Amendments—Pursuant to SB 391, these amendments allowed an owner of a lot or parcel within rural residential exception areas to construct one accessory dwelling unit (ADU) subject to certain restrictions and limitations.
- ✓ Wildfire Hazard Building Code Amendment—Corrected local language that would have required wildfire hardening building codes for all properties located in the Deschutes County Wildfire Hazard Zone. This amendment was required based on adoption of new state standards to the Oregon Residential Specialty Code.
- ✓ Bend Airport Air Traffic Control Tower Amendments—allowed for the establishment of an air traffic control tower as an outright permitted use with a maximum height of 115 feet.



Deschutes 2020-2040 Transportation System Plan (TSP) Update

The purpose of the TSP update is intended to produce a list of prioritized transportation projects, update goals and policies, changes to functional classifications of selected county roads, improved bicycle and pedestrian facilities, increased transit stops in unincorporated communities, and overall improvement to the county's transportation system. Final review of the draft TSP update by the BOCC is expected in early 2024.

Deschutes 2020-2040 Tumalo Community Plan (TCP) Update

The TCP will be updated with demographic information, community profile descriptions and updated goals and policies as derived from public outreach, research, and technical analysis from the Tumalo unincorporated community. Final review of draft TCP update by the BOCC is expected in early 2024.

2023 Year in Review, continued Deschutes 2040 Comprehensive Plan Update

Deschutes County 2040 Project

Planning staff initiated the process to update the county’s Comprehensive Plan in May 2022. The initial phases of the project focused on conducting background research to form the technical basis for the plan update, and collecting community feedback to identify the key issues, goals, and challenges facing the county for the next 20 years. In 2023, staff, the project consultant, and the Planning Commission entered the final phases of the project, focused on refining new goal and policy concepts, conducting a subsequent round of community engagement, completing the initial draft of the updated Deschutes County 2040 Comprehensive Plan, and initiating the adoption process. Notable accomplishments include:

- ✓ Utilized community and technical advisor input to draft new chapter narrative content, goals and policies for the updated Comprehensive Plan..
- ✓ Conducted a second round of community engagement to gather feedback on key policy options, including use of the \$5,000 Technical Assistance Grant from Department of Land Conservation and Development (DLCD) for virtual engagement and software tools. Summary of engagement activities to date:

66 meetings-in-a-box with 422 participants
 8 in-person open houses with 296 attendees
 2 online surveys with 361 respondents
 4 ‘pop-up’ in-person activities
 29,000 social media impressions
 1,500 unique website visitors
 13 project update e-mails
 E-mail listserv with 556 subscribers

- ✓ Met with Planning Commission six times to refine goal, policy, and narrative content. Released the draft plan for public review in August 2023. Held three public hearings before the Planning Commission.
- ✓ Received the Achievement in Community Engagement Award from Oregon’s Citizen Involvement Advisory Committee resulting in a 2023 Oregon Planning Conference presentation on community engagement techniques.



Planning

2023 Year in Review, continued Grants

Certified Local Government Grant

Planning staff administered an 18-month \$5,500 Certified Local Government (CLG) Grant from the State Historic Preservation Office (SHPO) to assist Deschutes County with its historic preservation programs.

Technical Assistance Grant

In November 2022, DLCD awarded the department a \$5,000 Technical Assistance Grant to fund the use of specialized software tools to assist in virtual outreach for the county's Comprehensive Plan Update. The grant was utilized during the second round of community engagement during Spring 2023.

Transportation Growth Management Grant

Planning staff coordinated with ODOT to execute a \$75,000 Transportation and Growth Management (TGM) Grant to update the Tumalo Community Plan bike/ped/transit elements and implement the rural trails portion of the Sisters Country Vision Action Plan.



Coordination with Other Jurisdictions, Agencies and Committees

Bicycle and Pedestrian Advisory Committee

BPAC met 12 times, commenting on regional Transportation System Plan (TSP) updates, trail connections between cities and recreation areas, bicycle and pedestrian safety issues and ODOT projects, among others. BPAC held the Tri-County Bicycle and Pedestrian Summit in Sunriver in October.

Oregon Department of Transportation (ODOT)

Participated in Baker Road-Lava Butte Multi-use Path and Lava Butte-La Pine Multi-use Path Technical Advisory Committee (TAC); Baker Road Interchange Area Management Plan TAC; quarterly meetings with ODOT, Road Department, and cities of Bend and Redmond to review traffic modeling needs; stakeholder committee for ODOT study on wildlife passages for US Hwy 20 between Bend and Santiam Pass; Transportation Planning and Analysis (TPAU) traffic modeling discussion; US Hwy 97 Safety Study coordination; and US Hwy 20 (Greenwood Ave.) 3rd Street / Powell Butte Hwy Refinement Plan.

Deschutes River Mitigation and Enhancement Committee

Convened two Deschutes River Mitigation and Enhancement Committee meetings to adopt work plan, budget for mitigation funds, and receive updates from ODFW and Central Oregon Irrigation District (COID).

Newberry Regional Partnership

Coordination with team of public and private citizens in developing a community vision for southern Deschutes County.

Planning

2023 Year in Review, continued

Coordination with Other Jurisdictions, Agencies and Committees

City of Bend—Coordinated with City staff regarding:

- ✓ Bend Airport Master Plan Update.
- ✓ Bend Airport control tower Text Amendment.
- ✓ Bend Urban Growth Boundary (UGB) Amendment / HB 4079 / Affordable Housing Project.
- ✓ Long-term Planning for the Outback Water Filtration Facility.
- ✓ Bend Metropolitan Planning Organization TAC.
- ✓ Bend UGB Amendment / HB 3318 / Stevens Road Tract.

City of La Pine—Coordinated with City staff regarding:

- ✓ Land use applications for effects on county road system.
- ✓ Participation with Property Management and the city to update and amend the county owned Newberry Neighborhood comprehensive plan designations, master plan and implementing regulation.

City of Redmond—Coordinated with City staff regarding:

- ✓ CORE3—Plan amendment Zone Change and UGB Amendment for a dedicated, multi-agency coordination center for emergency operations and training led by Central Oregon Intergovernmental Council (COIC)
- ✓ Redmond Wetlands Complex—Relocation and expansion of wastewater treatment plant.
- ✓ Update Airport Safety Zone associated with the Redmond Airport Master Plan Update.

City of Sisters—Coordinated with City staff regarding:

- ✓ Participation in the implementation of Sisters Country Vision Plan and Sisters Comprehensive Plan.

Deschutes County

- ✓ Provided updates to BOCC regarding SB 391 Rural ADUs, SB 762 Wildfire Mitigation, wildlife inventories produced by ODFW, Portland State University (PSU) population updates, short-term rentals, Tumalo Community Plan update and dark skies project.



Planning

FY 2024-25 Work Plan Projects

Development Review

- Respond to phone and email customer inquiries within 48 to 72 hours.
- Conduct pre-application meetings and respond to customer inquiries (counter, phones, and emails).
- Respond to phone and email customer inquiries within 48 to 72 hours.
- Issue all administrative (staff) decisions for land use actions that do not require prior notice within 21 days of determination of a complete application.
- Issue all administrative (staff) decisions for land use actions requiring prior notice within 45 days of determination of a complete application.
- Process Hearings Officer decisions for land use actions and potential appeals to the BOCC within 150 days per State law.
- Continue to improve website accessibility to the public to view records associated with complex land use applications.



Natural Resources

- Groundwater Protection —Support efforts by the Oregon Department of Environmental Quality and Onsite Wastewater Division to protect south county groundwater.
- Natural Hazards—Pending state legislative changes and updates to Fire Risk Mapping in 2023, develop a work plan to amend the Comprehensive Plan and County Code requiring defensible space and fire-resistant building materials per SB 762 and SB 80 (2021 and 2023, Wildfire Mitigation).
- Natural Hazards Mitigation Plan—Initiate recommended development code amendments.
- Sage-Grouse—Continue to participate as a cooperating agency with the Bureau of Land Management (BLM) and amend the Comprehensive Plan and Zoning Code to incorporate a new sage grouse inventory from the Oregon Department of Fish and Wildlife.
- Dark Skies Update—Revisit the county's existing outdoor lighting ordinance (DCC 15.10) and update regulations to reflect current best practices and technology. This process will guide future educational outreach materials designed to inform residents about dark skies best practices.

Planning

FY 2024-25 Work Plan Projects, continued

Comprehensive Plan Update

- Initiate update to Newberry Country Plan including community outreach, technical coordination, collaboration with La Pine 2045 and Newberry Regional Partnership, and updates to document goals, policies, and narrative.

Transportation Planning

- Process road naming requests associated with certain types of development on a semi-annual basis.
- Administer the County's Transportation System Development Charge (TSDC) program.
- Coordinate with Bend Metropolitan Planning Organization (MPO) on regional projects and comprehensive planning.
- Coordinate with ODOT on roadway projects and interchange area management plans.

City of Bend Coordination

- Coordinate with City of Bend on growth management issues, including technical analyses related to housing and employment needs.
- Coordinate with Bend Parks and Recreation District for the future development of park space in southeast Bend.

City of La Pine Coordination

- Participate with Property Management and the City of La Pine to update and amend the county-owned Newberry Neighborhood comprehensive plan designations, master plan and implementing regulations.
- Participate in La Pine 2045 Comprehensive Plan Update process.

City of Redmond Coordination

- Coordinate to implement their Comprehensive Plan Update.
- Coordinate on CORE3, a multi-stakeholder regional emergency coordination center.

City of Sisters Coordination

- Participate in the implementation of Sisters Country Vision Plan and their Comprehensive Plan and City of Sisters Comprehensive Plan Update.
- Participate in Sisters UGB Expansion process.

Department of Land Conservation and Development Rulemaking

- Monitor rulemaking as it pertains to Goal 5 – Cultural Areas, Farm and Forest Conservation Program Improvements, and Eastern Oregon Solar Siting.
- If required, initiate legislative amendments to the Comprehensive Plan and zoning code .



Planning

FY 2024-25 Work Plan Projects, continued

Growth Management Committees

- Coordinate and/or participate on Deschutes County BPAC, Project Wildfire, and Deschutes River Mitigation and Enhancement Committee.

Historic Preservation—Certified Local Government (CLG) Grant

- Administer 2023-24 and 2024-25 Certified Local Government Grants from SHPO.

Housekeeping Amendments

- Initiate housekeeping amendments to ensure county code complies with state law.

Housing Strategies

- Amend county code to define family for unrelated persons per HB 2538 (Non-familial Individuals).
- Explore options and approaches to address rural housing and homelessness as allowed under state law.

Legislative Session (2023-24)

- Participate in legislative or rulemaking work groups to shape state laws that benefit Deschutes County.

Planning Commission Coordination

- Coordinate with the BOCC to establish strategic directions for the Planning Commission.

Zoning Text Amendments

- Accessory structure amendments clarifying it must be built concurrent with or after the establishment of a primary residence. Specify allowed facilities in residential accessory structures.
- Clear and Objective Code Update—initiate an 18-month process to update county code to comply with HB 3197. Coordinate with DLCD hired consultant and staff to perform code revisions.
- Define family for unrelated persons per HB 2538 (Non-familial Individuals).
- Forest Zone Code—Review for compliance with Oregon Administrative Rule.
- Lot Line Adjustments and Re-platting.
- Medical Hardship Dwellings—review for consistency with state law.
- Minor variance 10% lot area rule for farm and forest zoned properties.
- Outdoor Mass Gatherings update.
- Section 6409(a) of the Spectrum Act (Wireless Telecommunication Amendments).
- Sign code to become consistent with federal law.
- Temporary use of recreational vehicles as dwellings.
- Title 19, 20, 21—Language related to Class I, II, and III road projects as allowed uses.
- Title 22—Procedures Ordinance for consistency with state law and planning department interpretations.
- Wetland Regulation Clarification for Irrigation or Artificially Created Wetlands.

Planning



Staff Directory

Will Groves	Planning Manager	(541) 388-6518	William.Groves@deschutes.org
Anthony Raguine	Principal Planner	(541) 617-4739	Anthony.Raguine@deschutes.org
Jacob Ripper	Principal Planner	(541) 385-1759	Jacob.Ripper@deschutes.org
Kyle Collins	Associate Long Range Planner	(541) 383-4427	Kyle.Collins@deschutes.org
Dan DiMarzo	Assistant Planner	(541) 330-4620	Daniel.DiMarzo@deschutes.org
Caroline House	Senior Planner	(541) 388-6667	Caroline.House@deschutes.org
Haleigh King	Associate Planner	(541) 383-6710	Haleigh.King@deschutes.org
Nicole Mardell	Senior Long Range Planner	(541) 317-3157	Nicole.Mardell@deschutes.org
Nathaniel Miller	Associate Planner	(541) 317-3164	Nathaniel.Miller@deschutes.org
Tarik Rawlings	Senior Transportation Planner	(541) 317-3148	Tarik.Rawlings@deschutes.org
Tanya Saltzman	Senior Long Range Planner	(541) 388-6528	Tanya.Saltzman@deschutes.org
Audrey Stuart	Associate Planner	(541) 388-6679	Audrey.Stuart@deschutes.org

Community Involvement Report

2023

Statewide Planning Goal 1, Citizen Involvement, requires cities and counties to create a citizen involvement program that provides opportunities for community participation in land use planning processes and decisions.

Land use legislation, policies and implementation measures made by Oregonians nearly 50 years ago helped shape Oregon’s urban and rural environments. Likewise, choices made today will ultimately shape these areas in the future. Successful land use planning occurs through an open and public process that provides room for information gathering, analysis and vigorous debate. Deschutes County’s Community Involvement program is defined in Section 1.2 of the Comprehensive Plan.

This chapter identifies the County Planning Commission as the committee for citizen involvement. It also contains the County’s Community Involvement goal and corresponding five policies that comply with Goal 1. This report briefly discusses the noteworthy community involvement actions undertaken by the Planning Division in 2022. The report is intended to provide county residents and stakeholders with a tool to assess its effectiveness and offer additional suggestions the County can utilize to ensure that its diverse communities remain actively involved in land use planning discussions.



Wildlife Hearing

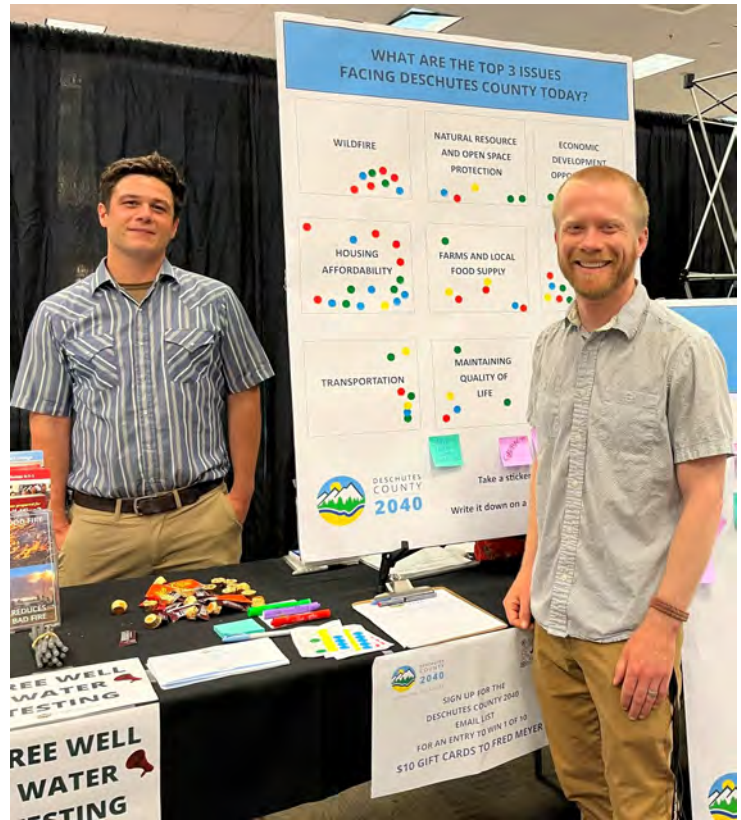
Community Involvement Report

2023

Planning Commission

The Planning Commission convened 22 times to consider:

- ✓ 2023 Housekeeping Amendments
- ✓ Amateur (HAM) Radio Facility Text Amendments
- ✓ CDD FY 2023-24 Annual Report & Work Plan
- ✓ Conventional Housing Combining Zone Repeal
- ✓ Deschutes County 2040 Comprehensive Plan Update
- ✓ Destination Resort Amendments
- ✓ Mule Deer Winter Range Inventory Update
- ✓ RV's as Rental Dwellings
- ✓ Transportation System Plan Update 2020-2040
- ✓ Tumalo Community Plan Update and public hearing.



Historic Landmarks Commission

Convened 3 times in 2023 to consider:

- ✓ CDD FY 2022-23 Annual Report & Work Plan
- ✓ CLG Grant Application
- ✓ Deschutes County 2040—Project Briefing
- ✓ Regional Coordination
- ✓ Updates from Bend and Redmond Historic Landmarks Commission.

During 2023, The HLC pended several of its regularly scheduled meetings due to the lack of a quorum. An extended recruitment process resulted in the appointment of three new commissioners in January 2024 and regularly scheduled meetings will resume.



BOARD OF
COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 13, 2024

SUBJECT: Work Session: Dedication of a road extending east and south of Cloverdale Road

RECOMMENDED MOTION:

None--Information only in preparation for the May 15, 2024 meeting.

BACKGROUND AND POLICY IMPLICATIONS:

Staff will provide background for the Board to consider the acceptance of a road dedication for an unnamed road extending east and south from Cloverdale Road.

BUDGET IMPACTS:

None

ATTENDANCE:

Haleigh King – Associate Planner



MEMORANDUM

TO: Board of County Commissioners

FROM: Haleigh King, Associate Planner

DATE: May 8, 2024

RE: Work Session: Road Dedication – 247-23-000819-RD

The Board of County Commissioners (Board) will conduct a Work Session on May 13, 2024, regarding a road dedication proposal for an unnamed road extending east and south from Cloverdale Road. The proposed road will cross five (5) tax lots (“Subject Property”) as shown in Attachment 1. This item is scheduled as an Action Item at the Board’s May 15, 2024 meeting.

To formalize a road dedication, as prescribed in Deschutes County Code (DCC), the Board is required to review an applicant’s proposal and make a determination to accept or reject the declaration of dedication within 120 days after the application is deemed complete. Staff calculates the 120th day upon which the Board shall make a determination as May 21, 2024. Document numbers 2024-345, 2024-407, and 2024-408 have been prepared for the proposed dedication.

I. BACKGROUND

The Deschutes County Planning Division approved a road dedication application (see attached decision), authorized by the property owners, Desert Springs Ranch LP, Sarah Morton, and Robert Dortignacq/Deborah Parsons, for the dedication of an unnamed road extending east and south from Cloverdale Road in order to provide road frontage for surrounding landlocked parcels. It is possible one of the property owners involved, Sarah Morton (Tax Lot 200), may not execute the Deed of Dedication. If that is the case, the applicant will be required to dedicate the full 60-foot right-of-way on Tax Lot 4001 as part of their pending irrigated land division application. The land use decision became final on March 6, 2024. The property owner does not plan to construct the road at this time. Staff reviewed this application and found that it met applicable criteria¹ in DCC subject to the following conditions:

¹ DCC, Title 17, Subdivision, Chapter 17.52, Road Dedications; Title 18, Zoning, Chapters 18.16, Exclusive Farm Use Zone; 18.116, Supplementary Provisions; 18.128, Conditional Use; and Title 22, Development Procedures.

- A.** This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.

- B.** The dedication area shall consist of a 60 ft.-wide strip of land pursuant to DCC 17.48.100 with an alignment generally as depicted in the application materials.

- C.** All persons with an ownership interest in the properties subject to the road dedication shall sign the declaration of dedication. The applicant shall submit a current title report or subdivision guarantee verifying ownership of the properties prior to acceptance as a public road.

