



COMMUNITY DEVELOPMENT

HEARINGS OFFICER HEARING - LAND USE FILE NO. 247-25-000076-LR

2:00 PM, THURSDAY, MAY 01, 2025

Barnes Sawyer Rooms - Deschutes Services Bldg - 1300 NW Wall St – Bend

(541) 388-6575 | www.deschutes.org

AGENDA

MEETING FORMAT

This meeting will be conducted electronically, by phone, in person, and using Zoom.

Members of the public may view the meeting in real time via the Public Meeting Portal at www.deschutes.org/meetings.

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

<https://us02web.zoom.us/j/83430031147>

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

Members of the public can access the meeting via telephone, dial: 1-719-359-4580. When prompted, enter the following Webinar ID: 834 3003 1147. Written comments can also be provided for the public comment section to dan.dimarzo@deschutes.org by 4 pm on April 30, 2025. They will be entered into the record.

PUBLIC HEARING

1. Public hearing regarding an appeal of a Lot of Record Verification (land use file no. 247-25-000076-LR).



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



COMMUNITY DEVELOPMENT

NOTICE OF DECISION

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

FILE NUMBER(S): 247-25-000076-LR

**SUBJECT PROPERTY/
OWNER:**

Mailing Name: SHERIDAN, SHARON
Map and Taxlot: 1813100000501
Account: 183444
Situs Address: 61485 K BARR RD, BEND, OR 97702

APPLICANT: Craig Gribskov

REQUEST: Lot of Record Verification

STAFF CONTACT: Dan DiMarzo, Assistant Planner
Phone: 541-330-4620
Email: dan.dimarzo@deschutes.org

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

I. APPLICABLE CRITERIA

Deschutes County Code

- Title 18, Deschutes County Zoning Ordinance:
 - Chapter 18.04, Title, Purpose and Definitions
- Title 22, Deschutes County Development Procedures Ordinance
 - Chapter 22.04, Introduction and Definitions
 - Chapter 22.40, Declaratory Ruling

DECISION: The Deschutes County Planning Division has determined the subject property is one (1) legal lot of record.

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.

