

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance amending Deschutes County Code	*	
Title 17 to incorporate "Housekeeping" and	*	
modernization updates, and Title 18 updates to the	*	ORDINANCE NO. 2021-007
Guest Ranch sunset clause text to ensure that the	*	
DCC incorporates changes to state law.	*	

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. 247-21-000240-TA) to the Deschutes County Code (DCC) Title 17, Chapter 17.48, Design and Construction Specifications to incorporate "housekeeping" and modernization updates to ensure the code reflects contemporary design and construction specification practices; and

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. 247-21-000240-TA) to the Deschutes County Code (DCC) Title 18, Chapters 18.16, Exclusive Farm Use Zones; 18.128, Conditional Use; to incorporate updates to the Guest Ranch sunset clause to ensure that the DCC incorporates changes to state law; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on May 13, 2021 and forwarded to the Deschutes County Board of County Commissioners ("Board"), a unanimous recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on June 9, 2021 and concluded that the public will benefit from the proposed changes to the Deschutes County Code Titles 17 and 18; now, therefore,

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

Section 1. AMENDMENT. DCC 17.48. Design and Construction Specifications, is amended to read as described in Exhibit "A", attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. AMENDMENT. DCC 18.16, Exclusive Farm Use Zones, is amended to read as described in Exhibit "B", attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 3. AMENDMENT. DCC 18.128, Conditional Use, is amended to read as described in Exhibit "C", attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 4. FINDINGS. The Board adopts as its findings, Exhibit "D" attached and incorporated by reference herein.

Section 5. EMERGENCY. This Ordinance being necessary for the public peace, health, and safety, an emergency is declared to exist, and this Ordinance becomes effective thirty (30) days after adoption.

Dated this 9 of June, 2021

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

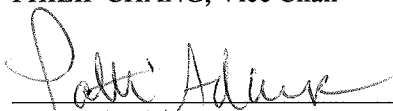


ANTHONY DEBONE, Chair



PHILIP CHANG, Vice Chair

ATTEST:


Recording Secretary
PATTI ADAIR

Date of 1st Reading: 9 day of June, 2021.

Date of 2nd Reading: 9 day of June, 2021.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Anthony DeBone	<u>X</u>	___	___	___
Philip Chang	<u>X</u>	___	___	___
Patti Adair	<u>X</u>	___	___	___

Effective date: 9 day of July, 2021.

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance amending Deschutes County Code *
Title 17 to incorporate “Housekeeping” and *
modernization updates, and Title 18 updates to the *
Guest Ranch sunset clause text to ensure that the *
DCC incorporates changes to state law. *
ORDINANCE NO. 2021-007

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. 247-21-000240-TA) to the Deschutes County Code (DCC) Title 17, Chapter 17.48, Design and Construction Specifications to incorporate “housekeeping” and modernization updates to ensure the code reflects contemporary design and construction specification practices; and

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. 247-21-000240-TA) to the Deschutes County Code (DCC) Title 18, Chapters 18.16, Exclusive Farm Use Zones; 18.128, Conditional Use; to incorporate updates to the Guest Ranch sunset clause to ensure that the DCC incorporates changes to state law; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on May 13, 2021 and forwarded to the Deschutes County Board of County Commissioners (“Board”), a unanimous recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on June 9, 2021 and concluded that the public will benefit from the proposed changes to the Deschutes County Code Titles 17 and 18; now, therefore,

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

Section 1. AMENDMENT. DCC 17.48. Design and Construction Specifications, is amended to read as described in Exhibit “A”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

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

Section 3. AMENDMENT. DCC 18.128, Conditional Use, is amended to read as described in Exhibit "C", attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 4. FINDINGS. The Board adopts as its findings, Exhibit "D" attached and incorporated by reference herein.

Dated this _____ of _____, 2021

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

PHILIP CHANG, Vice Chair

ATTEST:

Recording Secretary

PATTI ADAIR

Date of 1st Reading: _____ day of _____, 2021.