- D.** Per Deschutes County Code (DCC) Chapter 17.52.090:
 - The applicant shall submit a declaration of dedication for final action. The declaration of dedication shall include a legal description of the land to be dedicated. Upon receipt of the declaration of dedication, staff will schedule a meeting with the Board of County Commissioners to review the declaration of dedication for acceptance or rejection.
 - Upon the meeting of the Board to take final action on the road dedication, the applicant shall provide the Board with a supplemental or amended report to the preliminary title report submitted with the application. The supplemental or amended report shall show changes in the condition of title of the relevant property from the date of the preliminary title report up to and including the time immediately preceding the Board meeting.
 - Upon acceptance of the dedication deed by the Board of County Commissioners, Applicant shall immediately cause for the recording of the dedication deed in the Official Records at the Deschutes County Clerk’s Office pursuant to DCC 17.52.090(D).
 - Upon recording of the dedication deed, Applicant shall immediately cause for survey and monumentation of the new road right of way by a licensed professional land surveyor in accordance with ORS 209.250 and ORS 368.106.

- E.** Any public road created in this proposed road dedication under DCC 17.52 shall be designated as a local access road. Any new local access road will not be maintained by the County unless and until that right-of-way is established as an official County road.

As conditioned, the public road proposed with this dedication will be designated a local access road and will not be maintained by the County unless and until that right-of-way is established as an official County Road. The County Road Department coordinated with the applicant and provided conditions in the staff decision. No concerns were identified by the Road Dept. or the County Transportation Planner. Notice of the application and the decision was mailed to owners within 750 feet of the subject property. Staff received a number of public comments and inquiries asking general questions about the purpose of the road dedication. Once the purpose was clarified, staff received no objections.

Per County policy, the Board reviews all road dedications to accept or reject the proposal. Therefore, this matter must be addressed in a public meeting.

II. NEXT STEPS

Based on the feedback received from the Board at the Work Session, Staff will prepare for the upcoming May 15, 2024 meeting where this item will be presented as an Action Item. Staff recommends the Board move acceptance of and signature on Document No(s). 2024-345, 2024-407, and 2024-408. If one of the property owners, Sarah Morton, does not execute the Deed of Dedication, then the Board does not need to take action on Document No. 2024-408.

ATTACHMENT(S):

- 1. Document No. 2024-345, 2024-407, 2024-408: Deed(s) of Declaration and supporting documents
- 2. Preliminary Title Report
- 3. Findings and Decision for application no. 247-23-000819-RD

REVIEWED

LEGAL COUNSEL

05/13/2024 Item #2.

For Recording Stamp Only

After recording return to:
Deschutes County Road Dept.
61150 S.E. 27th Street
Bend, Oregon 97701

DEED OF DEDICATION

DESERT SPRINGS RANCH LIMITED PARTNERSHIP, an Oregon limited partnership ("Grantor"), does hereby dedicate to the public for roadway and utility purposes that parcel of land described in Exhibit "A" and depicted in Exhibit "B", attached hereto and by this reference incorporated herein.

The true consideration for this conveyance is other consideration.

DATED this 19 day of April, 2024.

Desert Springs Ranch Limited Partnership, an
Desert Springs Ranch Limited Partnership, Oregon limited
an Oregon limited partnership Partnership.

By Andrew S. Vetterlein
Its GENERAL PARTNER.

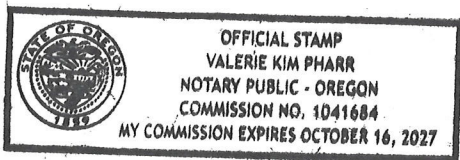
STATE OF OREGON)
) SS.
County of Deschutes)

Andrew S. Vetterlein
AKS

Before me, a Notary Public, personally appeared Andrew S. Vetterlein and acknowledged the foregoing instrument on behalf of the Desert Springs Ranch Limited Partnership, an Oregon limited partnership.

Dated this 19 day of April, 2024.

Valerie Kim Pharr
NOTARY PUBLIC FOR OREGON
My Commission Expires: 10/16/2027



ACCEPTANCE

Deschutes County, acting by and through its Board of County Commissioners, does hereby accept the foregoing Deed of Dedication as a public road pursuant to ORS 93.808.

DATED this ____ day of _____, 2024.

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 Anthony DeBone, Patti Adair, 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 _____, 2024.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

EXHIBIT A

Road Dedication

A strip of land of variable width, located in the South Half (S1/2) of Section 19 and the North Half (N1/2) of Section 30, all in Township 15 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon, said strip of land being more particularly described as follows:

Beginning at the Quarter corner common to said Section 19 and said Section 30; thence South 00°12'15" East 768.51 feet to a line parallel with and 60.00 feet Easterly of the Westerly line of that certain tract of land described as Parcel 11 in that Warranty Deed recorded in Book 409, Page 2716, Deed Records of Deschutes County; thence along said Easterly parallel line South 40°14'28" East 93.23 feet; thence South 00°16'17" East 484.97 feet to the South line of said Parcel 11; thence leaving said Easterly parallel line and along said South line South 89°53'02" West 60.00 feet to the Southwest corner of said Parcel 11, said corner also being the Center-North One-Sixteenth (C-N 1/16) of said Section 30; thence leaving said South line and along the aforementioned Westerly line of Parcel 11 North 00°16'17" West 462.99 feet; thence North 40°14'28" West 93.27 feet; thence leaving said Westerly line North 00°12'15" West 790.39 feet to the North line of said Parcel 11; thence along a line parallel with and 60.00 feet Westerly of the West line of the South Half of the Southeast One-Quarter (S1/2 SE1/4) of said Section 19 North 00°14'28" West 1299.90 feet to a line parallel with and 30.00 feet Southerly of the North line of the South Half of the Southwest One-Quarter (S1/2 SW1/4) of said Section 19; thence leaving said Westerly parallel line and along said Southerly parallel line South 89°53'28" West 2490.03 feet to the Easterly right-of-way line of Cloverdale Road; thence leaving said Southerly parallel line and along said Easterly right-of-way line North 00°10'55" East 30.00 feet to the aforementioned North line of the South Half of the Southwest One-Quarter (S1/2 SW1/4) of Section 19; thence leaving said Easterly right-of-way line and along said North line North 89°53'28" East 2549.81 feet to the Center-South One-Sixteenth (C-S 1/16) corner of said Section 19; thence leaving said North line and along the West line of the North Half of the Southeast One-Quarter (N1/2 SE1/4) of said Section 19 North 00°14'31" West 30.00 feet to a line parallel with and 30.00 feet Northerly of the South line of said North Half of the Southeast One-Quarter (N1/2 SE1/4) of Section 19; thence leaving said West line and along said Northerly parallel line North 89°53'53" East 50.00 feet to a line parallel with and 50.00 feet Easterly of the aforementioned West line of the North Half of the Southeast One-Quarter (N1/2 SE1/4) of Section 19; thence leaving said Northerly parallel line and along said Easterly parallel line South 00°14'31" East 30.00 feet to the North line of the aforementioned South Half of the Southeast One-Quarter (S1/2 SE1/4) of Section 19; thence leaving said Easterly parallel line and along a line parallel with and 50.00 feet Easterly of the aforementioned West line of the South Half of the Southeast One-Quarter (S1/2 SE1/4) of Section 19 South 00°14'28" East 30.00 feet to a line parallel with and 30.00 feet Southerly of the aforementioned North line of the South Half of the Southeast One-Quarter (S1/2 SE1/4) of Section 19; thence leaving said Easterly parallel line and along said Southerly parallel line South 89°53'53" West 50.00 feet to the aforementioned West line of the South Half

of the Southeast One-Quarter (S1/2 SE1/4) of Section 19; thence leaving said Southerly parallel line and along said West line South 00°14'28" East 1299.83 feet to the point of beginning.

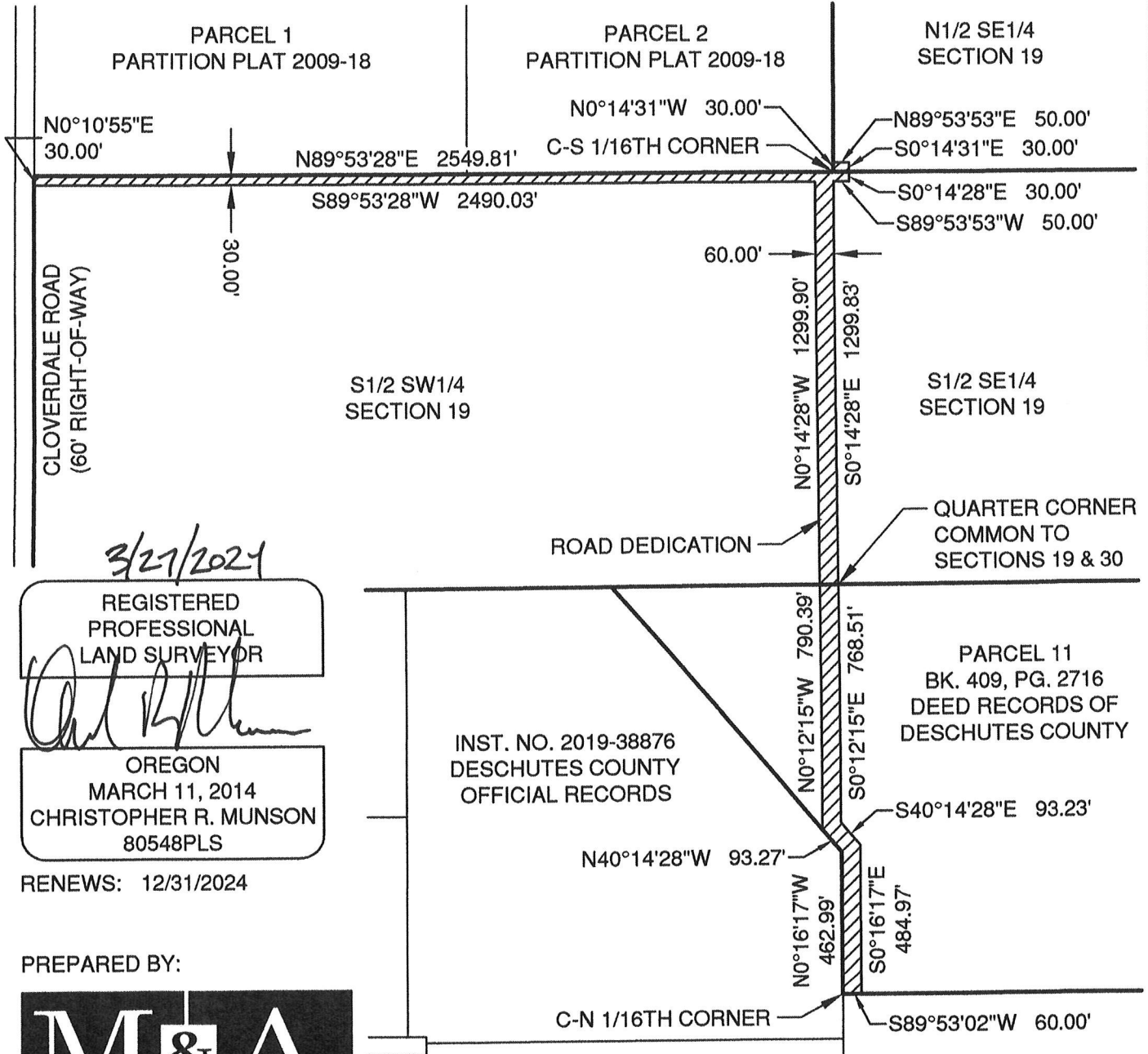
Containing 5.47 acres, more or less.

See attached Exhibit B, entitled "Road Dedication", which is made a part hereof.

4/10/2024
REGISTERED
PROFESSIONAL
LAND SURVEYOR
[Signature]
OREGON
MARCH 11, 2014
CHRISTOPHER R. MUNSON
80548PLS
RENEWS: 12/31/2024

EXHIBIT B ROAD DEDICATION

LOCATED IN THE SOUTH HALF OF SECTION 19 AND THE
NORTH HALF OF SECTION 30, TOWNSHIP 15 SOUTH, RANGE 11 EAST,
WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON



3/27/2024

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MARCH 11, 2014
CHRISTOPHER R. MUNSON
80548PLS

RENEWS: 12/31/2024

PREPARED BY:



Munson & Associates
civil engineers | land surveyors
845 NORTHEAST 11TH STREET
BEND, OREGON 97701



SCALE: 1"= 500'
DATE: 3/27/2024
W.O.#: 21-019

NOTE: BEARINGS FOR THIS MAP ARE
BASED ON THE DESCHUTES COUNTY
SURVEYOR'S OFFICE CENTRAL OREGON
COORDINATE SYSTEM (DESCHUTES13
TRANSFORMATION) AND THE NAD83(2011)
EPOCH 2010.00 DATUM REALIZATION.

REVIEWED

LEGAL COUNSEL

05/13/2024 Item #2.

For Recording Stamp Only

After recording return to:
Deschutes County Road Dept.
61150 S.E. 27th Street
Bend, Oregon 97701

DEED OF DEDICATION

ROBERT DORTIGNACQ AND DEBORAH A. PARSONS, husband and wife (collectively the "Grantor"), does hereby dedicate to the public for roadway and utility purposes that parcel of land described in Exhibit "A" and depicted in Exhibit "B", attached hereto and by this reference incorporated herein.

The true consideration for this conveyance is other consideration.

DATED this 19 day of April, 2024.



Robert Dortignacq



Deborah A. Parsons

STATE OF OREGON)
) SS.
County of Deschutes)

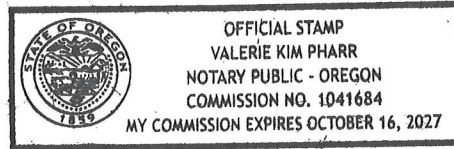
Before me, a Notary Public, personally appeared Robert Dortignacq who executed and acknowledged the foregoing instrument.

Dated this 19 day of April, 2024.

Valerie Kim Pharr

NOTARY PUBLIC FOR OREGON
My Commission Expires: October 16, 2027

STATE OF OREGON)
) SS.
County of Deschutes)

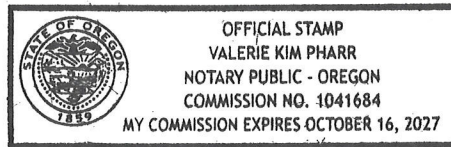


Before me, a Notary Public, personally appeared Deborah A. Parsons who executed and acknowledged the foregoing instrument.

Dated this 19 day of April, 2024.

Valerie Kim Pharr

NOTARY PUBLIC FOR OREGON
My Commission Expires: October 16, 2027



ACCEPTANCE

Deschutes County, acting by and through its Board of County Commissioners, does hereby accept the foregoing Deed of Dedication as a public road pursuant to ORS 93.808.

DATED this ____ day of _____, 2024.

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 Anthony DeBone, Patti Adair, 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 _____, 2024.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

EXHIBIT A

Road Dedication

The South 30.00 feet of Parcel 2, Partition Plat 2009-18, located in the Southwest Quarter (SW1/4) of Section 19, Township 15 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon.

Containing 0.81 acres, more or less.

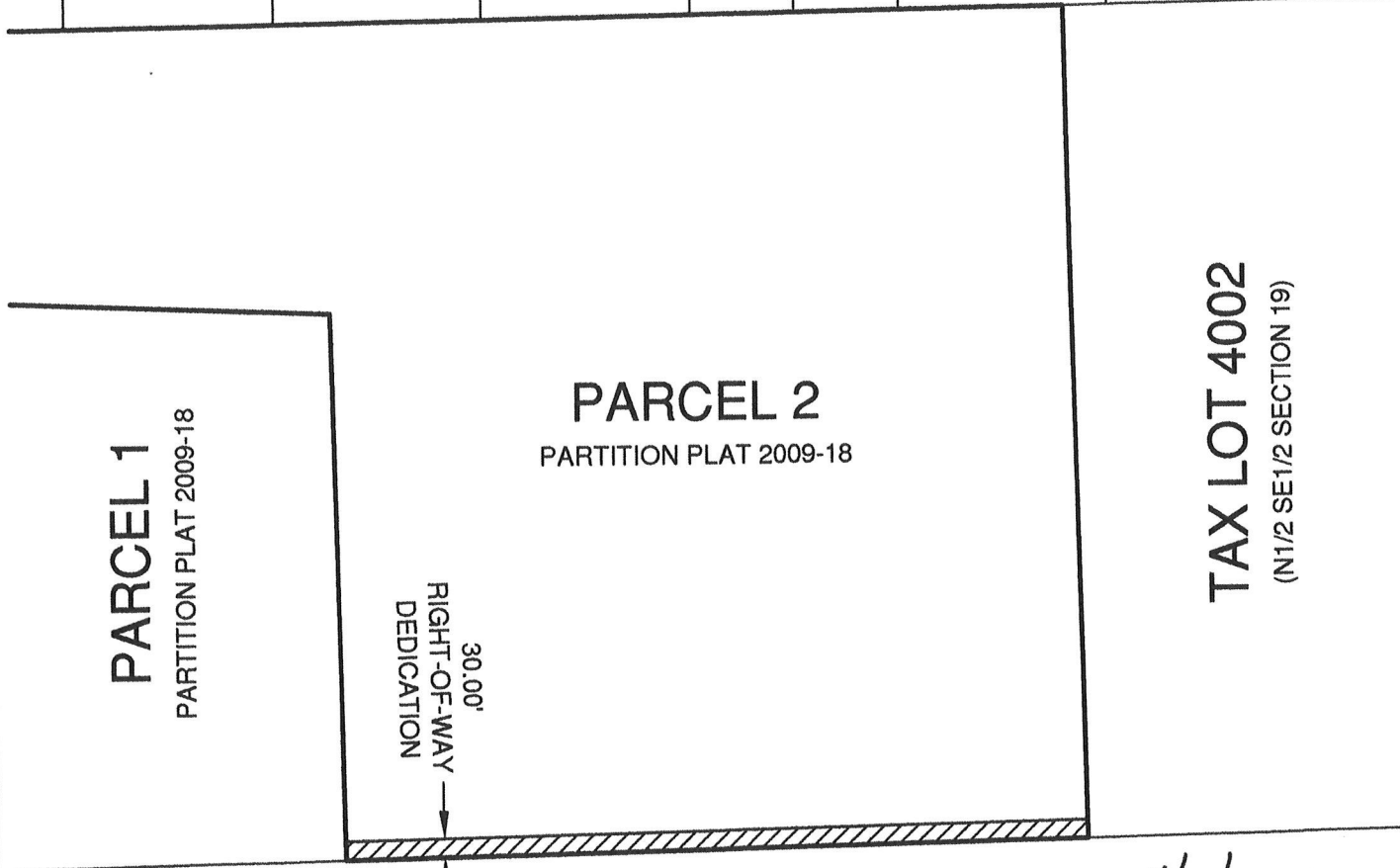
See attached Exhibit B, entitled "Road Dedication", which is made a part hereof.

4/10/2024
REGISTERED
PROFESSIONAL
LAND SURVEYOR
Christopher R. Munson
OREGON
MARCH 11, 2014
CHRISTOPHER R. MUNSON
80548PLS
RENEWS: 12/31/2024

EXHIBIT B ROAD DEDICATION

LOCATED IN PARCEL 2, PARTITION PLAT 2009-18,
ALL IN THE SOUTHWEST QUARTER OF SECTION 19,
TOWNSHIP 15 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN,
DESCHUTES COUNTY, OREGON

FORKED HORN ESTATES



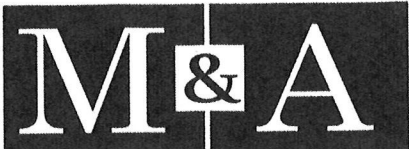
PARCEL 1
PARTITION PLAT 2009-18

PARCEL 2
PARTITION PLAT 2009-18

TAX LOT 4002
(N1/2 SE1/2 SECTION 19)

30.00'
RIGHT-OF-WAY
DEDICATION

PREPARED BY:



Munson & Associates
civil engineers | land surveyors
845 NORTHEAST 11TH STREET
BEND, OREGON 97701

TAX LOT 4001
(S1/2 S1/2 SECTION 19)



SCALE: 1"= 300'
DATE: 4/10/2024
W.O.#: 21-019

4/10/2024

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Christopher R. Munson

OREGON
MARCH 11, 2014
CHRISTOPHER R. MUNSON
80548PLS

RENEWS: 12/31/2024



15 Oregon Ave., Bend, OR 97703
PHONE (541)389-7711 FAX (541)389-0506

Date: December 28, 2023
Order No. 618701AM
Reference: 1511000004001
Sisters, OR 97759

We have enclosed our Report pertaining to order number 618701AM.

Thank you for the opportunity to serve you. Your business is appreciated!

If you have any questions or need further assistance, please do not hesitate to contact your Title Officer listed below.