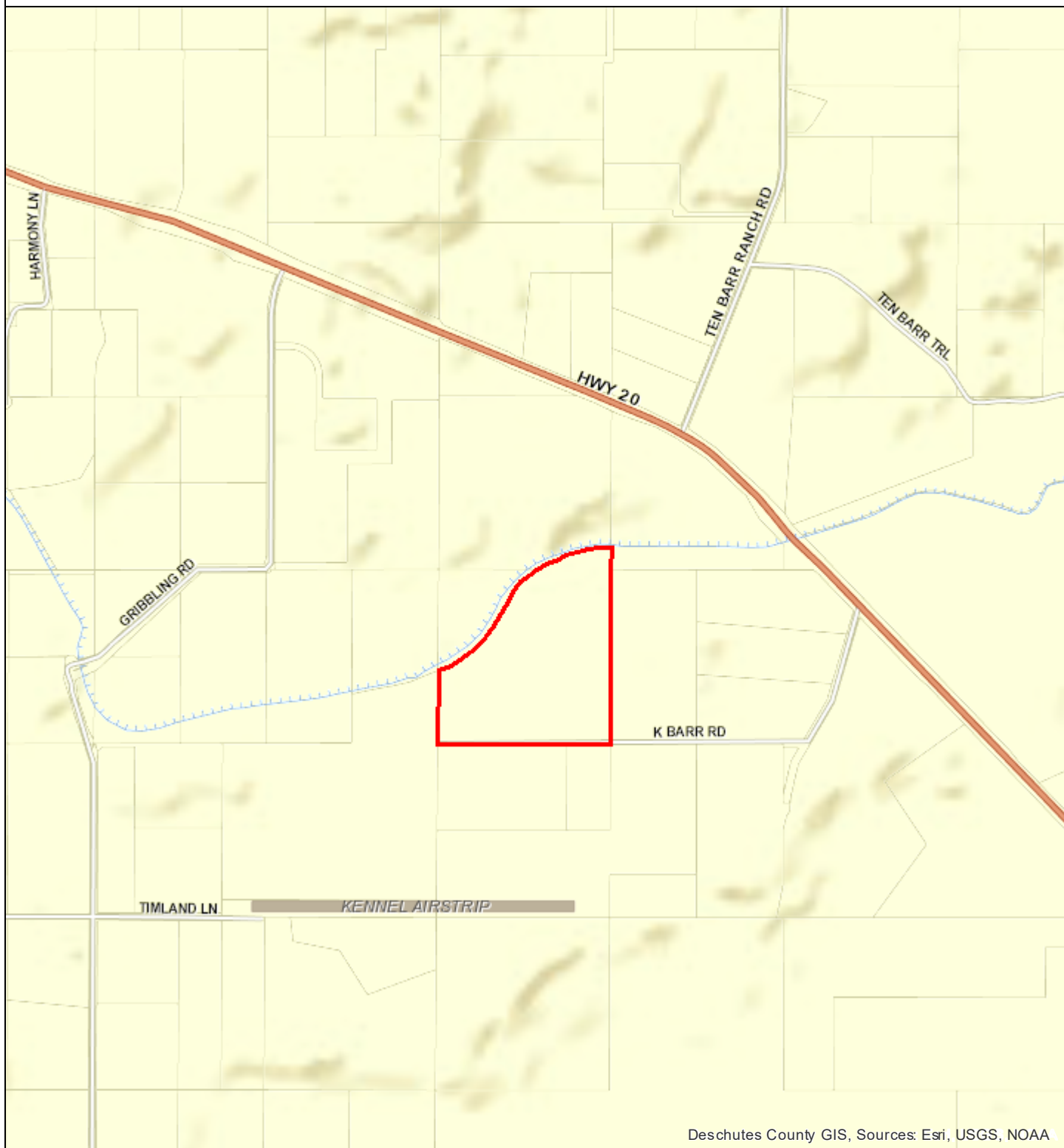
Copies of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost. Copies can be purchased for 25 cents per page.

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.

61485 K BARR RD, BEND, OR 97702

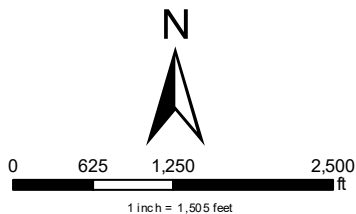
Land Use File No. 247-25-000076-LR



Deschutes County GIS, Sources: Esri, USGS, NOAA



Date: 3/11/2025



owner	agent	inCareof	address	cityStZip	type	cdd id	email
BEND FIRE DEPT.	Jeff Bond / Jason Bolen		ELECTRONIC		NOD	25-076-LR	jbond@bendoregon.gov; jbolen@bendoregon.gov
CENTRAL OREGON IRRIGATION DIST.	Kelly O'Rourke, Craig Horrell		ELECTRONIC		NOD	25-076-LR	LANDUSE@COID.ORG; CHORRELL@COID.ORG
DESCHUTES CO. ASSESSOR			ELECTRONIC		NOD	25-076-LR	
Craig Gribskov			61575 K Barr Rd	Bend, OR 97702	NOD	25-076-LR	craigag@iscomach.com
Sharon Sheridan			61395 K Barr Rd.	Bend, OR 97702	NOD	25-076-LR	sheridan@ykwk.net
Central Oregon LandWatch		Robin Hayakawa	2843 NW Lolo Dr. Ste. 200	Bend, OR 97703	NOD	25-076-LR	
SHERIDAN, SHARON			61395 K BARR RD	BEND, OR 97701	NOD	25-076-LR	
CENTRAL OREGON IRRIGATION DISTRICT			1055 SW LAKE CT	REDMOND, OR 97756	NOD	25-076-LR	
EVERT, SEAN & JULIE ET AL			61600 GRIBBLING RD	BEND, OR 97701	NOD	25-076-LR	
KAISER, DENINE ROYALE			61455 K BARR RD	BEND, OR 97702	NOD	25-076-LR	
BURNS, GEORGE RONNIE & DIANE			61415 K-BARR RD	BEND, OR 97701	NOD	25-076-LR	
KUNDERT, STEPHEN			61565 K-BARR RD	BEND, OR 97701	NOD	25-076-LR	
BUSHMAN, PATRICIA			61610 GRIBBLING RD	BEND, OR 97702	NOD	25-076-LR	
GRIBSKOV LIVING TRUST	GRIBSKOV, CRAIG A & JANICE L TTEES		61575 K BARR RD	BEND, OR 97701	NOD	25-076-LR	
WILLIAMSON, MICHAEL A			61405 K BARR RD	BEND, OR 97702	NOD	25-076-LR	
SHERMAN, ROBERT GARY & KAREN E			61585 K BARR RD	BEND, OR 97702	NOD	25-076-LR	