Date of 2nd Reading: _____ day of _____, 2021.

Record of Adoption Vote:

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

Effective date: _____ day of _____, 2021.

Chapter 17.48. DESIGN AND CONSTRUCTION SPECIFICATIONS

17.48.010. Minimum Standards Established.

- A. ~~Except as otherwise noted, the standard specifications for design and construction contained within DCC 17.48 and in the "Deschutes County Road Department Standard Drawings January 2011" adopted by Ordinance 2011-018 as Exhibit "B" and incorporated by reference herein, and standard drawings as determined by the Road Department Director are the minimum standards governing construction of roads and other improvements and facilities.~~
- B. ~~The minimum standards governing construction of roads and other improvements and facilities within the Redmond Unincorporated Urban Growth Area shall be the standards and specifications set forth in the current "City of Redmond Public Works Standards and Specifications" which document is incorporated herein by reference.~~
- C. ~~Subject areas not covered by the Redmond Standards and Specifications shall continue to be covered by applicable provisions of DCC 17.48.~~

(Ord. 2021-007 §1, 2021; Ord. 2001-016 §1, 2001; Ord. 95-082 §4, 1995; Ord. 81-043 §1, Exhibit A, §8.010, 1981)

17.48.090. Intersections.

- A. All intersections shall be planned for through traffic on the street with the greatest projected average daily traffic (ADT). The side street shall be at right angles to the main street per current AASHTO standards. ~~Horizontal and vertical alignment for an intersection shall be as shown in drawing No. 2-8. (See drawing 2-8 set out at the end of DCC Title 17 and by this reference incorporated herein.)~~
- B. Intersecting streets, including driveways to commercial and industrial properties, shall be separated by at least the following distances when the through road is:
1. Arterial, 500 feet;
 2. Collector, 300 feet;
 3. Local, 100 feet;
 4. Industrial park, 250 feet; and
 5. Primary access, 250 feet.

To be measured between the intersecting centerlines of the streets or driveways.

(Ord. 2021-007 §1, 2021; Ord. 2011-018 §1, 2011; Ord. 2001-016 §1, 2001; Ord. 93-012 §48(AA), 1993; Ord. 81-043 §1, Exhibit A, §8.110(8), 1981)

17.48.190. Drainage.

- A. Minimum Requirements.
1. Drainage facilities shall be designed and constructed to receive and/or transport at least a design storm as defined in the current Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council and all surface drainage water coming to and/or passing through the development or roadway.
 2. The system shall be designed for maximum allowable development.
- B. Curbed Sections.
1. Storm drains within curbed streets shall be designed per the requirements of the current Central Oregon Stormwater Manual created by the Central Oregon Intergovernmental Council.
 2. Catchbasins shall be constructed in accordance with standard drawings Nos. 3-1, 3-2 and 3-3. ~~(See drawings 3-1, 3-2 and 3-3 set out at the end of DCC Title 17 and by this reference incorporated herein.)~~ as determined by the Road Department Director.
- C. Noncurbed Sections.
1. Road culverts shall be concrete or metal with a minimum design life of 50 years.
 2. All cross culverts shall be 18 inches in diameter or larger.

- 3. Culverts shall be placed in natural drainage areas and shall provide positive drainage.
- D. Drainage Swales. The Design Engineer is responsible to design a drainage swale adequate to control a design storm as defined in the Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council.
- E. Drainage Plans. A complete set of drainage plans including hydraulic and hydrologic calculations shall be incorporated in all road improvement plans.
- F. Drill Holes. Drill holes are prohibited.
- G. Injection wells (drywells) are prohibited in the public right-of-way.
(Ord. 2021-007 §1, 2021; Ord. 2011-018 §1, 2011; Ord. 2001-016 §1, 2001; Ord. 97-005 §11, 1997; Ord. 81-043 §1, Exhibit A, §8.140, 1981)