Sincerely,

Tonya Vejar

tonya.vejar@amerititle.com
Title Officer

NOTICE: Please be aware that, due to the conflict between federal and state laws concerning the legality of the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving land that is associated with these activities.



AmeriTitle, LLC
15 Oregon Ave., Bend, OR 97703
PHONE (541)389-7711 FAX (541)389-0506

December 29, 2023
File Number: 618701AM
Report No.: 1
Title Officer: Tonya Vejar Email: tonya.vejar@amerititle.com

PRELIMINARY TITLE REPORT

Property Address: 1511000004001, Sisters, OR 97759

<u>Policy or Policies to be issued:</u>	<u>Liability</u>	<u>Premium</u>
OWNER'S STANDARD COVERAGE	TBD	\$200.00
Endorsement: OTIRO 110 – No charge		
Proposed Insured: TBD		

We are prepared to issue ALTA (07/01/21) title insurance policy(ies) of , in the usual form insuring the title to the land described as follows:

Legal description attached hereto and made a part hereof marked Exhibit "A"

and dated as of 20th day of December, 2023 at 7:30 a.m., title is [vested](#) in:

Desert Springs Ranch Limited Partnership, an Oregon limited partnership

The estate or interest in the land described or referred to in this Preliminary Title Report and covered herein is:

FEE SIMPLE

Except for the items properly cleared through closing, Schedule B of the proposed policy or policies will not insure against loss or damage which may arise by reason of the following:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject Land onto adjoining Land or of existing improvements located on adjoining Land onto the subject Land) encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental, or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

EXCEPTIONS 1 THROUGH 5 ABOVE APPLY TO STANDARD COVERAGE POLICIES AND MAY BE MODIFIED OR ELIMINATED ON AN EXTENDED COVERAGE POLICY.

SPECIAL EXCEPTIONS:

Tax Information:

Taxes assessed under Code No. 6012 [Account](#) No. 133967 [Map](#) No. 1511000004001

NOTE: The 2023-2024 Taxes: \$315.17, are Paid

6. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said Land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
7. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Three Sisters Irrigation District.
(No inquiry has been made)

Order for the Creation of a Subdistrict, including the terms and provisions thereof,
Recorded: February 8, 2022
Instrument No.: [2002-07771](#)

8. Right, title and interest of the public in and to those portions of the Land lying within roads, streets or highways.
9. Terms, provisions and conditions, including but not limited to maintenance provisions, contained in appurtenant easement,
Recorded: January 11, 1973
Instrument No.: [191-736](#)

Amended by Addendum to Easement, including the terms and provisions thereof,
Recorded: October 16, 2020
Instrument No.: [2020-54861](#)

- 10. Covenants, conditions and restrictions, but omitting any covenant or restriction based on race, color, religion, sex, sexual orientation, disability, handicap, familial status, marital status, ancestry, national origin or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
Recorded: December 6, 1972
Instrument No.: [190-772](#)

Amended by instrument,
Recorded: September 22, 1989
Instrument No.: [192-2013](#)

Amended by instrument,
Recorded: June 2, 2006
Instrument No.: [2006-38491](#)

- 11. Pipeline Easement, including the terms and provisions thereof,
Recorded: November 20, 2009
Instrument No.: [2009-49351](#)
- 12. Pipeline Easement-2018 Modifications, including the terms and provisions thereof,
Recorded: February 27, 2018
Instrument No.: [2018-07798](#)
- 13. Declaration and Grant of Easement, including the terms and provisions thereof,
Recorded: August 11, 2022
Instrument No.: [2022-30886](#)
- 14. Rights of tenants under existing leases or tenancies.

INFORMATIONAL NOTES:

NOTE: In the event of insuring the said Land herein, as the Company will require the following:
 The recording in the Deschutes County Deed Records of certified copies of the decree of final distribution and order discharging the personal representative from the probate proceedings in the Circuit Court for Multnomah County, Oregon, in the matter of the Estate of Donald Vetterlein.
 The Company will require the following documents for review prior to the issuance of any title assurance predicated upon a conveyance or encumbrance from:
 Name: Desert Springs Ranch, an Oregon general partnership
 (a) A complete copy of the partnership agreement and all amendments thereto
 (b) If less than all partners are executing documents, furnish evidence of the signing partners' authority, unless the authority is granted in the above referenced agreements.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the parties to the transaction must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

NOTE: Due to current conflicts or potential conflicts between state and federal law, which conflicts may extend to local law, regarding marijuana, if the transaction to be insured involves property which is currently used or is to be used in connection with a marijuana enterprise, including but not limited to the cultivation, storage, distribution, transport, manufacture, or sale of marijuana and/or products containing marijuana, the Company declines to close or insure the transaction, and this Preliminary Title Report shall automatically be considered null and void and of no force and effect.

THIS PRELIMINARY TITLE REPORT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

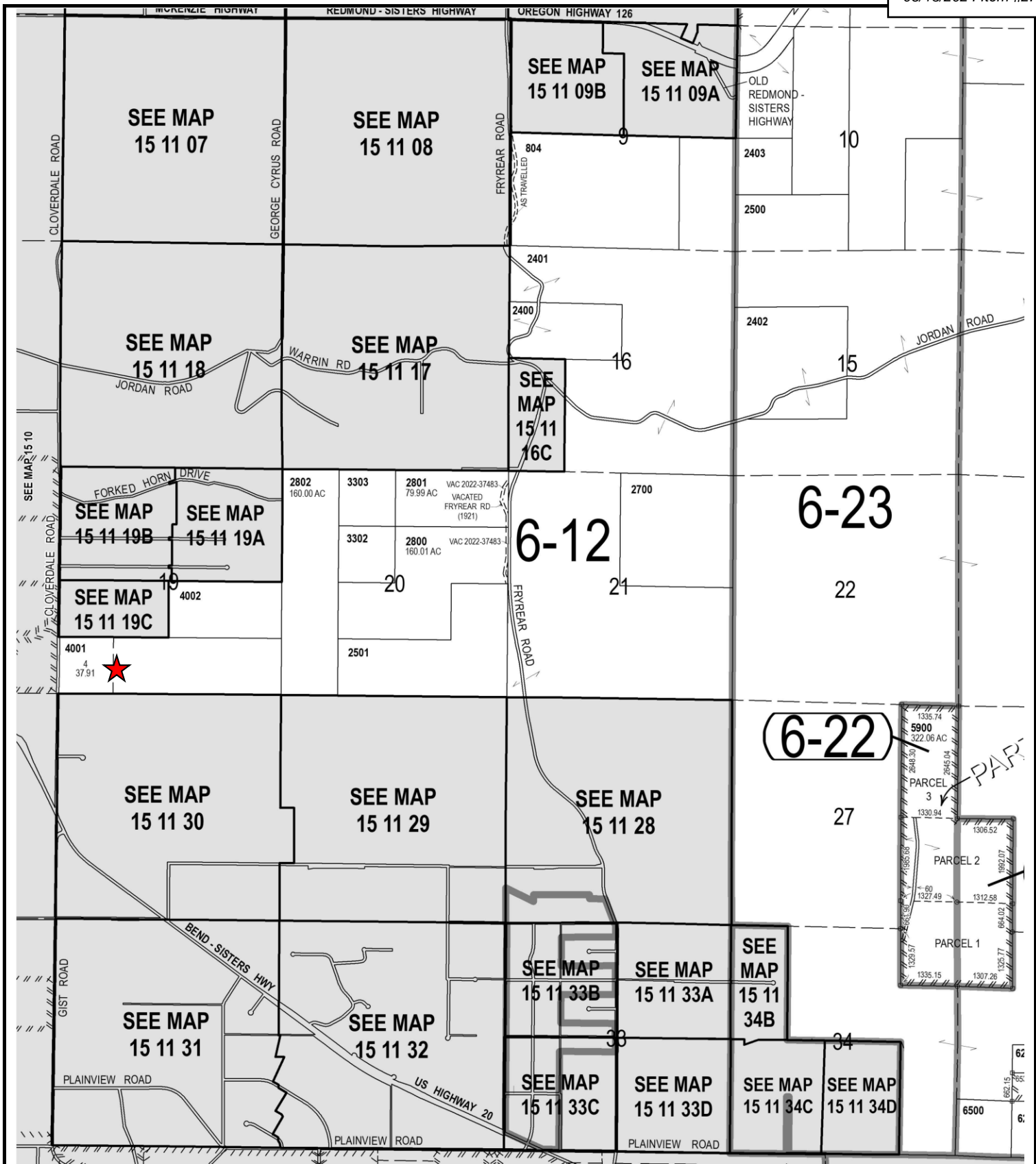
This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

End of Report

"Superior Service with Commitment and Respect for Customers and Employees"

EXHIBIT "A"
LEGAL DESCRIPTION

Government Lot 4;
The Southeast quarter of the Southwest quarter (SE1/4SW1/4);
and the South half of the Southeast quarter (S1/2 SE1/4) of Section 19, Township 15, Range 11, East of the
Willamette Meridian, Deschutes County, Oregon



151100004001
Sisters, OR 97759

THIS MAP IS FURNISHED AS AN ACCOMMODATION STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREOF



AmeriTitle, LLC
15 Oregon Ave., Bend, OR 97703
PHONE (541)389-7711 FAX (541)389-0506

December 28, 2023
File Number: 618700AM
Report No.: **1-Amended**
Title Officer: Tonya Vejar Email: tonya.vejar@amerititle.com

PRELIMINARY TITLE REPORT

Property Address: 1511000004002, Sisters, OR 97759

<u>Policy or Policies to be issued:</u>	<u>Liability</u>	<u>Premium</u>
OWNER'S STANDARD COVERAGE		\$200.00
Endorsement: OTIRO 110 – No charge		
Proposed Insured: TBD		

We are prepared to issue ALTA (07/01/21) title insurance policy(ies) of , in the usual form insuring the title to the land described as follows:

Legal description attached hereto and made a part hereof marked Exhibit "A"

and dated as of 20th day of December, 2023 at 7:30 a.m., title is [vested](#) in:

Desert Springs Ranch Limited Partnership, an Oregon limited partnership

The estate or interest in the land described or referred to in this Preliminary Title Report and covered herein is:

FEE SIMPLE

Except for the items properly cleared through closing, Schedule B of the proposed policy or policies will not insure against loss or damage which may arise by reason of the following:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject Land onto adjoining Land or of existing improvements located on adjoining Land onto the subject Land) encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental, or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

EXCEPTIONS 1 THROUGH 5 ABOVE APPLY TO STANDARD COVERAGE POLICIES AND MAY BE MODIFIED OR ELIMINATED ON AN EXTENDED COVERAGE POLICY.

SPECIAL EXCEPTIONS:

Tax Information:

Taxes assessed under Code No. 6012 [Account](#) No. 133966 [Map](#) No. 1511000004002

NOTE: The 2023-2024 Taxes: \$6.81, are Paid

6. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said Land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
7. Covenants, conditions and restrictions, but omitting any covenant or restriction based on race, color, religion, sex, sexual orientation, disability, handicap, familial status, marital status, ancestry, national origin or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.

Recorded: December 6, 1972
Instrument No.: [190/772](#)

Modification(s) of said covenants, conditions and restrictions
Recorded: September 22, 1989
Instrument No: [192/2013](#)

Modification(s) of said covenants, conditions and restrictions
Recorded: June 2, 2006
Instrument No: [2006-38491](#)

8. Terms, provisions and conditions, including but not limited to maintenance provisions, contained in easement,
Recorded: January 11, 1973
Instrument No.: [191/736](#)

Addendum to Easement, including the terms and provisions thereof,
Recorded: October 16, 2020
Instrument No.: [2020-54861](#)

9. Squaw Creek Irrigation District Order for the Creation of a Subdistrict, including the terms and provisions thereof,
Recorded: February 8, 2002
Instrument No.: [2002-07771](#)
10. Pipeline Easement, including the terms and provisions thereof,
Recorded: June 17, 2004
Instrument No.: [2004-35594](#)
11. Pipeline Easement, including the terms and provisions thereof,
Recorded: November 20, 2009
Instrument No.: [2009-49351](#)
12. Declaration and Grant of Easement, including the terms and provisions thereof,
Recorded: August 11, 2022
Instrument No.: [2022-30886](#)

INFORMATIONAL NOTES:

NOTE: In the event of insuring the said Land herein, as the Company will require the following:

The recording in the Deschutes County Deed Records of certified copies of the decree of final distribution and order discharging the personal representative from the probate proceedings in the Circuit Court for Multnomah County, Oregon, in the matter of the Estate of Donald Vetterlein.

The Company will require the following documents for review prior to the issuance of any title assurance predicated upon a conveyance or encumbrance from:

- Name: Desert Springs Ranch, an Oregon general partnership
- (a) A complete copy of the partnership agreement and all amendments thereto
 - (b) If less than all partners are executing documents, furnish evidence of the signing partners' authority, unless the authority is granted in the above referenced agreements.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the parties to the transaction must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

NOTE: Due to current conflicts or potential conflicts between state and federal law, which conflicts may extend to local law, regarding marijuana, if the transaction to be insured involves property which is currently used or is to be used in connection with a marijuana enterprise, including but not limited to the cultivation, storage, distribution, transport, manufacture, or sale of marijuana and/or products containing marijuana, the Company declines to close or insure the transaction, and this Preliminary Title Report shall automatically be considered null and void and of no force and effect.

THIS PRELIMINARY TITLE REPORT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

End of Report

"Superior Service with Commitment and Respect for Customers and Employees"

EXHIBIT "A"
LEGAL DESCRIPTION

The North half of the Southeast quarter of Section 19, Township 15 South, Range 11, East of the Willamette Meridian, Deschutes County, Oregon



15 Oregon Ave., Bend, OR 97703
PHONE (541)389-7711 FAX (541)389-0506

Date: December 28, 2023
Order No. 618702AM
Reference: 1511300000100
Sisters, OR 97759

We have enclosed our Report pertaining to order number 618702AM.

Thank you for the opportunity to serve you. Your business is appreciated!

If you have any questions or need further assistance, please do not hesitate to contact your Title Officer listed below.

Sincerely,

Tonya Vejar

tonya.vejar@amerititle.com
Title Officer

NOTICE: Please be aware that, due to the conflict between federal and state laws concerning the legality of the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving land that is associated with these activities.



AmeriTitle, LLC
15 Oregon Ave., Bend, OR 97703
PHONE (541)389-7711 FAX (541)389-0506

December 29, 2023
File Number: 618702AM
Report No.: 1
Title Officer: Tonya Vejar Email: tonya.vejar@amerititle.com

PRELIMINARY TITLE REPORT

Property Address: 1511300000100, Sisters, OR 97759

<u>Policy or Policies to be issued:</u>	<u>Liability</u>	<u>Premium</u>
OWNER'S STANDARD COVERAGE	TBD	\$200.00
Endorsement: OTIRO 110 – No charge		
Proposed Insured: TBD		

We are prepared to issue ALTA (07/01/21) title insurance policy(ies) of , in the usual form insuring the title to the land described as follows:

Legal description attached hereto and made a part hereof marked Exhibit "A"

and dated as of 20th day of December, 2023 at 7:30 a.m., title is [vested](#) in:

Desert Springs Ranch Limited Partnership, an Oregon limited partnership

The estate or interest in the land described or referred to in this Preliminary Title Report and covered herein is:

FEE SIMPLE

Except for the items properly cleared through closing, Schedule B of the proposed policy or policies will not insure against loss or damage which may arise by reason of the following:

GENERAL EXCEPTIONS:

- 1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- 2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- 3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
- 4. Any encroachment (of existing improvements located on the subject Land onto adjoining Land or of existing improvements located on adjoining Land onto the subject Land) encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
- 5. Any lien, or right to a lien, for services, labor, material, equipment rental, or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

EXCEPTIONS 1 THROUGH 5 ABOVE APPLY TO STANDARD COVERAGE POLICIES AND MAY BE MODIFIED OR ELIMINATED ON AN EXTENDED COVERAGE POLICY.

SPECIAL EXCEPTIONS:

Tax Information:

Taxes assessed under Code No. 6012 [Account](#) No. 130844 [Map](#) No. 1511300000100
NOTE: The 2023-2024 Taxes: \$122.23, are Paid

- 6. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said Land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
- 7. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Three Sisters Irrigation District.
(No inquiry has been made)

Order for the Creation of a Subdistrict, including the terms and provisions thereof,
Recorded: February 8, 2022
Instrument No.: [2002-07771](#)

- 8. Right, title and interest of the public in and to those portions of the Land lying within roads, streets or highways.
- 9. Terms, provisions and conditions, including but not limited to maintenance provisions, contained in appurtenant easement,
Recorded: January 11, 1973
Instrument No.: [191-736](#)

Amended by Addendum to Easement, including the terms and provisions thereof,
Recorded: October 16, 2020
Instrument No.: [2020-54861](#)

10. Covenants, conditions and restrictions, but omitting any covenant or restriction based on race, color, religion, sex, sexual orientation, disability, handicap, familial status, marital status, ancestry, national origin or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
Recorded: December 6, 1972
Instrument No.: [190-772](#)

Amended by instrument,
Recorded: September 22, 1989
Instrument No.: [192-2013](#)

Amended by instrument,
Recorded: June 2, 2006
Instrument No.: [2006-38491](#)

11. Pipeline Easement Agreement, including the terms and provisions thereof,
Recorded: June 17, 2004
Instrument No.: [2004-35594](#)
12. Driveway and Utility Easement, including the terms and provisions thereof,
Recorded: June 7, 2006
Instrument No.: [2006-39315](#)
13. Driveway and Utility Easement, including the terms and provisions thereof,
Recorded: June 7, 2006
Instrument No.: [2006-39316](#)
14. Pipeline Easement, including the terms and provisions thereof,
Recorded: November 20, 2009
Instrument No.: [2009-49351](#)
15. Pipeline Easement-2018 Modifications, including the terms and provisions thereof,
Recorded: February 27, 2018
Instrument No.: [2018-07798](#)
16. Declaration and Grant of Easement, including the terms and provisions thereof,
Recorded: August 11, 2022
Instrument No.: [2022-30886](#)
17. Rights of tenants under existing leases or tenancies.

INFORMATIONAL NOTES:

NOTE: In the event of insuring the said Land herein, as the Company will require the following:

The recording in the Deschutes County Deed Records of certified copies of the decree of final distribution and order discharging the personal representative from the probate proceedings in the Circuit Court for Multnomah County, Oregon, in the matter of the Estate of Donald Vetterlein.

The Company will require the following documents for review prior to the issuance of any title assurance predicated upon a conveyance or encumbrance from:

- Name: Desert Springs Ranch, an Oregon general partnership
(a) A complete copy of the partnership agreement and all amendments thereto

(b) If less than all partners are executing documents, furnish evidence of the signing partners' authority, unless the authority is granted in the above referenced agreements.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the parties to the transaction must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

NOTE: Due to current conflicts or potential conflicts between state and federal law, which conflicts may extend to local law, regarding marijuana, if the transaction to be insured involves property which is currently used or is to be used in connection with a marijuana enterprise, including but not limited to the cultivation, storage, distribution, transport, manufacture, or sale of marijuana and/or products containing marijuana, the Company declines to close or insure the transaction, and this Preliminary Title Report shall automatically be considered null and void and of no force and effect.