COMMUNITY DEVELOPMENT

FINDINGS AND DECISION

FILE NUMBER(S): 247-25-000076-LR

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Title 22, Deschutes County Development Procedures Ordinance

Chapter 22.04, Introduction and Definitions

Chapter 22.40, Declaratory Ruling

II. BASIC FINDINGS

LOT OF RECORD: As described herein, the subject property contains one legal lot of record.

SITE DESCRIPTION: The identified legal lot of record is +/- 35.70 acres in size.

REVIEW PERIOD: Under DCC 22.20.040(D)(3), this Lot of Record verification is exempt from the 150-day time limit established by DCC 22.20.040.

PUBLIC COMMENTS: In response to the subject Lot of Record Verification application, one public comment was received:

Central Oregon LandWatch (COLW), Robin Hayakawa

On behalf of Central Oregon LandWatch, please enter the following comments into the record for application file no. 247-25-000076-LR:

Central Oregon LandWatch is concerned that application file no. 247-25-000076-LR, which requests lot of record verification, does not meet the applicable criteria. More specifically, we observe that a 2020 code enforcement investigation by Deschutes County (247-20-002303-INV) determined that there is an unpermitted single family dwelling on the subject property. DCC 22.20.015 generally prevents Deschutes County from making a land use decision when a property is in violation of applicable land use regulations. As a result, we do not believe that the subject property is eligible to be verified as a legal lot of record.

Thank you for your attention to these comments.

Please also notify us of any decisions or opportunities to comment further on this application. Our address is 2843 NW Lolo Dr. Ste 200, Bend, OR 97703. Thank you.

STAFF COMMENT: Applicable findings under DCC 22.20.015 are included below.

III. FINDINGS & CONCLUSIONS

Title 22, Deschutes County Development Procedures Ordinance

Chapter 22.20 Review of Land Use Action Applications

Section 22.20.015, Code Enforcement and Land Use.

- A. ***Except as described in (D) below, if any property is in violation of applicable land use regulations and/or conditions of approval of any previous land use decisions or building permits previously issued by the County, the County shall not:***
 - 1. ***Approve any application for land use development;***
 - 2. ***Make any other land use decision, including land divisions and/or property line adjustments;***
 - 3. ***Issue a building permit.***
- B. ***As part of the application process, the applicant shall certify:***