17.48.250. Utilities-Construction- Performance Standards.

- A. The work to be performed under this permit shall be carried out in accordance with the current Deschutes County Standards in DCC Title 17, ~~and the current ODOT/APWA Oregon Standard Specifications for Construction and in accordance with drawing nos. 1-1, 1-2, 1-3 and 1-4 (see drawings 1-1, 1-2, 1-3 and 1-4 set out at the end of DCC Title 17 and by this reference incorporated herein.)~~standard drawings as determined by the Road Department Director.
- B. Work authorized by a permit shall be performed between the hours of seven a.m. and five p.m., Monday through Friday.
- C. Access to private driveways shall be provided except during working hours when construction operations prohibit provision of such access.
- D. Free access must be provided at all times to fire hydrants.
- E. Monuments.
 - 1. Monuments of concrete, iron or other lasting materials set out for the purpose of locating or preserving the lines of any street or property subdivision, or precise survey reference point, or a permanent survey bench mark within the County shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the County surveyor.
 - 2. Permission shall be granted only upon condition that the applicant shall pay all expenses incidental to the proper replacement of the monument.

(Ord. 2021-007 §1, 2021; Ord. 2011-018 §1, 2011; Ord. 2001-016 §1, 2001; Ord. 81-043 §1, Exhibit A, §8.500(3)(A), 1981)

17.48.270. Utilities-Construction-Backfilling and Restoring.

- A. All backfilled material shall be compacted to 95 percent of its relative maximum density when within the roadway to 90 percent when between the shoulder (or curb) and the right of way line.
- B. Trenches shall be backfilled as follows:
 - 1. Unimproved Roads and Area Outside Roadway. The trench shall be backfilled with the excavated or other suitable materials and the entire backfill shall be compacted in layers of not to exceed six inches by use of a mechanical tamper.
 - 2. Aggregate and Paved Surfaces. The trench shall be backfilled according to ~~drawing no. 1-3 (see drawing no. 1-3 set out at the end of DCC Title 17 and by this reference incorporated herein.)~~standard drawings as determined by the Road Department Director.
 - 3. ~~Paved Surfaces.~~ The trench shall be backfilled according to ~~drawing nos. 1-1, 1-2 and 1-4 (see drawing nos. 1-1, 1-2 and 1-4 set out at the end of DCC Title 17 and by this reference incorporated herein.)~~

(Ord. 2021-007 §1, 2021; Ord. 2011-018 §1, 2011; Ord. 2001-016 §1, 2001; Ord. 81-043 §1, Exhibit A, §8.500(3)(C), 1981)

17.48.280. Utilities-Construction-Inspection.

- A. The Oregon Utility Notification Center shall be notified at 1-800-332-2344 two working days in advance of any excavation according to applicable Oregon Administrative Rules. The Road Department shall be notified two working days in advance of the time of backfilling.
- B. Costs.
 - 1. All inspection costs shall be borne by the applicant.
 - 2. Such costs shall be based on a schedule of charges on file in the Road Department Building, 61150 SE 27th Street, Bend, Oregon 97702, (541) 388-6581.

(Ord. 2021-007 §1, 2021; Ord. 2001-016 §1, 2001; Ord. 81-043 §1, Exhibit A, §8.500(3)(D), 1981)

17.48.310. Insurance.

During the term of authorized work within a public right of way, the licensee applicant or their contractor, including all subcontractors, shall procure and continue to carry during the term of the license, public liability and property damage insurance coverages, including but not limited to commercial general liability and commercial automobile liability, in a responsible company, with limits of not less than one million dollars combined single limit, from a responsible insurance provider with minimum coverage amounts as determined by the Road Department Director.