THIS PRELIMINARY TITLE REPORT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

End of Report

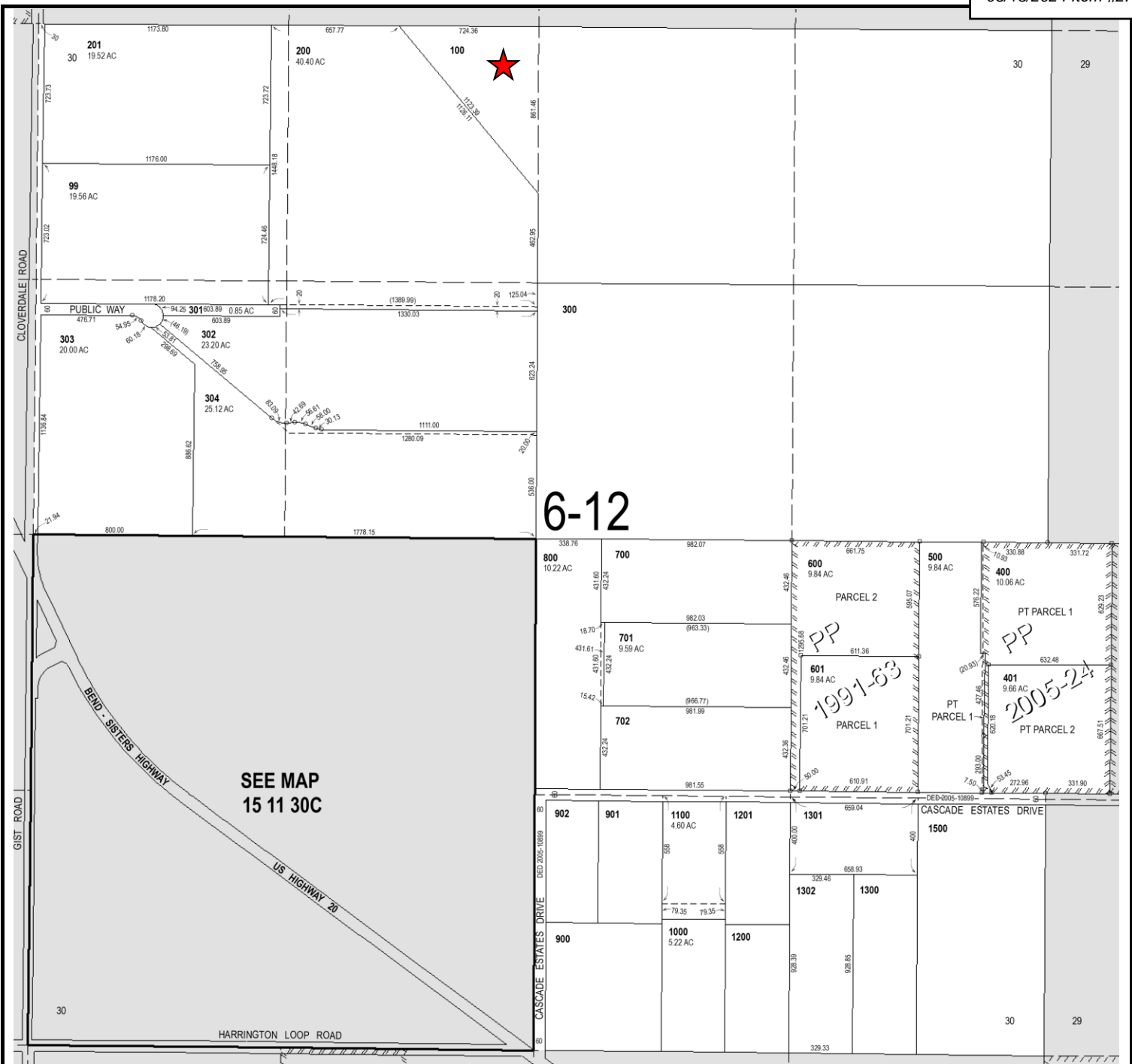
"Superior Service with Commitment and Respect for Customers and Employees"

EXHIBIT "A"
LEGAL DESCRIPTION

That portion of Section 30, Township 15 South, Range 11, East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

The North half of the Northeast quarter and that portion of the Northeast quarter of the Northwest quarter described as follows:

Beginning at the North Quarter corner;
thence South 89°04'45" West 724.36 feet;
thence South 40°51'02" East 1123.39 feet;
thence North 0°42'02" West 861.46 feet to the True Point of Beginning



6-12

SEE MAP
15 11 30C

PP

1991-63

PP

2005-24



151130000100
Sisters, OR 97759

THIS MAP IS FURNISHED AS AN ACCOMMODATION STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREOF



15 Oregon Ave., Bend, OR 97703
PHONE (541)389-7711 FAX (541)389-0506

Date: December 29, 2023
Order No. 618704AM
Reference: 1511300000300
Sisters, OR 97759

We have enclosed our Report pertaining to order number 618704AM.

Thank you for the opportunity to serve you. Your business is appreciated!

If you have any questions or need further assistance, please do not hesitate to contact your Title Officer listed below.

Sincerely,

Tonya Vejar

tonya.vejar@amerititle.com
Title Officer

NOTICE: Please be aware that, due to the conflict between federal and state laws concerning the legality of the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving land that is associated with these activities.



AmeriTitle, LLC
15 Oregon Ave., Bend, OR 97703
PHONE (541)389-7711 FAX (541)389-0506

December 29, 2023
File Number: 618704AM
Report No.: 1
Title Officer: Tonya Vejar Email: tonya.vejar@amerititle.com

PRELIMINARY TITLE REPORT

Property Address: 151130000300, Sisters, OR 97759

<u>Policy or Policies to be issued:</u>	<u>Liability</u>	<u>Premium</u>
OWNER'S STANDARD COVERAGE	TBD	\$200.00
Endorsement: OTIRO 110 – No charge		
Proposed Insured: TBD		

We are prepared to issue ALTA (07/01/21) title insurance policy(ies) of , in the usual form insuring the title to the land described as follows:

Legal description attached hereto and made a part hereof marked Exhibit "A"

and dated as of 20th day of December, 2023 at 7:30 a.m., title is [vested](#) in:

Desert Springs Ranch Limited Partnership, an Oregon limited partnership

The estate or interest in the land described or referred to in this Preliminary Title Report and covered herein is:

FEE SIMPLE

Except for the items properly cleared through closing, Schedule B of the proposed policy or policies will not insure against loss or damage which may arise by reason of the following:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject Land onto adjoining Land or of existing improvements located on adjoining Land onto the subject Land) encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental, or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

EXCEPTIONS 1 THROUGH 5 ABOVE APPLY TO STANDARD COVERAGE POLICIES AND MAY BE MODIFIED OR ELIMINATED ON AN EXTENDED COVERAGE POLICY.

SPECIAL EXCEPTIONS:

Tax Information:

Taxes assessed under Code No. 6012 [Account](#) No. 130842 [Map](#) No. 1511300000300

NOTE: The 2023-2024 Taxes: \$91.31, are Paid

6. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said Land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
7. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Three Sisters Irrigation District.
(No inquiry has been made)

Order for the Creation of a Subdistrict, including the terms and provisions thereof,
Recorded: February 8, 2022
Instrument No.: [2002-07771](#)

8. Right, title and interest of the public in and to those portions of the Land lying within roads, streets or highways.
9. Covenants, conditions and restrictions, but omitting any covenant or restriction based on race, color, religion, sex, sexual orientation, disability, handicap, familial status, marital status, ancestry, national origin or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
Recorded: December 6, 1972
Instrument No.: [190-772](#)

Amended by instrument,
Recorded: September 22, 1989
Instrument No.: [192-2013](#)

Amended by instrument,
Recorded: June 2, 2006
Instrument No.: [2006-38491](#)

10. Pipeline Easement Agreement, including the terms and provisions thereof,
Recorded: June 17, 2004
Instrument No.: [2004-35594](#)
11. Driveway and Utility Easement, including the terms and provisions thereof,
Recorded: June 7, 2006
Instrument No.: [2006-39315](#)
12. Driveway and Utility Easement, including the terms and provisions thereof,
Recorded: June 7, 2006
Instrument No.: [2006-39316](#)
13. Pipeline Easement, including the terms and provisions thereof,
Recorded: November 20, 2009
Instrument No.: [2009-49351](#)
14. Pipeline Easement-2018 Modifications, including the terms and provisions thereof,
Recorded: February 27, 2018
Instrument No.: [2018-07798](#)
15. Declaration and Grant of Easement, including the terms and provisions thereof,
Recorded: August 11, 2022
Instrument No.: [2022-30886](#)
16. Rights of tenants under existing leases or tenancies.

INFORMATIONAL NOTES:

NOTE: In the event of insuring the said Land herein, as the Company will require the following:

The recording in the Deschutes County Deed Records of certified copies of the decree of final distribution and order discharging the personal representative from the probate proceedings in the Circuit Court for Multnomah County, Oregon, in the matter of the Estate of Donald Vetterlein.

The Company will require the following documents for review prior to the issuance of any title assurance predicated upon a conveyance or encumbrance from:

- Name: Desert Springs Ranch, an Oregon general partnership
- (a) A complete copy of the partnership agreement and all amendments thereto
 - (b) If less than all partners are executing documents, furnish evidence of the signing partners' authority, unless the authority is granted in the above referenced agreements.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the parties to the transaction must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

NOTE: Due to current conflicts or potential conflicts between state and federal law, which conflicts may extend to local law, regarding marijuana, if the transaction to be insured involves property which is currently used or is to be used in connection with a marijuana enterprise, including but not limited to the cultivation, storage, distribution, transport, manufacture, or sale of marijuana and/or products containing marijuana, the Company declines to close or insure the transaction, and this Preliminary Title Report shall automatically be considered null and void and of no force and effect.

THIS PRELIMINARY TITLE REPORT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

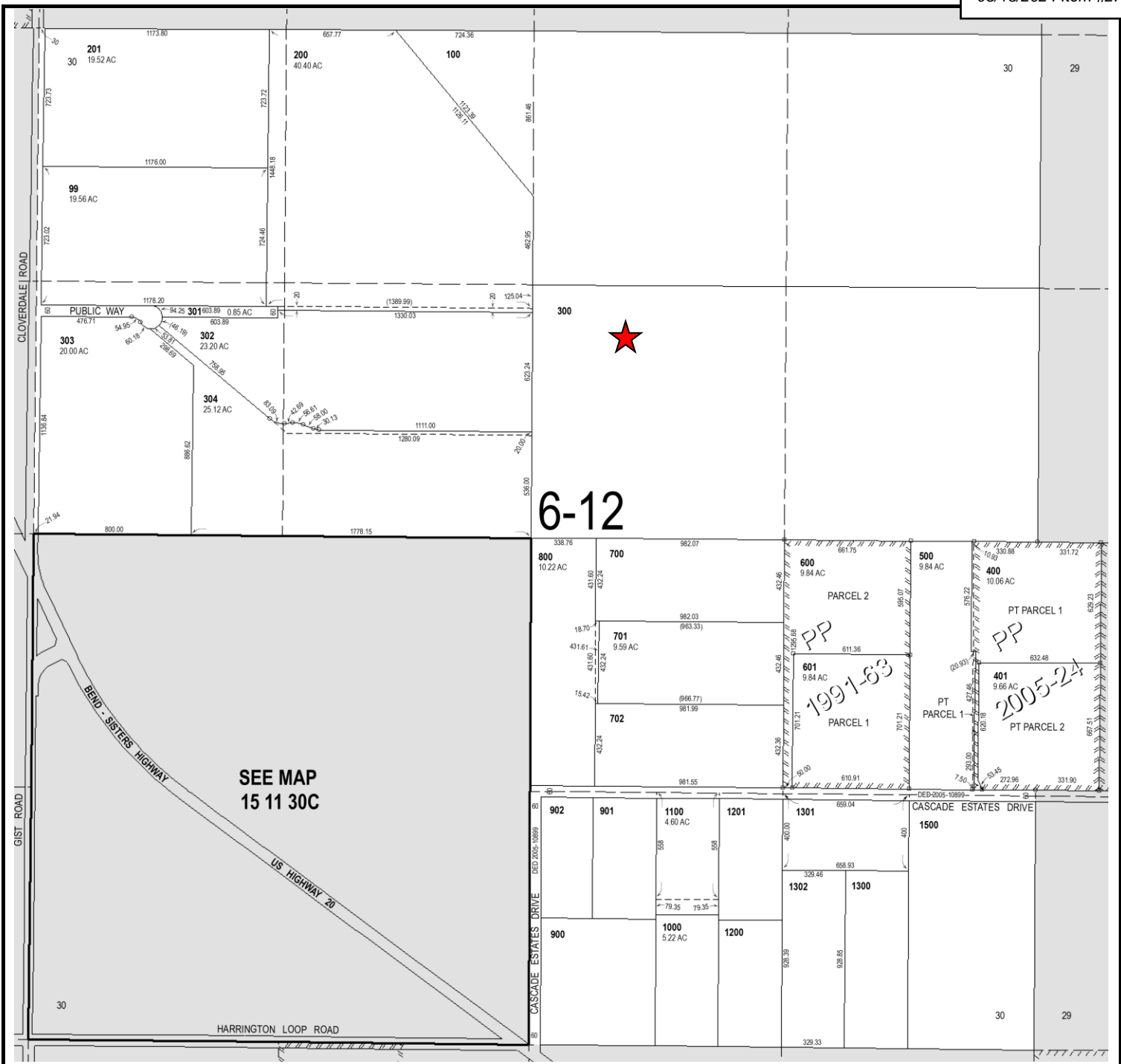
This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

End of Report

"Superior Service with Commitment and Respect for Customers and Employees"

EXHIBIT "A"
LEGAL DESCRIPTION

The South half of the Northeast of Section 30, Township 15 South, Range 11, East of the Willamette Meridian,
Deschutes County, Oregon



151130000300
Sisters, OR 97759

THIS MAP IS FURNISHED AS AN ACCOMMODATION STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREOF



15 Oregon Ave., Bend, OR 97703
PHONE (541)389-7711 FAX (541)389-0506

STATUS OF RECORD TITLE

FSBO
Your Reference No.

January 3, 2024
Title Number: 618698AM
Title Officer: Carrie A Stewart
Fee: \$200.00

We have searched the status of record title as to the following described property:

Parcel 2 of Partition Plat 2009-18 as recorded April 27, 2009 in Cabinet 3 Page(s) 712, Deschutes County, Oregon

Vestee:

Robert Dortignacq and Deborah A Parsons as Tenants by the Entirety

and dated as of **December 20, 2023** at 7:30 a.m.

Said property is subject to the following on record matters:

Taxes assessed under Code No. 6012 Account No. 264747 Map No. 151119C000100

NOTE: The 2023-2024 Taxes: \$3,348.94, are Paid

1. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Three Sisters Irrigation District.
2. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for wildlife habitat conservation. At any time that said Land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
3. Covenants, conditions and restrictions, but omitting any covenant or restriction based on race, color, religion, sex, sexual orientation, disability, handicap, familial status, marital status, ancestry, national origin or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
Recorded: December 6, 1972
Instrument No.: [190-772](#)

Amended by instrument,
Recorded: June 2, 2006
Instrument No.: [2006-38491](#)
4. Easement as disclosed in document,
Recorded: May 26, 1987
Instrument No.: [146-91](#)

- 5. An easement including the terms and provisions thereof, affecting the portion of said Land and for the purposes stated therein as reserved in instrument:
Recorded: January 11, 1973
Instrument No.: [191-736](#)

Amended by instrument,
Recorded: October 16, 2020
Instrument No.: [2020-54861](#)
- 6. Squaw Creek Irrigation Distric Order, including the terms and provisions thereof,
Recorded: February 8, 2002
Instrument No.: [2002-07771](#)
- 7. Farm and Forest Management Easement, including the terms and provisions thereof,
Recorded: December 29, 2008
Instrument No.: [2008-50214](#)
- 8. Easement as shown on the Partition [Plat](#) No. 2009-18.
- 9. An easement including the terms and provisions thereof, affecting the portion of said Land and for the purposes stated therein as set forth in instrument:
Granted To: Central Electric Cooperative, Inc.
Recorded: April 16, 2010
Instrument No.: [2010-15259](#)
- 10. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:
Amount: \$499,500.00
Trustor/Grantor: Robert D. Rastovich and Colleen Rastovich, as Tenants by the Entirety
Trustee: Western Title & Escrow Company
Beneficiary: Mortgage Electronic Registration Systems, Inc. (MERS), solely as nominee for Bank of England
Dated: October 23, 2020
Recorded: October 26, 2020
Instrument No.: [2020-56911](#)

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

"Superior Service with Commitment and Respect for Customers and Employees"

AmeriTitle, LLC

Invoice

Date: 01/03/2024
Number: 238289

Desert Springs Ranch Limited Partnership
5051 SW Barnes Rd
Portland, OR 97221

Property Address:
67700 Cloverdale Road
Sisters, OR 97759

Please Remit Payment To:
AmeriTitle, LLC
Attn: Accounts Receivable
15 NW Oregon Ave., Ste. 1
Bend, OR 97703
(541) 330-8140

PLEASE NOTE CHANGE OF REMITTANCE ADDRESS

File Number	Transactee	Client's File #	Class/Description	Memo	Amount
618698AM	Dortignacq, Robert		Non-Insured Title Report	Non-Insured Title Report	\$200.00
Total					\$200.00
Total Due					\$200.00

Buyer (Borrower) - Robert Dortignacq and Deborah A Parsons
Seller (if any) -
Loan Amount (if any) -
Sales Price (if any) -



15 Oregon Ave., Bend, OR 97703
PHONE (541)389-7711 FAX (541)389-0506

Date: January 5, 2024
Order No. 618696AM
Reference: 67708 Cloverdale Rd
Sisters, OR 97759

We have enclosed our Report pertaining to order number 618696AM.

Thank you for the opportunity to serve you. Your business is appreciated!

If you have any questions or need further assistance, please do not hesitate to contact your Title Officer listed below.

Sincerely,

Tonya Vejar

tonya.vejar@amerititle.com
Title Officer

NOTICE: Please be aware that, due to the conflict between federal and state laws concerning the legality of the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving land that is associated with these activities.



AmeriTitle, LLC
15 Oregon Ave., Bend, OR 97703
PHONE (541)389-7711 FAX (541)389-0506

January 5, 2024
File Number: 618696AM
Report No.: 1
Title Officer: Tonya Vejar Email: tonya.vejar@amerititle.com

PRELIMINARY TITLE REPORT

Property Address: 67708 Cloverdale Rd, Sisters, OR 97759

<u>Policy or Policies to be issued:</u>	<u>Liability</u>	<u>Premium</u>
OWNER'S STANDARD COVERAGE	TBD	\$0.00
Endorsement: OTIRO 110 – No charge		
Proposed Insured: TBD		

We are prepared to issue ALTA (07/01/21) title insurance policy(ies) of , in the usual form insuring the title to the land described as follows:

Legal description attached hereto and made a part hereof marked Exhibit "A"

and dated as of 20th day of December, 2023 at 7:30 a.m., title is [vested](#) in:

Sarah Morton

The estate or interest in the land described or referred to in this Preliminary Title Report and covered herein is:

FEE SIMPLE

Except for the items properly cleared through closing, Schedule B of the proposed policy or policies will not insure against loss or damage which may arise by reason of the following:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject Land onto adjoining Land or of existing improvements located on adjoining Land onto the subject Land) encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental, or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

EXCEPTIONS 1 THROUGH 5 ABOVE APPLY TO STANDARD COVERAGE POLICIES AND MAY BE MODIFIED OR ELIMINATED ON AN EXTENDED COVERAGE POLICY.