1. *That to the best of the applicant's knowledge, the property in question, including any prior development phases of the property, is currently in compliance with both the Deschutes County Code and any prior land use approvals for the development of the property; or*
2. *That the application is for the purposes of bringing the property into compliance with the Deschutes County land use regulations and/or prior land use approvals.*
- C. *A violation means the property has been determined to not be in compliance either through a prior decision by the County or other tribunal, or through the review process of the current application, or through an acknowledgement by the alleged violator in a signed voluntary compliance agreement ("VCA").*
- D. *A permit or other approval, including building permit applications, may be authorized if:*
 1. *It results in the property coming into full compliance with all applicable provisions of the federal, state, or local laws, and Deschutes County Code, including sequencing of permits or other approvals as part of a voluntary compliance agreement;*
 2. *It is necessary to protect the public health or safety;*
 3. *It is for work related to and within a valid easement over, on, or under the affected property; or*
 4. *It is for emergency repairs to make a structure habitable or a road or bridge to bear traffic.*
- E. *Public Health and Safety.*
 1. *For the purposes of this section, public health and safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger life, health, personal property, or safety of the residents of the property or the public.*
 2. *Examples of that situation include, but are not limited to issuance of permits to replace faulty electrical wiring, repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel or power; and actions necessary to stop earth slope failure.*

FINDING: The Board provided interpretive guidance to all Deschutes County Hearings Bodies related to DCC 22.20.015 in *Tumalo Irrigation District* (247-17-000775-ZC, 247-17-000776-PA). Staff finds the following Board comments to be relevant to this case and decision:

"As DCC 22.20.015 is a relatively new provision first adopted in 2015 and frequently arises in contested land use hearings, the Board takes this opportunity to provide interpretation and guidance on the implementation of this provision.

As discussed more fully below, the Board interprets DCC 22.20.015 to require a sequential three-step analysis.

1. Is there a previously "adjudicated violation" on the property?

2. Does the subject land use application present the best forum for adjudicating a new allegation, i.e. is there time to investigate something more than a vague allegation?
3. When there is an “adjudicated violation” or the property is found to be in violation as part of the land use application process, can the land use permit nevertheless be issued pursuant to DCC 22.20.015(D) and (E)?

First, the Board starts by noting that the primary purpose (and benefit) of DCC 22.20.015 is to address “adjudicated violations,” i.e. violations that were already conclusively determined through the normal applicable code enforcement process prior to an applicant submitting a land use application. This interpretation is supported by the use of the past tense in the codified definition of “violation” in DCC 22.20.015(C): “[a] violation means the property has been determined to not be in compliance either through a prior decision by the County or other tribunal, ... or through an acknowledgment by the alleged violator in a signed voluntary compliance agreement (‘VCA’)” (emphasis added).

Second, differing from the “adjudicated violations” scenario described above, there are cases where the Board anticipates that a County hearings body will need to determine if a property is in violation during the land use application process. DCC 22.20.015(C) addresses this possibility by including in the definition of “violation” the phrase “or through the review process of the current application.” However, the Board cautions that County hearings bodies should take up this inquiry in rare cases because of the obvious practical difficulties born from comingling the County’s land use application process with the separate and distinct code enforcement process. For example, when a vague allegation is alleged by an opponent late in the land use application process, there rarely will be time to comprehensively investigate and appropriately adjudicate that violation due to the 150-day time limit for issuing final decisions per ORS 215.427. Nothing within DCC 22.20.015 requires a County hearings body to process a code complaint pursuant to the County’s adopted Code Enforcement Policy and Procedures Manual and conclusively determine the status of a previously un-adjudicated violation solely on the basis that an opponent submits a vague and unsubstantiated allegation during the land use application process.

As such, the Board interprets DCC 22.20.015 to require something more than a vague allegation (i.e., clear evidence of a violation) to compel the County hearings body to determine if a property is in violation and the pending land use application process is the appropriate forum in which to determine whether a violation exists. As discussed below, this case does not provide a sufficient basis for determining what more is needed and the Board thereby will wait for a subsequent case to establish a bright-line rule. Further, prior to electing to adjudicate an allegation as part of the land use application process, the Board interprets DCC 22.20.015 as necessitating the County hearings body to likewise consider procedural, equitable, and legal issues, including but not limited to the time it will take to conduct an investigation pursuant to the Code Enforcement Policy and Procedures Manual, the severity of the alleged violation (i.e., clear cutting vegetation in a wetland is severe while minimal solid waste that is not creating a public health hazard is not), and the 150-day land use decision making clock.