(Ord. 2021-007 §1, 2021; Ord. 2001-016 §1, 2001; Ord. 81-043 §1, Exhibit A, §8.640, 1981)

17.48.370. Construction-Cooperation with Utilities.

- A. The contractor shall, at least 24 hours in advance of performing any work in the immediate vicinity of utility lines, contact the utilities to request the location and marking of buried utility facilities cooperate with and shall avoid damaging the facilities of all utility owners, railroads, and fire control authorities who have facilities located within the vicinity of the work.
- B. The County is covered by the Oregon Utility Notification Center, which has been set up on a one call system for notifying all owners of utilities of work being performed in the vicinity of their facilities. The contractor shall immediately notify any utility owners, railroads, and fire control authorities whose facilities have been damaged.
- C. The Oregon Utility Notification Center shall be notified according to applicable Oregon Administrative Rules. The one call system telephone number is 1-800-332-2344.

(Ord. 2021-007 §1, 2021; Ord. 2001-016 §1, 2001; Ord. 81-043 §1, Exhibit A, §8.200(5), 1981)

17.48.390. Construction-Clearing and Grubbing.

All work shall be performed in accordance with section 00320 of the current ODOT/APWA Oregon Standard Specifications for Construction supplemented and/or modified as follows:

- A. The right of way shall be cleared of all fixed objects.
- B. However, in developments where traffic safety would not be involved, and a lesser requirement would not create a hazard, the right of way shall be cleared a minimum of 40 feet or four feet beyond the edge of the shoulder or curb line of the finished road.

(Ord. 2021-007 §1, 2021; Ord. 2011-018 §1, 2011; Ord. 2001-016 §2, 2001; Ord. 81-043 §1, Exhibit A, §8.200(7), 1981)

17.48.400. Construction-Dust Control.

- A. The work shall consist of the furnishing and applying of water for the alleviation or prevention of dust nuisance in accordance with section 00280 of the current ODOT/APWA Oregon Standard Specifications for Construction.
- B. Responsibility for dust abatement will be the contractor's.
- C. Watering will be done when ordered by the Road Department Director.

D. The contractor shall supply the applicant's own water source.
(Ord. 2021-007 §1, 2021; Ord. 2011-018 §1, 2011; Ord. 2001-016 §1, 2001; Ord. 81-043 §1, Exhibit A, §8.200(8), 1981)

17.48.410. Construction-Subgrade Construction.

- A. All work shall be performed in accordance with ~~section 00330~~ of the current ODOT/APWA Oregon Standard Specifications for Construction, supplemented and/or modified as follows:
 - 1. ~~Excavated materials not required nor suitable for filling and backfilling, within the limits of the project, will be classed as excess materials and shall become the property of the contractor at the point of excavation and shall be disposed of by him at a location and in a manner satisfactory to the Road Department.~~
 - 2. ~~In the event rock is encountered in excavation, the rock will be excavated to a depth not less than six inches below subgrade, and then backfilled with suitable material.~~
- B. Material shall be considered unsuitable for fill, subgrade, shoulders and other uses if it contains organic matter, soft spongy earth or other material of such nature that compaction to the specified density is unobtainable.
- C. No material having a maximum dimension of three inches or more shall be considered suitable for fill material in the top one foot of subgrade, including the fill side slopes.
- D. Compaction shall be a minimum of 95 percent of the relative maximum density.
(Ord. 2021-007 §1, 2021; Ord. 2011-018 §1, 2011; Ord. 2001-016 §2, 2001; Ord. 81-043 §1, Exhibit A, §8.200(9), 1981)