SPECIAL EXCEPTIONS:

6. Taxes assessed under Code No. 6012 [Account](#) No. 133965 [Map](#) No. 151119C000200
The 2023-2024 Taxes: \$6,964.32
Balance Due: \$2,321.44, plus interest, unpaid.
7. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Three Sisters Irrigation District

Squaw Creek Irrigation District-Order for the Creation of a Subdistrict, including the terms and provisions thereof,
Recorded: February 8, 2002
Instrument No.: [2002-07771](#)
8. Right, title and interest of the public in and to those portions of the Land lying within roads, streets or highways.
9. Ingress-Egress Easement as shown on the [Partition Plat](#) No. 2009-18.
10. Covenants, conditions and restrictions, but omitting any covenant or restriction based on race, color, religion, sex, sexual orientation, disability, handicap, familial status, marital status, ancestry, national origin or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
Recorded: December 6, 1972
Instrument No.: [190/772](#)

Modification(s) of said covenants, conditions and restrictions
Recorded: June 2, 2006
Instrument No.: [2006-38491](#)

11. An easement including the terms and provisions thereof, affecting the portion of said Land and for the purposes stated therein as set forth in instrument:
Granted To: Donald H. Vetterlein
Recorded: January 11, 1973
Instrument No.: [191/736](#)

Addendum to Easement, including the terms and provisions thereof,
Recorded: October 16, 2020
Instrument No.: [2020-54861](#)

12. Farm and Forest Management Easement-Conditional Use, including the terms and provisions thereof,
Recorded: December 29, 2008
Instrument No.: [2008-50214](#)
13. Pipeline Easement, including the terms and provisions thereof,
Recorded: November 20, 2009
Instrument No.: [2009-49351](#)
14. Pipeline Easement-2018 Modifications, including the terms and provisions thereof,
Recorded: February 27, 2018
Instrument No.: [2018-07798](#)

INFORMATIONAL NOTES:

- NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.
- NOTE: Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the parties to the transaction must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.
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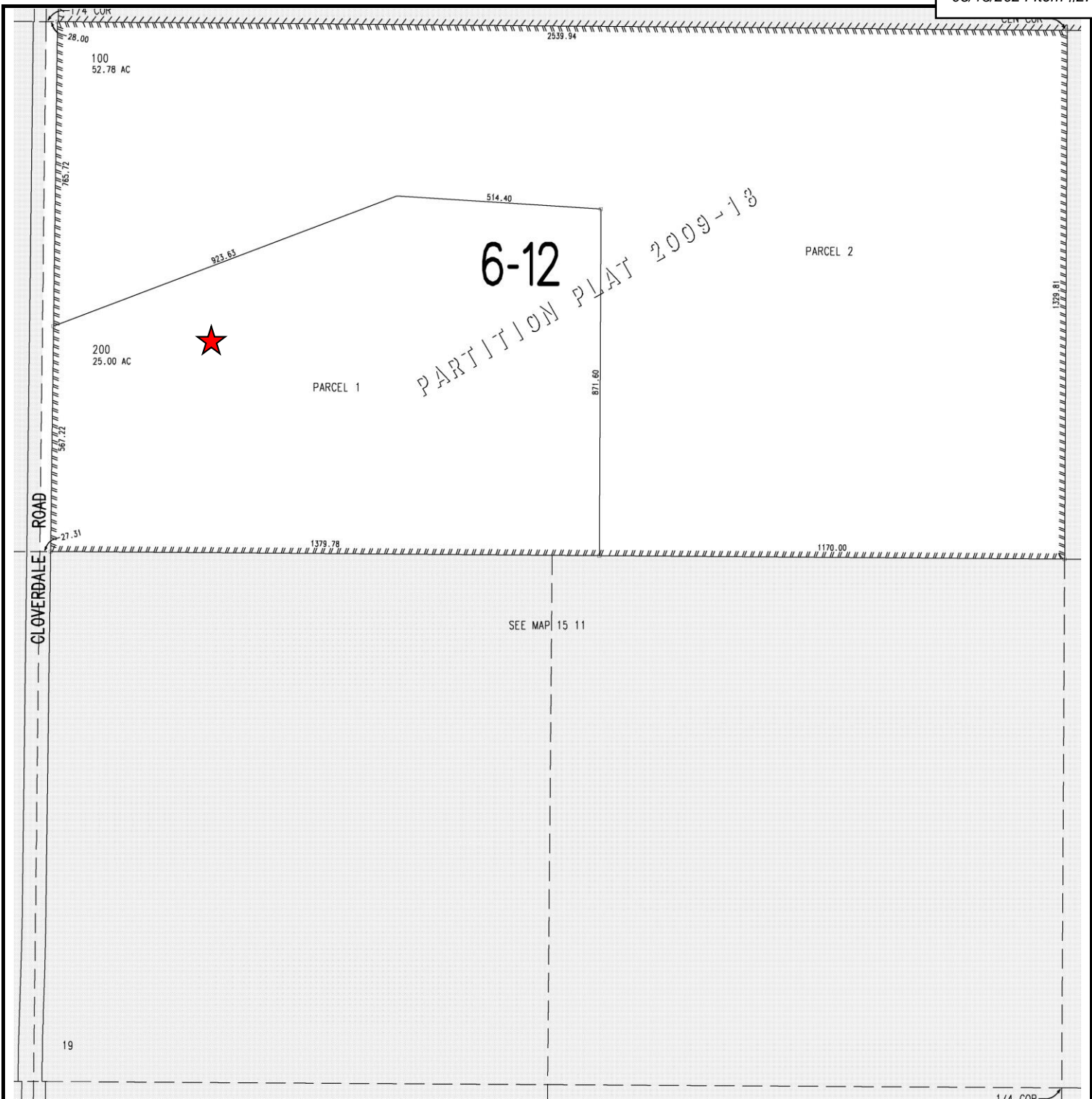
This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

End of Report

"Superior Service with Commitment and Respect for Customers and Employees"

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 1, Partition Plat No. 2009-18, recorded April 27, 2009, in Partition Plat Cabinet 3, Page 712, Records of Deschutes County, Oregon



67708 Cloverdale Rd
Sisters, OR 97759

THIS MAP IS FURNISHED AS AN ACCOMMODATION STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREOF



COMMUNITY DEVELOPMENT

FINDINGS AND DECISION

FILE NUMBER: 247-23-000819-RD

**SUBJECT PROPERTY/
OWNER/APPLICANT:**

Mailing Name: DESERT SPRINGS RANCH LIMITED PARTNERSHIP
Map and Taxlot: 1511000004001
Account: 133967
Situs Address: **NO SITUS ADDRESS**

Mailing Name: MORTON, SARAH
Map and Taxlot: 151119C000200
Account: 133965
Situs Address: 67708 CLOVERDALE RD, SISTERS, OR 97759

Mailing Name: DORTIGNACQ, ROBERT & PARSONS, DEBORAH A
Map and Taxlot: 151119C000100
Account: 264747
Situs Address: 67700 CLOVERDALE RD, SISTERS, OR 97759

Mailing Name: DESERT SPRINGS RANCH LIMITED PARTNERSHIP
Map and Taxlot: 1511300000100
Account: 130844
Situs Address: **NO SITUS ADDRESS**

Mailing Name: DESERT SPRINGS RANCH LIMITED PARTNERSHIP
Map and Taxlot: 1511000004002
Account: 133966
Situs Address: **NO SITUS ADDRESS**

APPLICANT'S ATTORNEY: Myles Conway Law PC

REQUEST: The applicant requests approval to dedicate a 60-foot right-of-way across multiple tax lots noted above in the Exclusive Farm Use Zone (EFU). The proposed right-of-way will extend east from Cloverdale Road before turning south to terminate at the southern end of Tax Lot 100. The road dedication does not propose road construction at this time

STAFF CONTACT: Haleigh King, Associate Planner

Phone: 541-383-6710
Email: Haleigh.king@deschutes.org

RECORD: Record items can be viewed and downloaded from:
www.buildingpermits.oregon.gov

I. APPLICABLE CRITERIA

- Deschutes County Code (DCC)
 - Title 17, Subdivision and Partition Ordinance
 - Chapter 17.52, Road Dedications
 - Title 18, Deschutes County Zoning Ordinance:
 - Chapter 18.16, Exclusive Farm Use Zones (EFU)
 - Chapter 18.113, Destination Resorts Zone (DR)
 - Chapter 18.116, Supplementary Provisions
 - Chapter 18.128, Conditional Use
 - Title 22, Deschutes County Development Procedures Ordinance

II. BASIC FINDINGS

LOT OF RECORD: The five tax lots (“Subject Property”) included in this application are all separate legal lots of record. Their legal lot status is summarized in the table below:

Map and Tax Lot	Property Owner	Zone	Combining Zone	Lot of Record
1511000004001	Desert Springs Ranch Limited Partnership	EFU	DR	County Land Use File No. 247-22-000134-LR
1511300000100	Desert Springs Ranch Limited Partnership	EFU	DR	County Land Use File No. 247-22-000132-LR
1511000004002	Desert Springs Ranch Limited Partnership	EFU	DR	County Land Use File No. 247-22-000135-LR
151119C000200	MORTON, SARAH	EFU	None	Parcel 2 of Partition Plat 2009-198
151119C000100	DORTIGNACQ, ROBERT & PARSONS, DEBORAH A	EFU	None	Parcel 2 of Partition Plat 2009-18

SITE DESCRIPTION: The applicant provided the following site description in their narrative:

The Morton Property and the Dortignacq/Parsons Property are each developed with residential dwellings and are utilized for agricultural purposes. The two Desert Springs Properties (Desert Springs TL 4001 and Desert Springs TL 100) are undeveloped and are part of a larger approximately 1,100-acre agricultural ranch property owned and operated by the Vetterlein family. An existing and long utilized access roadway lies within the proposed dedication area on the Morton Property, the Dortignacq/Parsons Property and Desert Spring TL 4001. The remainder of the proposed dedication areas is vegetated with juniper trees, sagebrush and native grasses.

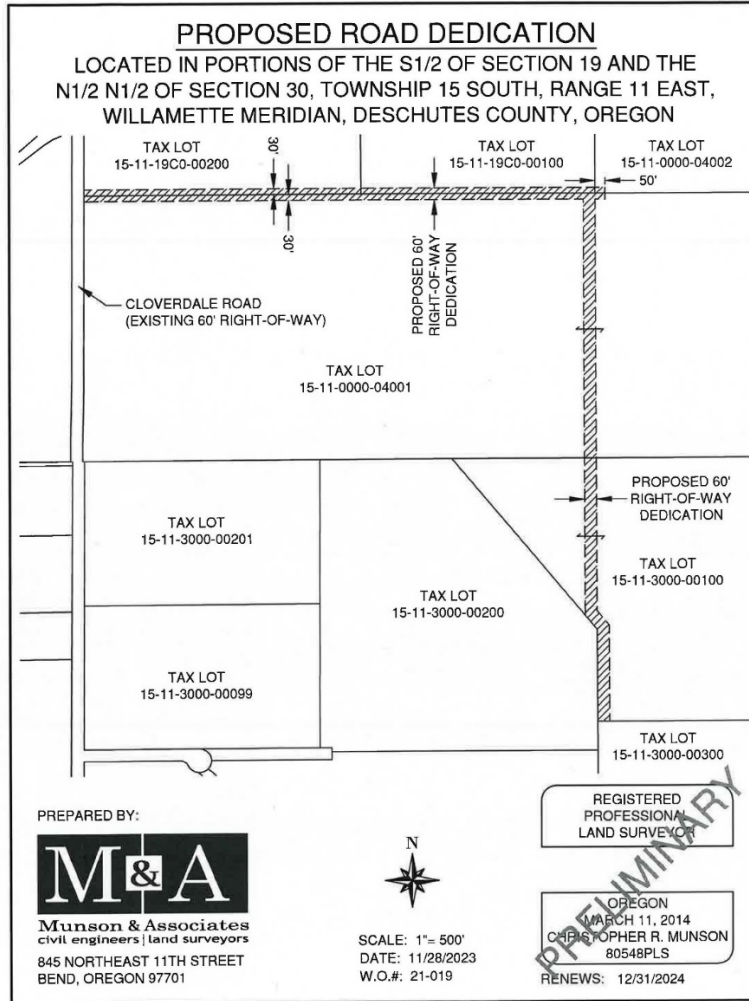
Staff agrees with this depiction of the subject property.

BACKGROUND: The applicant provided the following background narrative in their application materials:

The applicant owns and controls the approximately 1,100 acre “Desert Springs Ranch” that includes two of the lots that are subject to this application. The applicant currently has a land use application pending with Deschutes County for the creation of a non-farm parcel and dwelling on tax lot 4001, Assessor’s Map 15-11-00 (County Files 247-22-000372-MP and 247-22-000373-CU). In connection with said applications, County planning has required the applicant to extend a public right-of-way connection to the adjoining parcels owned by the Desert Springs Limited Partnership (per DCC 17.36.080 Future Extension of Streets). The applicant submits this application to extend the public right-of-way in partial fulfillment of the requirements of DCC 17.36.080.

The proposed Road Dedication is depicted in *Figure 1*, below.

Figure 1 - Proposed Road Dedication



REVIEW PERIOD: The subject application was submitted on December 12, 2023. The application was deemed incomplete and an incomplete letter was mailed to the property owner on January 11, 2024. The applicant provided a response to the incomplete letter on January 22, 2024. The application was subsequently deemed complete on January 22, 2024. This is the date the application was deemed complete and accepted for review. Per Deschutes County Code (DCC) Chapter 17.52.090(B), staff calculates the 120th day on which the County must take final action on this application as May 21, 2024.

SURROUNDING LAND USES: Immediately surrounding properties to the north, west, east, and south are all EFU-zoned lots containing a mix of irrigated and open pasture and crop fields as well as rural residential uses. The Forked Horn Estates residential subdivision, zoned Multiple Use Agriculture – 10 (MUA10) lies farther north with lots developed with single-family dwellings.

SOILS: According to the Natural Resources Conservation Service (NRCS) maps of the area, there are at least three soil units mapped within the boundaries of the proposed right-of-way. See Figures 2 to 5, below:

Figure 2- NRCS Soil Map - Tax Lot 4001

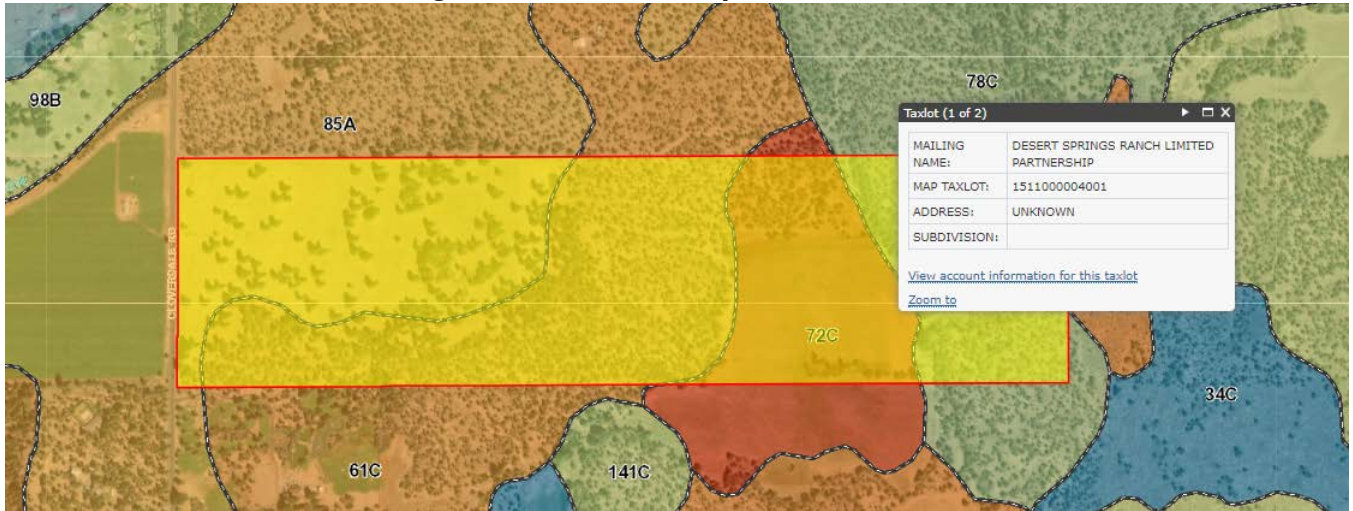


Figure 3 – NRCS Soil Map – Tax Lot 200

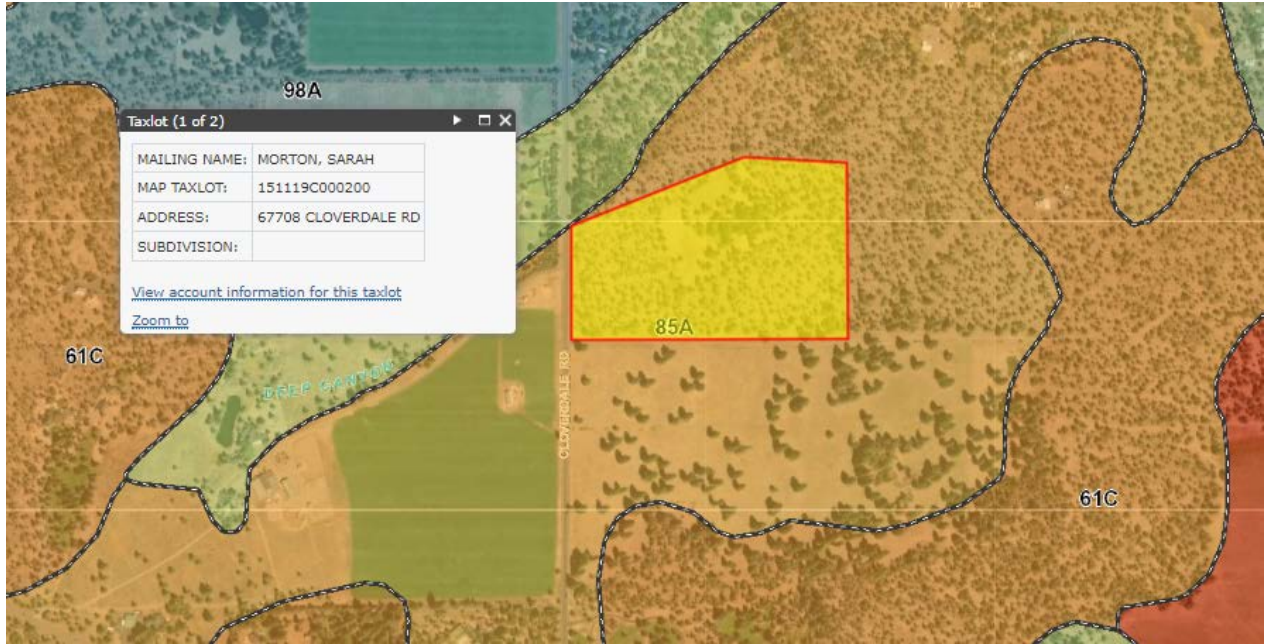


Figure 4 – NRCS Soil Map – Tax Lot 100 (Dortignacq)

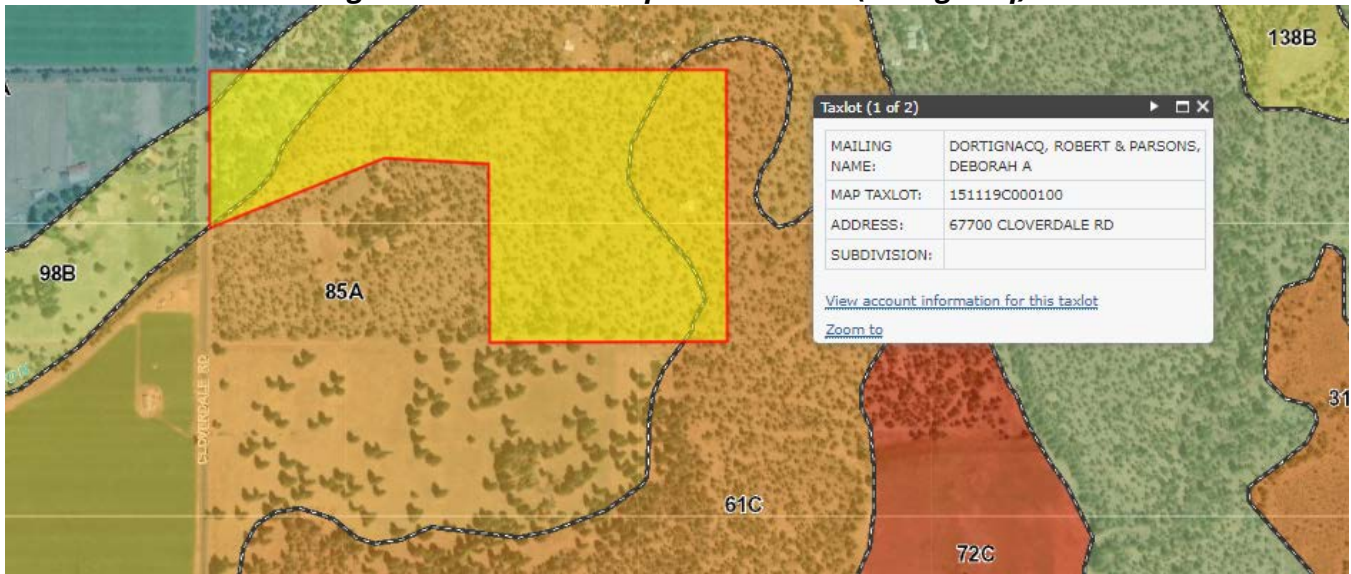
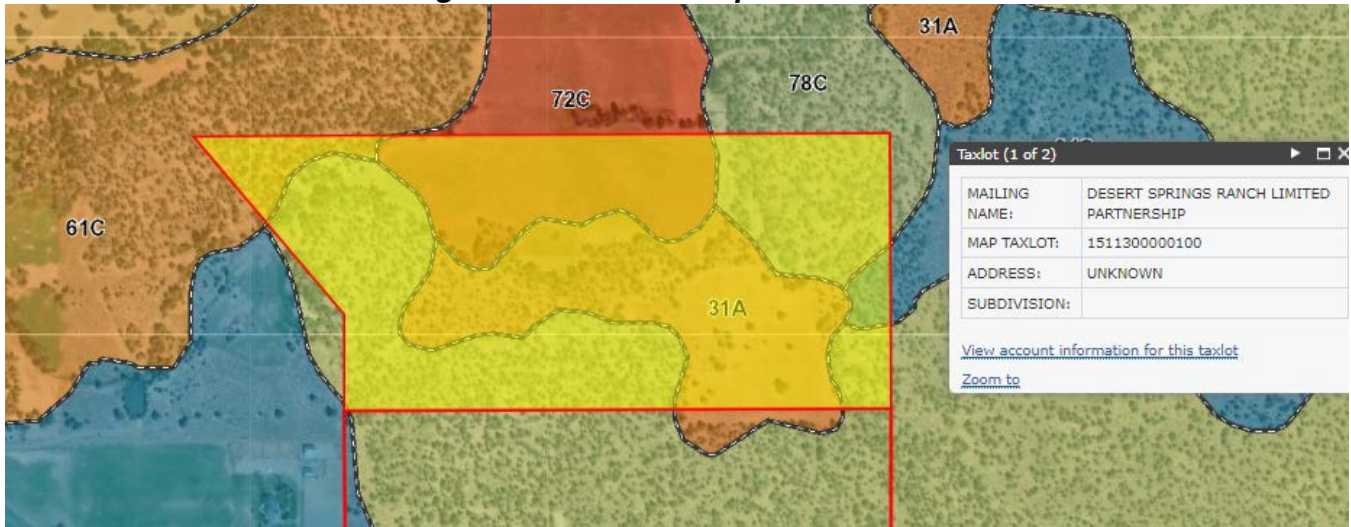


Figure 5 – NRCS Soil Map – Tax Lot 100



85A Lundgren sandy loam, 0 to 3 percent slopes: The agricultural capability rating for this soil is 6s for nonirrigated and no rating for irrigated land. This soil is not considered high value farmland when irrigated.