Third, the Board takes this opportunity to reiterate what is self-evident in DCC 22.20.015. A County hearings body's inquiry is not completed by simply noting a past "adjudicated violation" or finding that a property is in violation. DCC 22.20.015(D) and (E) compel a subsequent analysis to determine, for example, if the permit "protect[s] the public health and safety" or "results in the property coming into full compliance." Further, the final phrase of DCC 22.20.015(D)(1) notes that "coming into full compliance" also "include[s] sequencing of permits or other approvals as part of a voluntary compliance agreement." The Board thereby interprets that aforementioned language to specifically allow a County hearings body to approve a land use permit conditioned on the applicant subsequently executing and complying with a voluntary compliance agreement even for an unrelated violation on the same property."

Staff finds the subject property is not currently subject to an adjudicated code violation. For this reason, the issuance of the subject land use decision is not precluded.

Chapter 22.04, Introduction and Definitions

Section 22.04.040 Verifying Lots of Record.

- D. Findings; Declaratory Ruling ... If an applicant is applying for a permit listed in subsection (B)(1) that does not require public notice, or prior to applying for any permit, an applicant may request a declaratory ruling pursuant to DCC Chapter 22.40. If the lot or parcel meets the "lot of record" definition in 18.04.030, the County shall issue the declaratory ruling determining that the lot or parcel qualifies for all permits listed in subsection (B)(1). If the lot or parcel does not meet the "lot of record" definition in 18.04.030, the County shall not issue the declaratory ruling and instead shall provide the applicant information on permit options that do not require verification and information on verification exceptions that may apply pursuant to subsections (B)(2).**

FINDING: The applicant has requested a declaratory ruling pursuant to DCC Chapter 22.40 to confirm the subject property meets the "lot of record" definition in DCC 18.04.030.

Chapter 22.40, Declaratory Ruling

Section 22.40.010, Availability of Declaratory Ruling.

- A. Subject to the other provisions of DCC 22.40.010, there shall be available for the County's comprehensive plans, zoning ordinances, the subdivision and partition ordinance and DCC Title 22 a process for:**
- ...
- 6. Verifying that a lot of parcel meets the "lot of record" definition in 18.04.030 pursuant to DCC 22.04.040(D).**

FINDING: The applicant has requested a declaratory ruling pursuant to DCC Chapter 22.40 to confirm that the subject property meets the “lot of record” definition in DCC 18.04.030.

Title 18, Deschutes County Zoning Ordinance

Chapter 18.04, Title, Purpose and Definitions

Section 18.04.030, Definitions.

"Lot of Record" means:

- A. *A lot or parcel at least 5,000 square feet in area and at least 50 feet wide, which conformed to all zoning and subdivision or partition requirements, if any, in effect on the date the lot or parcel was created, and which was created by any of the following means:***

FINDING: Any lot(s) of record identified in this decision are at least 5,000 square feet in area and at least 50 feet wide. Major historical changes in the County's subdivision, partition, zoning, and building permit requirements are outlined below.

PL-2 – Subdivision Ordinance – September 9, 1970

Required the approval of and recording of a subdivision plat to "Subdivide land", which was defined to mean "to partition a parcel of land into four or more parcels, any one of which, is less than ten (10) acres each for the purpose of transfer of ownership or building development, whether immediate or future, pursuant to O.R.S. 92.010."

PL-5 – Deschutes County Zoning – November 11, 1972

Provided zoning and minimum lot sizes for parcels created by subdivision. Because no zoning maps were adopted contemporaneously with PL-5's "approval", zoning became effective in a piecemeal fashion in the County, as maps were adopted for various geographic regions of the County.

PL-7¹ – Uniform Building Code (UBC) – September 1, 1973

Established the first Deschutes County building permitting requirements. All structures constructed on or after September 1, 1973 required County review and structures started prior to that date were required to be completed by December 30, 1973.