17.48.420. Construction-Surfacing Requirements.

- A. Aggregate Base.
 - 1. ~~Crushed aggregate meeting the requirements of section 02630 of the current ODOT/APWA Oregon Standard Specifications for Construction shall be used.~~
 - 2. All work shall be performed in accordance with ~~section 640~~ of the current ODOT/APWA Oregon Standard Specifications for Construction.
- B. Asphalt Prime Coat. For all roadway sections using asphalt penetration macadam, an asphalt prime coat will be applied to the aggregate base in accordance with ~~section 00700~~ of the current ODOT/APWA Oregon Standard Specifications for Construction and in accordance with standard drawings no. 2-9 (see drawing 2-9 set out at the end of DCC Title 17 and by this reference incorporated herein.) as determined by the Road Department Director.
- C. Asphalt Penetration Macadam. When an oil mat is placed, it shall be applied in accordance with ~~section 00715~~ of the current ODOT/APWA Oregon Standard Specifications for Construction and in accordance with standard drawings no. 2-9 (see drawing 2-9 set out at the end of DCC Title 17 and by this reference incorporated herein.) as determined by the Road Department Director.
- D. Asphaltic Concrete Pavement.
 - 1. Where asphaltic concrete pavement is required, it shall be placed in accordance with ~~section 00745~~ of the current ODOT/APWA Oregon Standard Specifications for Construction.
 - 2. The asphalt cement shall be as required by the Road Department Director.
 - 3. The class of asphaltic concrete shall be Level 3 HMAC.
 - 4. A mix design shall be submitted to the Road Department Director at least one week prior to paving.
- E. Tack Coat. When a tack coat is required by the Road Department Director, the tack coat shall be applied in conformance with ~~section 00730~~ of the current ODOT/APWA Oregon Standard Specifications for Construction.
- F. Portland Cement Concrete Pavement. When portland cement concrete pavement is used, it shall be designed and constructed in accordance with the publications of the Portland Cement Association.

(Ord. 2021-007 §1, 2021; Ord. 2011-018 §1, 2011; Ord. 2001-016 §1, 2001; Ord. 93-012 §53(B), 1993; Ord. 81-043 §1, Exhibit A, §8.200(10)-(15), 1981)

17.48.430. Construction-Concrete Curb.

A. Where required, portland cement concrete curbs shall be constructed in accordance with standard drawings No. 2-2 (See drawing 2-2 set out at the end of DCC Title 17 and by this reference incorporated herein.) as determined by the Road Department Director and section 00759 of the current ODOT/APWA Oregon Standard Specifications for Construction.

B. The concrete shall be class 3000.

(Ord. 2021-007 §1, 2021; Ord. 2011-018 §1, 2011; Ord. 2001-016 §1, 2001; Ord. 81-043 §1, Exhibit A, §8.200(16), 1981)

17.48.440. Construction-Sidewalks.

A. Sidewalks shall be constructed with Class 3000 concrete as specified in the current ODOT/APWA Oregon Standard Specifications for Construction.

B. ~~The concrete shall be in accordance with drawing No. 2-6. (See drawing 2-6 set out at the end of DCC Title 17 and by this reference incorporated herein.)~~ Sidewalks shall conform to standard drawings as determined by the Road Department Director. Sidewalks shall not be less than five feet wide.

(Ord. 2021-007 §1, 2021; Ord. 2011-018 §1, 2011; Ord. 2001-016 §1, 2001; Ord. 81-043 §1, Exhibit A, §8.200(17), 1981)

17.48.460. Construction-Catchbasins.

Catchbasins shall be constructed of class 3000 portland cement concrete and in accordance with standard drawings Nos. 3-1, 3-2 and 3-3. (See drawings 3-1, 3-2 and 3-3 set out at the end of DCC 17. and by this reference incorporated herein.) as determined by the Road Department Director.