61C Henkle-Fryrear-Lava flows complex, 0 to 15 percent slopes. The agricultural capability rating for this soil ranges from 6e to 8 when nonirrigated and 4e to 7e when irrigated. The subclass rating differs based on which soil unit is present. This soil is not considered high value farmland when irrigated.

141C Stukel-Deschutes-Rock outcrop complex, 0 to 15 percent slopes. The agricultural capability rating for this soil ranges from 6e to 8 when nonirrigated and no rating for irrigated land. The subclass rating differs based on which soil unit is present. This soil is not considered high value farmland when irrigated.

PUBLIC AGENCY COMMENTS: The Planning Division mailed the initial notice on December 21, 2023 and mailed a corrected notice on January 2, 2024, to several public agencies and received the following comments:

Deschutes County Road Department, Quinn Shubert

I have reviewed the application materials for the above-referenced file number, proposing the dedication of a public right-of-way to provide access from Cloverdale Rd across Tax Lots 100 and 200 on County Assessor’s Map 15-11-19B, Tax Lot 4001 on County Assessor’s Map 15-11-00, and Tax Lots 100 on County Assessor’s Map 15-11-30. The proposed right of way dedication will provide for public road frontage and connectivity to Tax Lot 4002 on County Assessor’s Map 15-11-00 and Tax Lot 100 on County Assessor’s Map 15-11-30 to meet requirements under other pending land use applications (File Nos. 247-22-000372-MP and 247-22-000373-CU) for Tax Lot 4001 on County Assessor’s Map 15-11-00. In addition to satisfying the aforementioned requirements, the dedication will provide access to Tax Lot

100 and 300 on County Assessor’s Map 15-11-30. The application materials indicate that no road improvements are planned within the proposed dedication area. Road Department staff conclude that road surface improvement requirements are not warranted until such time as any tract of land abutting or accessed by the proposed right of way dedication is divided under applicable Deschutes County Code (DCC).

Deschutes County Road Department requests that approval of the proposed road dedication be subject to the following conditions:


- The dedication area shall consists of a 60 ft.-wide strip of land pursuant to DCC 17.48.100 with an alignment generally as depicted in the application materials.
- All parties with an ownership interest in the property subject to the road dedication shall execute a dedication deed pursuant to DCC 17.52.090(A). The dedication shall be granted to the public. The dedication deed shall be in a form acceptable to the Deschutes County Road Department pursuant to DCC 17.52.040 and shall include a legal description and exhibit map prepared by a licensed professional land surveyor.
- Applicant shall submit the executed dedication deed and a current preliminary title report for the proposed dedication to the Deschutes County Community Development Department pursuant to DCC 17.52.090(A) and (C). Upon final review and approval of the dedication deed by the Road Department, the Community Development Department shall present the dedication deed to the Board of County Commissioners for acceptance pursuant to DCC 17.52.090(B).
- Upon acceptance of the dedication deed by the Board of County Commissioners, Applicant shall immediately cause for the recording of the dedication deed in the Official Records at the Deschutes County Clerk’s Office pursuant to DCC 17.52.090(D).
- Upon recording of the dedication deed, Applicant shall immediately cause for survey and monumentation of the new road right of way by a licensed professional land surveyor in accordance with ORS 209.250 and ORS 368.106.

Please let me know if there are any questions regarding these comments.

Deschutes County Senior Transportation Planner, Tarik Rawlings

Pursuant to DCC 17.52.040, the Notice of Application for the subject Road Dedication has been delivered to the Road Department Director and any forthcoming comments issued on behalf of the Road Department/Road Department Director will address the relevant provisions of DCC 17.52. Based on the submitted application materials, the proposed roadway dedication would provide access to more than three tax lots and, as a result, must be named pursuant to DCC 16.16.020. In addition to any forthcoming Road Department comments, if the applicant wishes to formally name this road, then they would have to file a Road Naming application with the Deschutes County Community Development Department.

Thank you for the opportunity to comment and please let me know if there are any questions.


Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*
WN2024-0014

Responsible Jurisdiction

Staff Contact Haleigh King	Jurisdiction Type County	Municipality Deschutes
Local case file # 247-23-000819-RD	County Deschutes	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
15S	11E	00		4001, 100, 200

Street Address
67700 Cloverdale Rd

Address Line 2

City
Sisters

State / Province / Region
OR

Postal / Zip Code
97759

Country
Deschutes

Latitude
44.248592

Longitude
-121.462310

Wetland/Waterway/Other Water Features ^

There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

The National Wetlands Inventory shows wetland, waterway or other water features on the property

Applicable Oregon Removal-Fill Permit Requirement(s) ^

A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information ^

Additional Comments

Based on a review of the available information, it appears that there is a stream(s) within the ROW which may be jurisdictional. Stream impacts that are 50 cubic yards or greater may require a permit.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

1/12/2024

Response by:

Chris Stevenson

Response Phone:

503-798-7622

The following agencies did not respond to the notice: Deschutes County Assessor, Cloverdale Fire Department, Deschutes County Onsite Wastewater, Deschutes County Property Address Coordinator, Three Sisters Irrigation District.

PUBLIC COMMENTS: The Planning Division mailed notice of the application to all property owners within 750 feet of the subject property on December 21, 2023 and mailed a corrected notice on January 2, 2024. The applicant also complied with the posted notice requirements of Section 22.24.030(B) of Title 22. The applicant submitted a Land Use Action Sign Affidavit indicating the applicant posted notice of the land use action on December 21, 2023.

Staff received a number of written public comments from the individuals below:

- Mary Pike
- Judith Villa
- Central Oregon Land Watch
- Glen Wilson
- Greg & Becky Sharp
- Michael & Christie Houck

In general, the public comments received expressed initial confusion over the proposed road dedication. Many comments were concerned that the subject application was for a 'Destination Resort' and the development impacts associated with such a proposal. Staff was able to clarify with

each individual that the subject application was not for a Destination Resort. The public comments are included in their entirety the application record. Staff finds the public comments do not raise or highlight issues that constitute grounds for denial of the subject road dedication application.

III. FINDINGS & CONCLUSIONS

Title 17, Deschutes County Subdivision Ordinance

Chapter 17.52. Road Dedications

Section 17.52.010. Purpose.

The purpose of DCC 17.52.010 is to establish procedures for the dedication of more than minor amounts of road right of way to the public where the dedication will not be reviewed as part of another land use application. Minor amounts of road right of way means rights of way no greater than those required for modernization, traffic safety improvement, maintenance or repair of an existing road or street. DCC 17.52.010 applies to road dedications which occur outside of urban growth boundaries in Deschutes County. DCC 17.52.010 requires that road dedications be reviewed for consistency with the Transportation Policies for new roads or major road modifications of the Comprehensive Plan.

FINDING: Staff has reviewed the proposal for consistency with the Transportation Policies for new roads or major road modifications of the Comprehensive Plan in subsequent findings.

Section 17.52.030. Application.

Any person proposing the dedication of more than minor amounts of road right of way, where the proposed dedication will not be reviewed as part of another land use application, shall submit a written application for a land use permit to the Planning Director. The land use permit application shall include a completed request form, a written burden of proof statement which indicates the proposal complies with the applicable criteria, a map showing the location of the land to be dedicated, a preliminary title report covering the land to be dedicated, and the appropriate filing fee.

FINDING: Staff finds the proposed dedication of the roadway constitutes more than a minor amount of road right-of-way. The applicant has submitted a map showing the location of the land to be dedicated, a preliminary title report covering the land to be dedicated, and the appropriate filing fee in support of this application.

Section 17.52.050. Approval Criteria.

A. Applications for road dedications in zones where Class I or II road projects, as defined by DCC 18.04.030, are permitted outright shall address the criteria in DCC

18.116.230. Such applications shall also address any applicable criteria in the zone in which the road dedication is proposed.

- B. Applications for road dedications in zones where Class I or II road projects defined by DCC 18.04.030, or public road or highway projects defined by ORS 215.283(2)(p) through (r) and 215.283(3), are permitted as conditional uses shall address the criteria in DCC 18.116.230 and 18.128.015. Such applications shall also address any applicable criteria in the zone in which the road dedication is proposed.**

FINDING: The applicant’s burden of proof provides the following proposed findings:

The proposed right-of-way dedication is permitted as a conditional use under ORS 215.283(3), DCC 18.16.030 and OAR 660-12-0065. Compliance with the requirements of DCC 18.116.230 and 18.128.015 are referenced above.

Staff agrees and finds the subject application is a conditional use and must address the criteria in DCC 18.116.230 and 18.128.015.

Section 17.52.090. Board Action on Road Dedication.

- A. Once an application is approved by the Planning Director or Hearings Body, the applicant shall satisfy all conditions of the land use approval prior to submitting a declaration of dedication for final action. The declaration of dedication shall include a legal description of the land to be dedicated. Upon receipt of the declaration of dedication, the Planning Director shall forward the declaration of dedication to the Board for acceptance or rejection.**
- B. Except as otherwise provided under the Deschutes County Code, the Board shall take final action on the road dedication within 120 days after the application is deemed complete.**
- C. Upon the meeting of the Board to take final action on the road dedication, the applicant shall provide the Board with a supplemental or amended report to the preliminary title report submitted with the application. The supplemental or amended report shall show changes in the condition of title of the relevant property from the date of the preliminary title report up to and including the time immediately preceding the Board meeting.**
- D. If the road dedication is accepted by the Board, the declaration of dedication shall be immediately recorded with the County Clerk.**

FINDING: The applicant will be required to submit a declaration of dedication and legal descriptions for the proposed road dedication, which must be signed by the property owner(s), and include a title report. If the road dedication is accepted by the Board, the declaration of dedication must be recorded with the County Clerk’s Office. The declaration of dedication for the proposed road shall be completed and recorded with the County Clerk’s Office within 120 days of the application being deemed complete. Staff calculates this day to be May 21, 2024. To ensure compliance, staff has added these actions as Conditions of Approval.

Section 17.52.100. Maintenance of Dedicated Roads.

Any public road created in conjunction with the dedication of public road right of way under DCC 17.52 shall be designated as a Local Access Road, as defined by ORS 368.001(3), which shall not be maintained by the County unless and until that road right of way is established as a County road, as defined by ORS 368.001(1), by order or resolution of the County governing body as authorized by ORS 368.016(2)(c).

FINDING: Any public road created in this proposed road dedication under DCC 17.52 shall be designated as a local access road. Any new local access road will not be maintained by the County unless and until that right-of-way is established as an official County road. Staff will include this requirement as a condition of approval.

Title 18 of the Deschutes County Code, County Zoning

Chapter 18.16, Exclusive Farm Use Zones (EFU)

Section 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.

...

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.

FINDING: The applicant’s burden of proof provides the following proposed findings:

DCC 18.36.080 requires the extension of public rights-of-way in connection with any subdivision or partition in the EFU Zone. As noted above, the applicant seeks to extend a right-of-way connection from Cloverdale Road through the subject properties in connection with pending County land use files 247-22-000372-MP and 247-22-000373-CU. OAR 660-12-0065 identifies transportation facilities, services and improvements that are permitted on rural lands consistent with Goals 3, 4, 11 and 14 without a goal exception, including low volume public “Access Roads” that provide access to property. The proposed dedication is authorized under OAR 660-12-0065.

Staff agrees with the applicant’s statement. The proposed road dedication is reviewed as a Conditional Use. Applicable standards are addressed below.

Section 18.16.040. Limitations on Conditional Uses

- A. **Conditional uses permitted by DCC 18.16.030, 18.16.031, and 18.16.033 may be established subject to ORS 215.296, applicable provisions in DCC 18.128, and upon a finding by the Planning Director or Hearings Body that the proposed use:**
 - 1. **Will not force a significant change in accepted farm or forest practices as defined in ORS 215.203(2)(c) on surrounding lands devoted to farm or forest uses; and**
 - 2. **Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and**
 - 3. **That the actual site on which the use is to be located is the least suitable for the production of farm crops or livestock.**

FINDING: The applicant’s burden of proof provides the following proposed findings:

The applicant owns and controls the approximately 1,100 acre “Desert Springs Ranch” that includes two of the lots that are subject to this application. The applicant currently has a land use application pending with Deschutes County for the creation of a non-farm parcel and dwelling on tax lot 4001, Assessor’s Map 15-11-00 (County Files 247-22-000372-MP and 247-22-000373-CU). In connection with said applications, County planning has required the applicant to extend a public right-of-way connection to the adjoining parcels owned by the Desert Springs Limited Partnership (per DCC 17.36.080 Future Extension of Streets). With this application, Desert Springs seeks to extend the County required public right-of-way dedication along an alignment that has long been utilized as an access corridor. The public dedication of right-of-way along the proposed alignment will minimize impacts on farm and forest practices on the subject and surrounding properties. A significant portion of the proposed dedication area is comprised of Class 7 and 8 soils that are not suitable for agricultural production. In these areas, the proposed dedication area is characterized by rock outcroppings and cannot be utilized for agricultural production. A depiction of the proposed right-of-way dedication area is depicted on Exhibit A submitted herewith. The proposed public dedication of right-of-way area will not have any impact on agricultural use or production on the Morton Property, the Dortignacq/Parsons Property, Desert Springs Ranch and/or any surrounding parcels. The applicant has proposed a right-of-way alignment that facilitates the use of an existing roadway segment located in an area not suitable for the production of farm crops or livestock- as required by this section.

The applicant’s supplemental burden of proof provides additional narrative below:

Based on the criteria set forth above, the Incomplete Letter requests additional information on the soils underlying the proposed roadway dedication area and a more detailed analysis of the alternatives analysis conducted by the applicant in configuring its proposed dedication area. The NRCS soils mapping of the subject properties shows the soils underlying the proposed dedication area are classified as described below. An updated map of the proposed dedication area with the applicable NRCS soil mapping data is also provided for ease of reference.

- That portion of the dedication area running from Cloverdale Road east across the

northern boundary of Desert Springs TL 4001 and the southern boundaries of the Morton Property and the Dortignacq/Parsons Property are mapped as soil type 85A-Lundgren sandy loam. This soil type is primarily comprised of Lundgren soils which have a soil classification of Class 6s. That portion of the proposed dedication area on Desert Springs TL 4001 contains some areas of irrigation. That portion of the proposed dedication area on the Morton Property and the Dortignacq/Parsons Property is the site of a long existing access roadway (per a recorded easement contemplating public dedication) and does not contain any irrigated acreage.

- That portion of the dedication area running north to south through Desert Springs TL 4001 is mapped as soil type 61C- Henkle-Fryrear-Lava Flows complex. This soil type is comprised of 40 percent Henkle soils, 35 percent Fryrear soils, and 15 percent lava flows. Henkle soils are all rated class 7e (no rating for irrigated soil). Fryrear soils are classified as class 6e where non-irrigate and 4e where irrigated. The lava flow areas are all designated as class 8 soils. No portion of the dedication area on this portion of Desert Springs Tax Lot 4001 contains irrigation.
- That portion of the dedication area running north to south through Desert Springs TL 100 is mapped as soil type 141C- Stukel-Deschutes-Rock outcrop complex. This soil type is comprised of 40 percent Stukel soils, 25 percent Deschutes and 20 percent rock outcrop. Stukel soils are designated as class 6e. Deschutes soils are class 6e with no rating for irrigated land. Rock outcrop is all class 8. The proposed dedication area through Desert Springs TL 100 will be specifically described to avoid any portion of irrigated ground.

As noted above, the proposed dedication area is comprised primarily of soils that are mapped with a capability classification between class 6 and class 8. The only irrigated areas affected by the proposed dedication lie along the northern boundary of Desert Springs TL 4001. This proposed roadway dedication application is submitted in response to comments provided by the County Planning Department in connection with the applicant's pending land use application for the creation of a non-farm parcel and dwelling on Desert Springs TL 4001 (County Files 247-22-000372-MP and 247-22-000373-CU). In connection with said applications, County planning has required the applicant to extend a public right-of-way connection to the adjoining parcels owned by the Desert Springs Limited Partnership (per DCC 17.36.080 Future Extension of Streets). The applicant has evaluated the very limited available alternatives for extending rights-of-way to all of its adjoining properties to meet the requirements of DCC 17.36.080. With this application, Desert Springs has worked with its neighboring property owners to identify a dedication alignment that will minimize impacts on irrigated land. The proposed dedication area through the Morton Property and the Dortignacq/Parsons Property runs along the alignment of an existing gravel roadway that has long been utilized to provide access to the subject and surrounding properties. This portion of the dedication area is burdened by an existing recorded access easement (recorded as document 2020-54861) that provides for reciprocal access across the easement area and contemplates the public roadway dedication proposed herein. A copy of said easement is submitted with this supplemental narrative. No portion of the existing roadway

across the Morton Property and/or the Dortignacq/Parsons Property contains any irrigation or is utilized for agricultural production or livestock grazing. A significant portion of the proposed dedication area is comprised of rock outcrop areas that are not suitable for agricultural production. The public dedication of right-of-way area along the proposed alignment will not impact agricultural use or production on the Morton Property or the Dortignacq/Parsons Property.

In sum, the applicant has been required to extend additional public right-of-way to and through the subject properties as a condition of obtaining approval for a non-farm dwelling and partition along Cloverdale Road (County Files 247-22-000372-MP and 247-22-000373-CU). The right-of-way alignment proposed with this application has been configured to utilize an existing easement corridor and to minimize impacts on the irrigated portions of Desert Springs TL 4001. The existing easement access corridor provides sufficient roadway access to all surrounding properties and the applicant does not anticipate constructing further roadway improvements unless and until required by the County. Assuming no expanded roadway improvements are required, the proposed application will have no effect whatsoever on existing agricultural operations within Desert Springs TL 4001.

Staff agrees with the applicant’s response. Further, staff notes the proposed road dedication application does not require road surface improvements until such time as any tract of land abutting or accessed by the proposed right-of-way is divided under applicable Deschutes County Code regulations. Therefore, no construction or traffic impacts are expected in association with the dedication.