ZM-1 – Zoning Map – November 15, 1972

Applied A-1 countywide agricultural zoning outside the urban areas of Redmond and Sisters, the Bend UGB, the rural service centers of Terrebonne and Tumalo, but not including certain land to the west of Bend, as well as applying PD zoning to Sunriver and Black Butte.

¹ Ordinance no. PL-7 was first assigned to the County's adoption of the Uniform Building and Plumbing Codes in Deschutes County (ref. Commissioner Journals Book 17, Page 122).

ZM-2 through ZM-11 – Zoning Maps – November 15, 1972 – June 30, 1973

Various zoning maps were adopted for specific areas throughout the County.

PL-7 - Deschutes County Land Partition Ordinance No. PL-7 – April 5, 1977

Required that “no person shall partition an area or tract of land without compliance with the provisions of this ordinance”.

PL-14 Deschutes County Subdivision/Partition Ordinance–November 1, 1979

All land division regulated.

PL-15 – Deschutes County Zoning Ordinance of 1979 – November 1, 1979

Updated zoning throughout the County.

Any lot(s) of record identified in this decision conformed to all zoning and subdivision or partition requirements, if any, in effect on the date the lot or parcel was created.

1. *By partitioning land as defined in ORS 92;*

FINDING: The subject property was not created by partitioning land as defined in ORS 92.

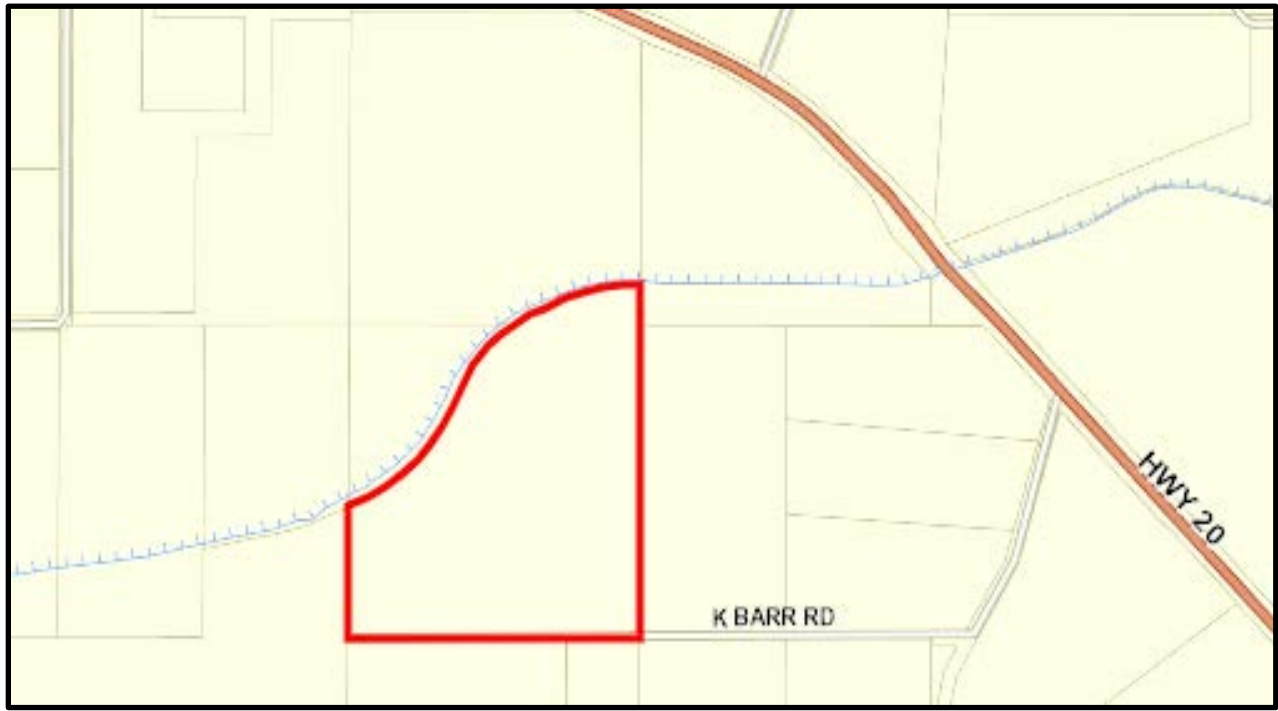
2. *By a subdivision plat, as defined in ORS 92, filed with the Deschutes County Surveyor and recorded with the Deschutes County Clerk;*