Chapter 18.116, Supplementary Provisions

Section 18.116.230, Standards for Class I and II Road Projects

Class I and II road or street projects shall be reviewed against the applicable Comprehensive Plan Transportation Plan element, shall be consistent with applicable road standards and shall meet the following criteria:

- A. Compatibility with existing land use and social patterns, including noise generation, safety hazards (e.g. children in a residential area), and zoning.***
- B. Environmental impacts, including hazards imposed to and by wildlife (e.g. migration or water use patterns).***
- C. Retention of scenic quality, including tree preservation.***
- D. Means to improve the safety and function of the facility, including surrounding zoning, access control and terrain modifications.***
- E. In the case of roadways where modification results in a change of traffic types or density, impacts on route safety, route land use patterns, and route nonmotorized/pedestrian traffic.***
- F. Consideration of the potential developmental impact created by the facility.***
- G. Cost effectiveness.***

FINDING: The applicant’s burden of proof provides the following proposed findings:

As noted above, no road or street construction is proposed in connection with the subject application. Rather, the applicant seeks to dedicate an additional right-of-way segment to extend public right-of-way (designated as a "Local Access Road") to additional portions of its larger ranch property. The proposed dedication area is intended to facilitate the eventual division of legal lots within the larger Desert Springs Ranch property. The proposed dedication area is not suitable for agricultural production and will have no impact on agricultural practices on surrounding lands. The dedication of a local access roadway within this area will facilitate access for the land uses permitted within the EFU zone. Any future roadway construction will comply with applicable County roadway standards. The minimal additional traffic created by this proposal will not result in any change in traffic types or density, route safety and/or route land use patterns.

Staff agrees with the applicant's response. Further, staff notes the proposed road dedication application does not include the construction of a physical road within the proposed dedication area; therefore, no construction or traffic impacts are expected in association with the dedication. The dedicated area includes a 60-foot right-of-way which is consistent with County standards. Staff notes there is no Landscape Management (LM) or Wildlife Area (WA) or any other overlays affecting the subject property. These overlays help to protect Goal 5 resources. However, as noted, the subject property does not contain any inventoried Goal 5 resources.

In regards to potential development impact created by the proposed road dedication, the road dedication will essentially give road frontage to Tax Lot 4002, Tax Lot 300, and Tax Lot 100 (Desert Springs Ranch), where none currently exists as required pursuant to County File No. 247-22-000372-MP, 373-CU. This may allow for these tax lots to be partitioned in the future. It is unclear at this point whether these tax lots would be eligible for a partition. However, future partitions are subject to Title 17 and Title 18 standards and submittal and review of a formal land use application. The County has not received any applications for land divisions involving the above-mentioned tax lots. This road dedication itself does not approve or establish any development.

The applicant has submitted a Minor Partition to divide a 157.3-acre property (Map and Tax Lot 15-11, Tax Lot 4001) within the Exclusive Farm Use (EFU) Zone into two parcels (County File No. 247-22-000372-MP, 373-CU). Parcel 1 is proposed to be 153.1 acres, and Parcel 2 is proposed to be 4.2 acres. The applicant also requests approval of a conditional use permit for a non-farm (single-family) dwelling on Parcel 2. However, the newly created parcel and the remainder parcel will be accessed via Cloverdale Road and will not require improvement of the proposed road dedication.

Lastly, staff note no public funds will be expended for construction or maintenance of this road. Staff has included a condition of approval which requires any road created in this proposed dedication under DCC 17.52 shall be designated as a local access road, which shall not be maintained by the County unless and until that right-of-way is established as a County-maintained road.

Chapter 18.128, Conditional Use

Section 18.128.010, Operation.

- A. A conditional use listed in DCC Title 18 shall be permitted, altered or denied in accordance with the standards and procedures of this title; DCC Title 22, the Uniform Development Procedures Ordinance; and the Comprehensive Plan.**
- B. In the case of a use existing prior to the effective date of DCC Title 18 and classified in DCC Title 18 as a conditional use, any change in use or lot area or an alteration of structure shall conform with the requirements for a conditional use.**

FINDING: The proposed conditional use is reviewed in accordance with the standards and procedures of this title; DCC Title 22, the Uniform Development Procedures Ordinance; and the Comprehensive Plan. No prior use now classified as a conditional use is being modified by this proposal.

Section 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:

- A. 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;**

FINDING: The applicant’s burden of proof provides the following proposed findings:

The applicant seeks to dedicate an extension of public right-of-way from Cloverdale Road, through the subject properties to provide publicly dedicated access to Tax Lot 4002, Assessor’s Map 15-11-00, Desert Springs Tax Lot 100 and Tax Lot 300, Assessor’s Map 15-11-30. The proposed dedication area will be 60-feet in width and generally within the alignment depicted on Exhibit A attached hereto. The proposed dedication is intended to comply with the requirements of DCC 17.36.080 (Future Extension of Streets) as applicable to the larger Desert Springs Ranch property. The proposed dedication area/right-of-way alignment utilizes an existing access roadway and other areas of poor soils (Class 6-8) that are not suitable for agricultural production or livestock grazing to minimize any potential impacts on agricultural activities being conducted within the Desert Springs Ranch or any surrounding property. Each of the affected tax lots has public road frontage or easement access and no roadway construction is planned or anticipated within the proposed dedication area until such future time as said parcels may be further divided. The length and width of the proposed dedication area is sufficient to facilitate a local access roadway supporting any future partition of the adjoining Desert Springs tax lots. The proposed dedication is compatible with the existing and projected uses of surrounding properties based on the factors listed in DCC 18.128.015(A), as referenced above.

As noted, the proposed road dedication does not include construction of a roadway at this time.

The road dedication includes the dedication of a 60-foot-wide right-of-way extending east from Cloverdale Road for approximately 2,570 feet before turning south for approximately 2,650 feet in order to provide future road access to landlocked parcels. The dedicated area includes a 60-foot right-of-way which is consistent with County standards. It is unclear at this point whether these tax lots would be eligible for a partition. However, future partitions are subject to Title 17 and Title 18 standards and submittal and review of a formal land use application. The County has not received any applications for land divisions involving the above-mentioned tax lots. This road dedication itself does not approve or establish any development.

As discussed, the eastward dedication extension from Cloverdale Road is located primarily within an existing access easement and existing gravel roadway utilized by the subject property owners. The placement of the dedication will have the least disturbance to open pasture areas on Tax Lot 400 and the applicant states that no portion of the dedication area running north to south on Tax Lot 4001 contains irrigation. Further, the applicant states the proposed dedication area through Desert Springs TL 100 will be specifically described to avoid any portion of irrigated ground.

Based on the information above, staff believes the proposed site location is suitable for the road dedication considering its size, design, and operating characteristics of the use.

2. Adequacy of transportation access to the site; and

FINDING: The Deschutes County Road Department and Deschutes County Transportation Planner were sent a request for comment on this application and identified no required improvements to other area roadways. Comments from other agencies and the general public did not identify any transportation infrastructure deficiencies. Staff finds, as conditioned, the site is suitable for the proposed use based on adequacy of transportation access to the site.

3. The natural and physical features of the site, including, but not limited to, general topography, natural hazards and natural resource values.

FINDING: The site is generally flat and presents no topographical constraints on the proposed road dedication. The *Deschutes County Natural Hazards Mitigation Plan (2015)* identifies drought, earthquake, flood, landslide, volcanic, wildfire, windstorm, and winter storm hazards in the County. Of these, wildfire is of special concern regarding the suitability of the use. The subject property is located within a wildfire hazard area, however, the road dedication application does not include the construction of any structures or habitable space. Further, the road dedication does not propose road construction at this time. Although, if a future road is built within the dedicated right-of-way it may allow greater access for emergency vehicles in the event of an emergency. The subject property is currently served by Cloverdale Fire District.

Natural resource values typically include agricultural soils, forest lands, wildlife and their habitats, wetlands, and natural water features. The subject property is not located within a special flood hazard area. The Department of State Lands identified a potential wetland on Tax Lot 100 (Desert

Springs Ranch) and indicated it may be a jurisdictional stream. However, as there is no construction of the roadway, staff does not expect any impacts to *potential* wetlands in conjunction with this application. Future land division applications would be required to address potential impacts to wetlands with road construction.

The applicant provided a response to the preliminary comments from the Department of State Lands:

A comment from the Oregon Division of State Lands (DSL) dated January 12, 2024, states that a small portion of Desert Springs TL 100 is identified on the National Wetland Inventory map ("NWI") and "may" be a wetland. The NWI depicts the location of portions of Desert Springs TL 100 that were previously the site of irrigation ditches utilized for ongoing agricultural activities. In collaboration with the Three Sisters Irrigation District, the NRCS and other affected state/federal agencies, the irrigation ditches on Desert Springs TL 100 were placed in underground pipes in 2006. Those portions of Desert Springs TL 100 that are shown on the NWI have been dry for nearly 20 years and are no longer utilized for the conveyance of irrigation water. In sum, no areas of wetland are affected by the proposed right-of-way dedication. If required, the applicant is prepared to accept a condition of approval that any future construction activity within the right-of-way alignment must comply with governing wetland rules and regulations, to the extent applicable to the subject property.

Comments from agencies did not identify any site unsuitability due to general topography, natural hazards, or natural resource values. There were no public comments received which identified unsuitability based on the above listed factors.

B. 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).

FINDING: Staff finds this this criterion requires that the proposed use must be compatible with existing and projected uses on surrounding properties. Staff finds "surrounding properties" are those that might be significantly adversely impacted by their proximity to the proposed use. Existing uses on surrounding properties include rural residential uses to the west and vacant, undeveloped EFU parcels with some in apparent farm use. Projected uses on surrounding properties are those that have received approvals or are allowed outright and are typical of development of the area. These projected uses on property surrounding the subject property include residential use, and agriculture and farm use. Staff finds existing uses are a reasonable representation of uses allowed in the underlying zones of surrounding properties. For this reason, staff finds projected uses are likely to be similar to existing uses.

Staff finds that the proposed road dedication will be compatible with the existing and projected uses due to the scale of the operation and operating characteristics as analyzed in DCC 18.128.015(A) above.

(A)(1). Site, design and operating characteristics of the use;

Staff finds the proposed road dedication would be unsuitable if the siting, design and operating characteristics of the use significantly adversely impacted existing and projected uses on surrounding properties. Typically, potential adverse impacts could include visual, noise, dust, and odor impacts.

Staff finds the road dedication, which does not include construction of a roadway at this time, will not have a visual, noise, dust or odor impact. If a road is improved within the proposed dedication area, staff finds the road will not have a visual impact, as the dedication area will not include structures. No odors would be generated by a future roadway. Any noise impacts are expected to be temporary in nature and associated with construction, including any grading or clearing that is necessary. No significant noise, visual, dust, or odor impacts are identified in the record for the application.

(A)(2). Adequacy of transportation access to the site; and

Staff finds the road dedication would be unsuitable if access to the area of dedication would significantly adversely impact existing and projected uses on surrounding properties. The proposed road dedication will extend an unnamed road right-of-way which connects to Cloverdale Road, a public road maintained by the County and functionally classified as a local road. The Deschutes County Road Department and Deschutes County Transportation Planner were sent a request for comment on this application and identified no required improvements to other area roadways. Staff finds, as conditioned, the site is suitable for the proposed use based on adequacy of existing transportation access to the site.

(A)(3). The natural and physical features of the site, including, but not limited to, general topography, natural hazards and natural resource values.

Staff finds the proposed use would be unsuitable if it significantly adversely impacted off-site topography, natural hazards, or natural resource values. As discussed above, the proposed road dedication application does not include the actual construction of a roadway. However, staff finds a future roadway in this location would not significantly impact off-site topography, natural hazards or natural resource values. The subject property is located within a wildfire hazard area, although due to its location within the boundary of the Cloverdale Fire District, staff finds this natural hazard is greatly reduced. No significant natural hazards have been identified in the record. There is no evidence in the record that the proposed use will significantly adversely impact natural resource values of the area. The area of dedication is partially within a disturbed access easement area, and contains juniper and sagebrush vegetation. The placement of the roadway in this area will minimize disturbance to potentially viable EFU-zoned land.

C. These standards and any other standards of DCC 18.128 may be met by the imposition of conditions calculated to insure that the standard will be met.

FINDING: To the extent this decision is conditioned under DCC 18.128 criterion, Staff notes such conditions are authorized by this criterion.

Section 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.

- A. 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.***
- B. Require a special yard or other open space or a change in lot area or lot dimension.***
- C. Require a limitation on the height, size or location of a structure.***
- D. Specify the size, number, location and nature of vehicle access points.***
- E. Increase the required street dedication, roadway width or require additional improvements within the street right of way.***
- F. Designate the size, location, screening, drainage, surfacing or other improvement of a parking or loading area.***
- G. Limit or specify the number, size, location, height and lighting of signs.***
- H. Limit the location and intensity of outdoor lighting and require shielding.***
- I. Specify requirements for diking, screening, landscaping or other methods to protect adjacent or nearby property and specify standards for installation and maintenance.***
- J. Specify the size, height and location of any materials to be used for fencing.***
- K. Require protection and preservation of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.***
- L. Require that a site plan be prepared in conformance with DCC 18.124.***

FINDING: To the extent that any conditions of approval contained in this decision require improvement to the site beyond the minimum standards of DCC Title 18, staff finds such conditions are authorized by this section.

IV. CONCLUSION

Based on the foregoing findings, staff concludes that the proposed use can comply with the applicable standards and criteria of the Deschutes County zoning ordinance if conditions of approval are met.

Other permits may be required. The applicants are responsible for obtaining any necessary permits from the Deschutes County Building Division and Deschutes County Environmental Soils Division as well as any required state and federal permits.

V. DECISION

APPROVAL, subject to the following conditions of approval.

VI. CONDITIONS OF APPROVAL

- A.** This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.
- B.** The dedication area shall consist of a 60 ft.-wide strip of land pursuant to DCC 17.48.100 with an alignment generally as depicted in the application materials.
- C.** All parties with an ownership interest in the property subject to the road dedication shall execute a dedication deed pursuant to DCC 17.52.090(A). The dedication shall be granted to the public. The dedication deed shall be in a form acceptable to the Deschutes County Road Department pursuant to DCC 17.52.040 and shall include a legal description and exhibit map prepared by a licensed professional land surveyor.
- D.** Per Deschutes County Code (DCC) Chapter 17.52.090:
 - Applicant shall submit the executed dedication deed and a current preliminary title report for the proposed dedication to the Deschutes County Community Development Department pursuant to DCC 17.52.090(A) and (C). Upon final review and approval of the dedication deed by the Road Department, the Community Development Department shall present the dedication deed to the Board of County Commissioners for acceptance pursuant to DCC 17.52.090(B).
 - Upon acceptance of the dedication deed by the Board of County Commissioners, Applicant shall immediately cause for the recording of the dedication deed in the Official Records at the Deschutes County Clerk’s Office pursuant to DCC 17.52.090(D).
 - Upon recording of the dedication deed, Applicant shall immediately cause for survey and monumentation of the new road right of way by a licensed professional land surveyor in accordance with ORS 209.250 and ORS 368.106.
- E.** Any public road created in this proposed road dedication under DCC 17.52 shall be designated as a local access road. Any new local access road will not be maintained by the County unless and until that right-of-way is established as an official County road.

VII. DURATION OF APPROVAL, NOTICE, AND APPEALS

The declaration of dedication for the proposed road shall be completed and recorded with the County Clerk’s Office within 120 days of the application being deemed complete. Staff calculates this day to be May 21, 2024.

This decision becomes final twelve (12) days after the date mailed, unless appealed by a party of interest. To appeal, it is necessary to submit a Notice of Appeal, the appeal fee of \$250.00 and a statement raising any issue relied upon for appeal with sufficient specificity to afford the Hearings Body an adequate opportunity to respond to and resolve each issue.

Copies of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost. Copies can be purchased for 25 cents per page.

NOTICE TO MORTGAGEE, LIEN HOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

DESCHUTES COUNTY PLANNING DIVISION



Written by: Haleigh King, Associate Planner

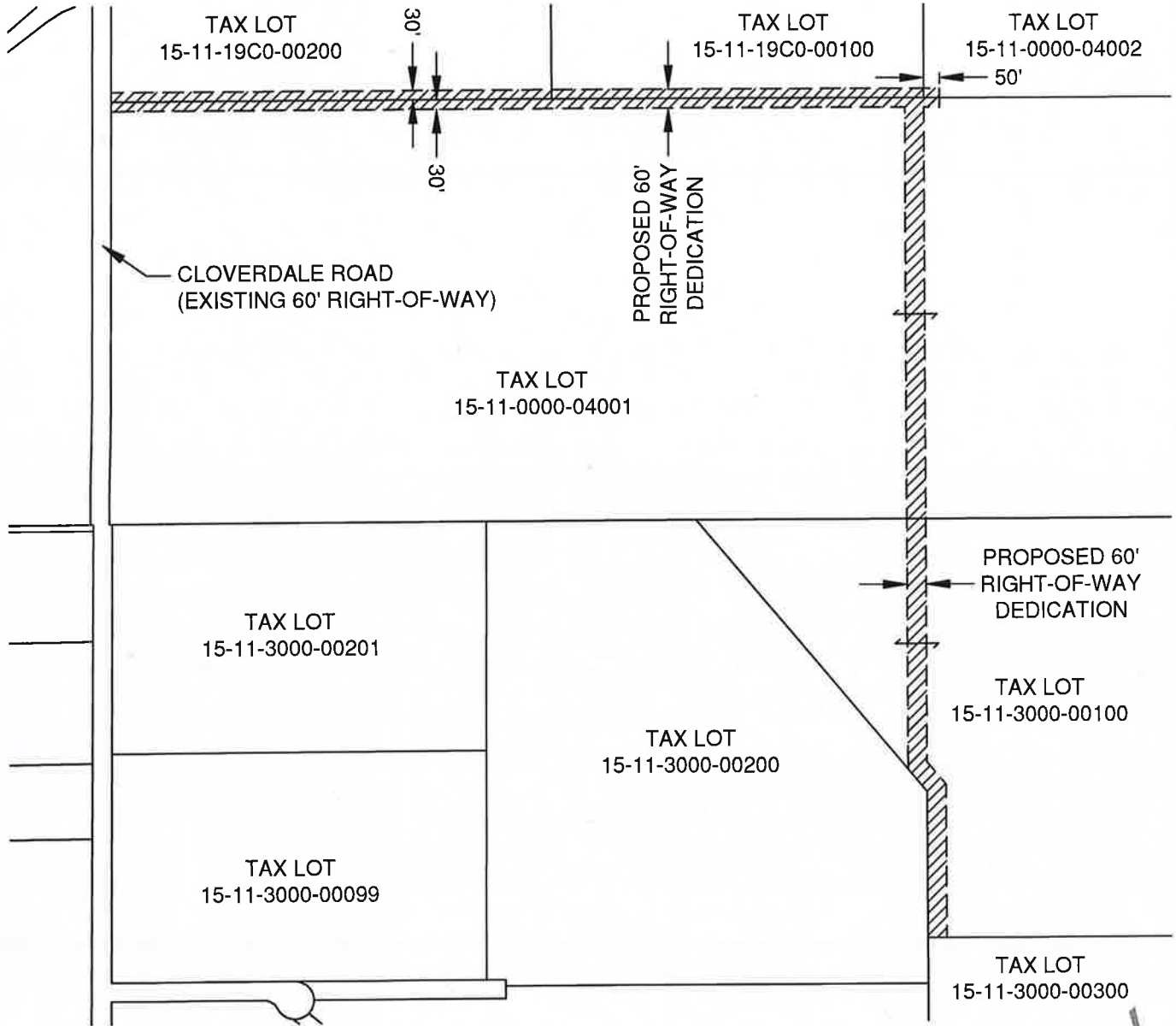


Reviewed by: Jacob Ripper, Principal Planner

Attachment: Proposed Road Dedication Map

PROPOSED ROAD DEDICATION

LOCATED IN PORTIONS OF THE S1/2 OF SECTION 19 AND THE N1/2 N1/2 OF SECTION 30, TOWNSHIP 15 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON



PREPARED BY:



Munson & Associates
civil engineers | land surveyors

845 NORTHEAST 11TH STREET
BEND, OREGON 97701



SCALE: 1" = 500'
DATE: 11/28/2023
W.O.#: 21-019

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MARCH 11, 2014
CHRISTOPHER R. MUNSON
80548PLS

RENEWS: 12/31/2024

PRELIMINARY

owner	agent	inCareof	address	cityStZip	type	cdd id	email
Myles Conway			2503 NW Coe Court	Bend, OR 97703	FD	23-819-RD	myles@mconwaylaw.com
Desert Springs Ranch Limited Partnership			5051 SW Barnes Road	Portland, OR 97221	FD	23-819-RD	antonvett@comcast.net
Anton Vetterlein			430 SW Hamilton Street	Portland, OR 97239	FD	23-819-RD	
Chris Munson			845 NE 11th Street	Bend, OR 97701	FD	23-819-RD	



COMMUNITY DEVELOPMENT

NOTICE OF DECISION

The Deschutes County Planning Division has approved the land use application described below:

FILE NUMBER: 247-23-000819-RD

**SUBJECT PROPERTY/
OWNER/APPLICANT:**

Mailing Name: DESERT SPRINGS RANCH LIMITED PARTNERSHIP
Map and Taxlot: 1511000004001
Account: 133967
Situs Address: **NO SITUS ADDRESS**

Mailing Name: MORTON, SARAH
Map and Taxlot: 151119C000200
Account: 133965
Situs Address: 67708 CLOVERDALE RD, SISTERS, OR 97759

Mailing Name: DORTIGNACQ, ROBERT & PARSONS, DEBORAH A
Map and Taxlot: 151119C000100
Account: 264747
Situs Address: 67700 CLOVERDALE RD, SISTERS, OR 97759

Mailing Name: DESERT SPRINGS RANCH LIMITED PARTNERSHIP
Map and Taxlot: 1511300000100
Account: 130844
Situs Address: **NO SITUS ADDRESS**

Mailing Name: DESERT SPRINGS RANCH LIMITED PARTNERSHIP
Map and Taxlot: 1511000004002
Account: 133966
Situs Address: **NO SITUS ADDRESS**

APPLICANT'S ATTORNEY: Myles Conway Law PC

REQUEST: The applicant requests approval to dedicate a 60-foot right-of-way across multiple tax lots noted above in the Exclusive Farm Use Zone (EFU). The proposed right-of-way will extend east from Cloverdale Road before turning south to terminate at the southern end of Tax Lot 100. The road dedication does not propose road construction at this time.

STAFF CONTACT: Haleigh King, Associate Planner
Phone: 541-383-6710
Email: Haleigh.king@deschutes.org

RECORD: Record items can be viewed and downloaded from:
www.buildingpermits.oregon.gov

I. APPLICABLE CRITERIA

- Deschutes County Code (DCC)
 - Title 17, Subdivision and Partition Ordinance
 - Chapter 17.52, Road Dedications
 - Title 18, Deschutes County Zoning Ordinance:
 - Chapter 18.16, Exclusive Farm Use Zones (EFU)
 - Chapter 18.113, Destination Resorts Zone (DR)
 - Chapter 18.116, Supplementary Provisions
 - Chapter 18.128, Conditional Use
 - Title 22, Deschutes County Development Procedures Ordinance

DECISION: Staff finds the application meets applicable criteria and approval is being granted subject to the following conditions:

CONDITIONS OF APPROVAL

- A.** This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.
- B.** The dedication area shall consist of a 60 ft.-wide strip of land pursuant to DCC 17.48.100 with an alignment generally as depicted in the application materials.
- C.** All parties with an ownership interest in the property subject to the road dedication shall execute a dedication deed pursuant to DCC 17.52.090(A). The dedication shall be granted to the public. The dedication deed shall be in a form acceptable to the Deschutes County Road Department pursuant to DCC 17.52.040 and shall include a legal description and exhibit map prepared by a licensed professional land surveyor.
- D.** Per Deschutes County Code (DCC) Chapter 17.52.090:
 - Applicant shall submit the executed dedication deed and a current preliminary title report for the proposed dedication to the Deschutes County Community Development Department pursuant to DCC 17.52.090(A) and (C). Upon final review and approval of the dedication deed by the Road Department, the Community Development Department shall present the dedication deed to the Board of County Commissioners for acceptance pursuant to DCC 17.52.090(B).

- Upon acceptance of the dedication deed by the Board of County Commissioners, Applicant shall immediately cause for the recording of the dedication deed in the Official Records at the Deschutes County Clerk’s Office pursuant to DCC 17.52.090(D).
 - Upon recording of the dedication deed, Applicant shall immediately cause for survey and monumentation of the new road right of way by a licensed professional land surveyor in accordance with ORS 209.250 and ORS 368.106.
- E. Any public road created in this proposed road dedication under DCC 17.52 shall be designated as a local access road. Any new local access road will not be maintained by the County unless and until that right-of-way is established as an official County road.

This decision becomes final twelve (12) days after the date mailed, unless appealed by a party of interest. To appeal, it is necessary to submit a Notice of Appeal, the appeal fee of \$250.00 and a statement raising any issue relied upon for appeal with sufficient specificity to afford the Hearings Body an adequate opportunity to respond to and resolve each issue. Pursuant to Ordinance 2021-014 and Deschutes County Code Section 22.32.015(B), appeals must be received by 4:00 pm.

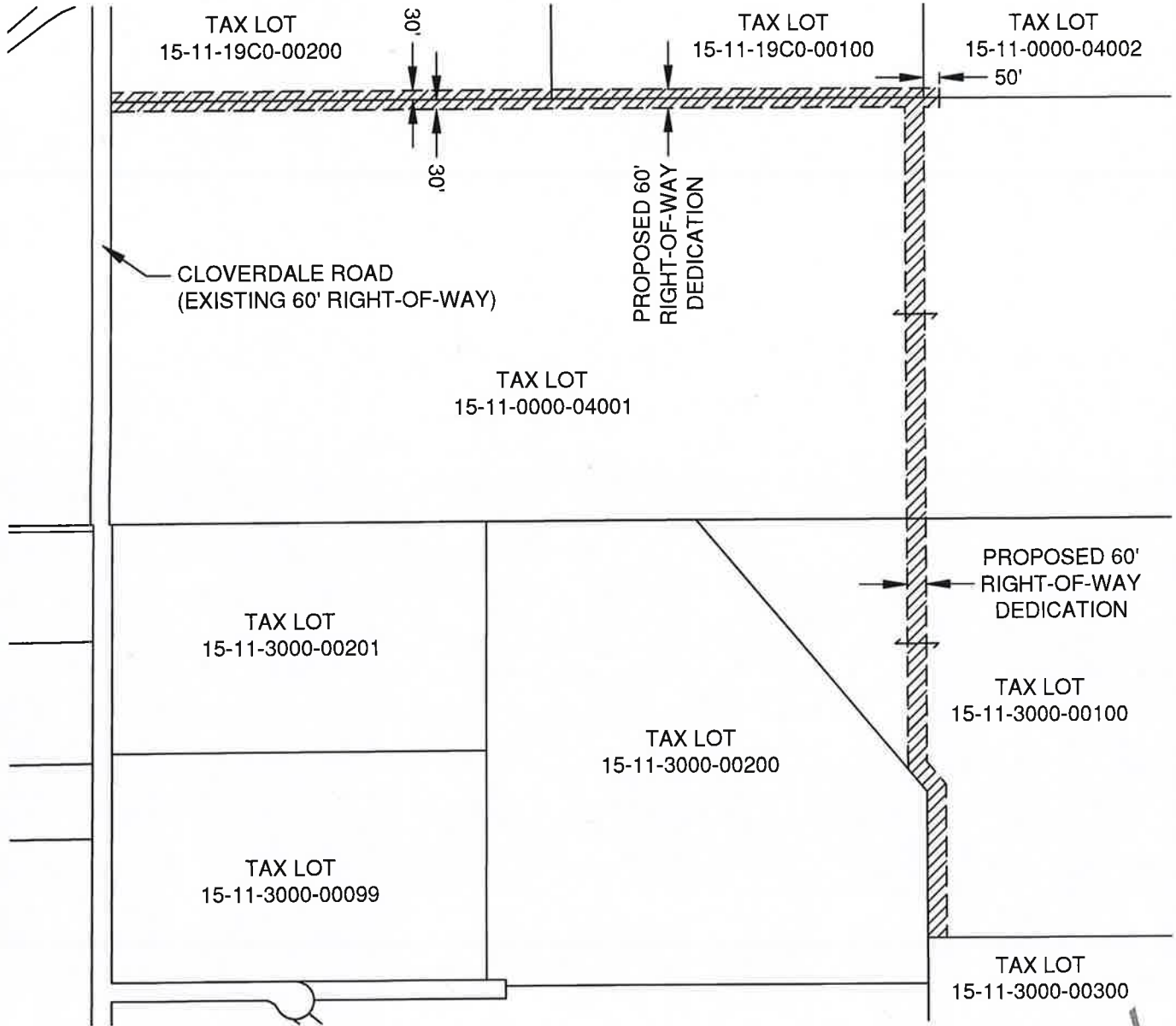
Copies of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost. Copies can be purchased for 25 cents per page.

NOTICE TO MORTGAGEE, LIEN HOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

This Notice was mailed pursuant to Deschutes County Code Chapter 22.24.

PROPOSED ROAD DEDICATION

LOCATED IN PORTIONS OF THE S1/2 OF SECTION 19 AND THE N1/2 N1/2 OF SECTION 30, TOWNSHIP 15 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON



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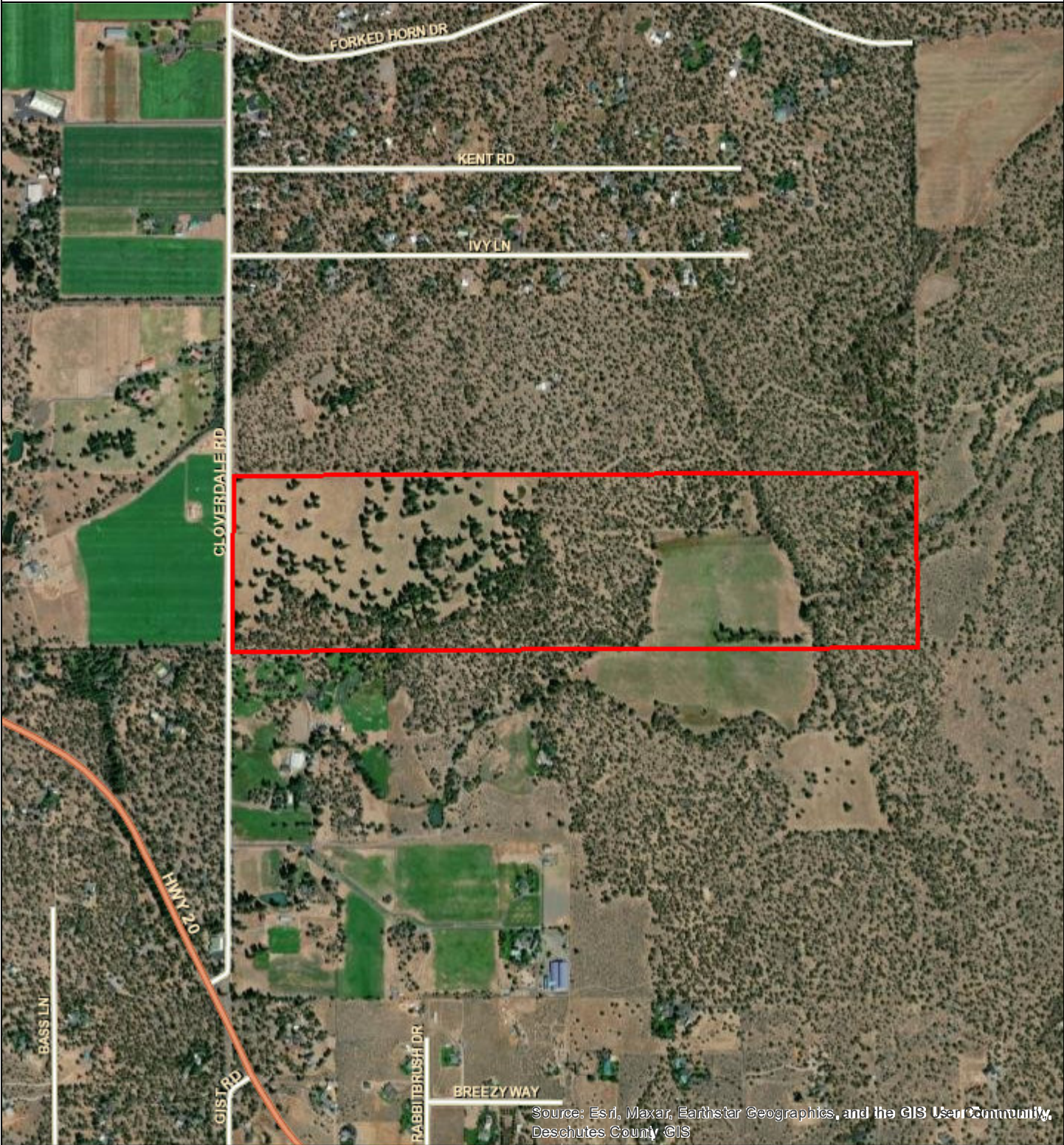
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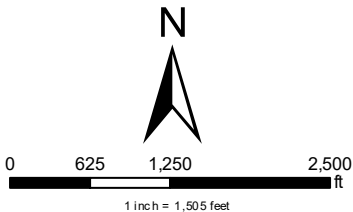
File No. 247-23-000891-RD



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Deschutes County GIS



Date: 12/21/2023



owner	agent	inCareof	address	cityStZip	type	cdd id	email
DESCHUTES CO. ASSESSOR			ELECTRONIC		NOD	23-819-RD	
DESCHUTES CO. ROAD DEPT.	Cody Smith		ELECTRONIC		NOD	23-819-RD	Cody.Smith@deschutes.org
DESCHUTES CO. SR. TRANS. PLANNER	Tarik Rawlings		ELECTRONIC		NOD	23-819-RD	Tarik.Rawlings@deschutes.org
STEVENS, DONNA			67545 CLOVERDALE RD	SISTERS, OR 97759	NOD	23-819-RD	
DESERT SPRINGS RANCH LIMITED PARTNERSHIP		C/O VETTERLEIN, ERIC GENERAL PARTNER (A)	5051 SW BARNES RD	PORTLAND, OR 97221	NOD	23-819-RD	
KIMBERLEY JOINT TRUST	KIMBERLEY, JAMES E & BARBARA B TTEES		2755 SW BUENA VISTA DR	PORTLAND, OR 97201	NOD	23-819-RD	
USA					NOD	23-819-RD	
MORTON, SARAH			67708 CLOVERDALE RD	SISTERS, OR 97759	NOD	23-819-RD	
GOFF, KERRY L & KIMBERLY D			67555 CLOVERDALE RD	SISTERS, OR 97759	NOD	23-819-RD	
SPRAGUE, DEBORAH S			67580 CLOVERDALE RD	SISTERS, OR 97759	NOD	23-819-RD	
STEWART, CHERYL R			67599 CLOVERDALE RD	SISTERS, OR 97759	NOD	23-819-RD	
DORTIGNACQ, ROBERT & PARSONS, DEBORAH A			67700 CLOVERDALE RD	SISTERS, OR 97759	NOD	23-819-RD	
HUNTER, LORIE E & OWEN, ROBERT L			67550 CLOVERDALE RD	SISTERS, OR 97759	NOD	23-819-RD	
KOOS, MARK W & JOHNSON-KOOS, DENISE			39710 HWY 226	SCIO, OR 97374	NOD	23-819-RD	
JANET M HERRING LIVING TRUST	HERRING, JANET M TTEE		67717 CLOVERDALE RD	SISTERS, OR 97759	NOD	23-819-RD	
FROGMORE LLC			2660 NE HWY 20 #610-303	BEND, OR 97701	NOD	23-819-RD	
GRISHAM FAMILY REVOCABLE TRUST ETAL	GRISHAM, PHILIP LEO TRUSTEE ETAL		PO BOX 998	SISTERS, OR 97759	NOD	23-819-RD	
HEALY, MICHAEL J & JENNIFER K			17355 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	
EVANCIK, RYAN & DEENA			17261 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	
FORKED HORN INVESTMENTS LLC			71 LADD ST	LAKE OSWEGO, OR 97034	NOD	23-819-RD	
HOOVER, JAMES H JR ETAL			PO BOX 1200	LINCOLN CITY, OR 97367	NOD	23-819-RD	
AFFATATI, GINO J			17231 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	
BURGESS LIVING TRUST	BURGESS, ROBERT R & JOANN M TTEES		17281 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	
HOUCK, MICHAEL J JR & CHRISTIE A			17345 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	liv4cooking@gmail.com
NORMA CROSS TRUST	CROSS, NORMA J TTEE		17311 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	
MCGREGOR FAMILY TRUST	MCGREGOR, DEAN G & CYNTHIA W TTEES	5800 W. STATE RD 80 LOT 5	3017 E RIVER BEND RESORT BLVD	FORT DENAUD, FL 33935-0562	NOD	23-819-RD	
MARVIN & NANCY HOFF TRUST	HOFF, MARVIN J & NANCY E TTEES		67821 CLOVERDALE RD	SISTERS, OR 97759	NOD	23-819-RD	
VILLA, JUDITH			17384 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	iupjvilla@gmail.com
MARTY & JOSETTE JOHNSON TRUST	JOHNSON, MARTY C & JOSETTE K TTEES		17312 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	
POLTERA, JODY & BRENDA			17383 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	
HUDSON, BRETT & CARA			67905 CLOVERDALE	SISTERS, OR 97759	NOD	23-819-RD	
STEVENS, MARK L			17260 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	
LEWIS, LINDA ANN & HAGER, LINDA ANN			17235 KENT RD	SISTERS, OR 97759	NOD	23-819-RD	
BUNCE, PETER M & KATHLEEN A			17217 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	
MOEHNKE, DELRAY			17217 KENT RD	SISTERS, OR 97759	NOD	23-819-RD	
FARLEY, WILLIAM F JR & LAURIE A			17257 KENT RD	SISTERS, OR 97759	NOD	23-819-RD	
DAMOTH, SHARON			17277 KENT RD	SISTERS, OR 97759	NOD	23-819-RD	
STEVEN & SHONNA PEASE TRUST	PEASE, STEVEN D & SHONNA M TTEES		17339 KENT RD	SISTERS, OR 97759	NOD	23-819-RD	
DAVES, DANNY & DEANN			17387 KENT RD	SISTERS, OR 97759	NOD	23-819-RD	
SHARP FAMILY LIVING TRUST	SHARP, GREGORY EARL TTEE ET AL		17282 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	sharpfamily@bendbroadband.com
BROOKS, JEAN MARIE			17232 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	
SWEENEY LIVING TRUST	SWEENEY, ZACK & DIONNE TTEES		17358 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	
MENDOZA FAMILY TRUST	MENDOZA, KERRY TTEE		17344 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	
SCOTT, JOHN HOWARD ET AL			17369 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	
WAIDE, LARRY & KAREN			13370 WORDEN HILL RD	NEWBERG, OR 97132	NOD	23-819-RD	
HAUGEN, PHILIP J ET AL			17465 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	
WILSON, GLEN L & LINDA S			17415 KENT RD	SISTERS, OR 97759	NOD	23-819-RD	glwilsis@gmail.com
GIENGER, PENNY M			17408 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	
MORROW, JEFFREY T & SARAH J			17438 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	
BARCLIFT, STEPHEN TEMPLE & JANIS ELAINE			SISTERS GENERAL DELIVERY	SISTERS, OR 97759	NOD	23-819-RD	
STONE GARY E			17437 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	
BARTOLOTTA, JULIE			67480 CLOVERDALE RD	BEND, OR 97703	NOD	23-819-RD	
ENGLES, DAVID RYAN & REBECCA RAEANN			17471 KENT RD	SISTERS, OR 97759	NOD	23-819-RD	
HIERONIMUS, MARSHALL			832 BROOKSTONE DR	MERRITT ISLAND, FL 32952	NOD	23-819-RD	
HALOUSEK FAMILY TRUST	HALOUSEK, NEAL TTEE ET AL		17045 FARTHING LN	SISTERS, OR 97759	NOD	23-819-RD	
TREVIN & JENNIFER DUEY TRUST	DUEY, TREVIN L & JENNIFER L TTEES		17441 KENT RD	SISTERS, OR 97759	NOD	23-819-RD	
DOUGLAS & KATHLEEN CAVANAUGH TRUST	CAVANAUGH, DOUGLAS E & KATHLEEN B TTEES		17505 KENT RD	SISTERS, OR 97759	NOD	23-819-RD	
MARY PYKE TRUST	PYKE, MARY C TTEE		17495 IVY LN	SISTERS, OR 97759	NOD	23-819-RD	marypyke@gmail.com
MARKS, JOHN DANIEL			3012 TREE HAVE CT	ERIE, PA 16506	NOD	23-819-RD	
SHIRLEY-STUCKI TRUST	STUCKI, DEVIN & SHIRLEY, EMERALD TTEES		17489 KENT RD	SISTERS, OR 97759	NOD	23-819-RD	
SWANSON, JEFFREY T & GREENE, KAREN L			17490 IVY LN	SISTERS, OR 97759-9637	NOD	23-819-RD	jtswanson33@gmail.com