FINDING: The subject property was not created by a subdivision plat, as defined in ORS 92, filed with the Deschutes County Surveyor and recorded with the Deschutes County Clerk.

3. *By deed or contract, dated and signed by the parties to the transaction, containing a separate legal description of the lot or parcel, and recorded in Deschutes County if recording of the instrument was required on the date of the conveyance. If such instrument contains more than one legal description, only one lot of record shall be recognized unless the legal descriptions describe lots subject to a recorded subdivision or town plat;*

FINDING: The subject lot of record was created by deed or contract in accordance with this criterion and conformed to all zoning and subdivision or partition requirements, if any, in effect on the date the lot or parcel was created.

Lot of Record: The subject property was created by a Deed dated October 18, 1939, as recorded in Volume 58, Pages 98-99, Deschutes County Book of Records. Subsequently, the property received property line adjustment approval under Deschutes County Land Use File No. LL-05-98 which reflects its modern-day configuration. This lot of record is shown in the figure below, outlined in red:

Lot of Record – Parcel # 1813100000501

In 1939, Deschutes County did not have any zoning or land division requirements for the creation of lot(s)/parcel(s) by deed or contract, as outlined in the findings above. Therefore, staff finds the conveyance of this property conformed to all applicable requirements and the subject property is recognized as one (1) legal lot of record under DCC 18.04.030 Lot of Record (A)(3).

In addition, staff finds the identified lot of record is a "parcel", as defined in ORS 215.010(1).

4. *By a town plat filed with the Deschutes County Clerk and recorded in the Deschutes County Record of Plats; or*

FINDING: The subject property was not created by a town plat filed with the Deschutes County Clerk and recorded in the Deschutes County Record of Plats.

5. *By the subdividing or partitioning of adjacent or surrounding land, leaving a remainder lot or parcel.*

FINDING: The subject property was not created by the subdividing or partitioning of adjacent or surrounding land, leaving a remainder lot or parcel.

B. *Notwithstanding subsection (A), a lot or parcel validated pursuant to ORS 92.176 shall be recognized as a lot of record.*

FINDING: The subject property has not been validated pursuant to ORS 92.176.

C. The following shall not be deemed to be a lot of record:

- 1. A lot or parcel created solely by a tax lot segregation because of an assessor's roll change or for the convenience of the assessor.**
- 2. A lot or parcel created by an intervening section or township line or right of way.**
- 3. A lot or parcel created by an unrecorded subdivision, unless the lot or parcel was conveyed pursuant to subsection (A)(3) above.**
- 4. A parcel created by the foreclosure of a security interest.**

FINDING: The subject property does not include a lot of record created by any of these means.

IV. CONCLUSION

Based on the foregoing findings, staff concludes the subject property consists of the lot(s) of record identified herein, if any.

Other permits may be required for development of the property. The applicants are responsible for obtaining any necessary permits from the Deschutes County Building Division and Deschutes County Onsite Wastewater Division as well as any required local, state, and federal permits.

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.

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DESCHUTES COUNTY PLANNING DIVISION



Written by: Dan DiMarzo, Assistant Planner



Reviewed by: Jacob Ripper, Principal Planner

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Craig Gribskov			61575 K Barr Rd	Bend, OR 97702	FD	25-076-LR	craigag@iscomach.com
Sharon Sheridan			61395 K Barr Rd.	Bend, OR 97702	FD	25-076-LR	sheridan@ykwc.net