(Ord. 2021-007 §1, 2021; Ord. 2011-018 §1, 2011; Ord. 2001-016 §1, 2001; Ord. 81-043 §1, Exhibit A, §8.200(19), 1981)

Chapter 18.16. EXCLUSIVE FARM USE ZONES

18.16.037. Guest Ranch.

- A. A guest ranch may be established in conjunction with an existing and continuing livestock operation, using accepted livestock practices that qualifies as a farm use under DCC 18.04.030, subject to the applicable provisions set forth in DCC 18.16.040(A)(1), (2) and (3), the applicable provisions of DCC 18.128, and the provisions of the applicable Oregon Revised Statutes. A guest ranch shall not be located within the boundaries of or surrounded by:
 - 1. A federally designated wilderness area or a wilderness study area;
 - 2. A federally designated wildlife refuge;
 - 3. A federally designated area of critical environmental concern; or
 - 4. An area established by an Act of Congress for the protection of scenic or ecological resources.
- B. "Guest ranch" means a facility for overnight guest lodging units, including passive recreational activities and food services, as set forth in ORS 215 that are incidental and accessory to an existing livestock operation that qualifies as a farm use under DCC 18.04.030.
- C. A guest lodging unit means a guest room in a lodge, bunkhouse, cottage or cabin used only for transient overnight lodging and not for permanent residence accommodations.
- D. For the purposes of DCC 18.16.037, "livestock" means cattle, sheep, horses, and bison.
- E. A proposed division of land in an exclusive farm use zone for a guest ranch or a division of a lot or parcel that separates a guest ranch from the dwelling of the person conducting the livestock operation shall not be allowed.
- F. Notwithstanding DCC 18.16.055, a proposed division of land in an exclusive farm use zone for a guest ranch shall not be allowed.

(Ord. 2021-007 §2, 2021; Ord. 2018-006 §5, 2018; Ord. 2012-007 §2, 2012; Ord. 2010-022 §2, 2010; Ord. 2010-017 §1, 2010; Ord. 2009-014 §1, 2009; Ord. 2001-043 §1, 2001; Ord. 98-056 §1, 1998)

Note: DCC 18.16.037 will be repealed April 15, 2020 (Ord. 2018-006 §5, 2018; Ord. 2012-007 §2, 2012; Ord. 2010-017 §1, 2010).

Chapter 18.128. CONDITIONAL USE

18.128.360. Guest Ranch.

A guest ranch established under DCC 18.16.037 shall meet the following conditions:

- A. Except as provided in DCC 18.128.360(C), the guest lodging units cumulatively shall:
 1. Include not less than four nor more than 10 overnight guest lodging units, and;
 2. Not exceed a total of 12,000 square feet in floor area, not counting the floor area of the lodge that is dedicated to kitchen area, rest rooms, storage or other shared or common indoor space.
- B. The guest ranch shall be located on a lawfully established unit of land that:
 1. Is at least 160 acres in size;
 2. Contains the dwelling of the person conducting the livestock operation; and
 3. Is not classified as high value farmland as defined in DCC 18.04.030.
- C. For every increment of 160 acres that the lawfully established unit of land on which the guest ranch is located exceeds the minimum 160-acre requirement described under DCC 18.128.360(B), up to five additional overnight guest lodging units not exceeding a total of 6,000 square feet of floor area may be included in the guest ranch for a total of not more than 25 guest lodging units and 30,000 square feet of floor area.
- D. A guest ranch may provide recreational activities in conjunction with the livestock operation's natural setting, including but not limited to hunting, fishing, hiking, biking, horseback riding and swimming. Intensively developed recreational facilities including golf courses or campgrounds identified in DCC 18.16.030 through 18.16.033, shall not be allowed in conjunction with a guest ranch, and a guest ranch shall not be allowed in conjunction with an existing golf course or with an existing campground.
- E. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the guests of the guest ranch, individuals accompanying the guests, and individuals attending a special event at the guest ranch.
 1. The cost of meals, if any, may be included in the fee to visit or stay at the guest ranch.
 2. The sale of individual meals to persons who are not guests of the guest ranch, an individual accompanying a guest, or an individual attending a special event at the guest ranch shall not be allowed.
- F. The exterior of the buildings shall maintain a residential appearance.
- G. To promote privacy and preserve the integrity of the natural setting, guest ranches shall retain existing vegetation around the guest lodging structure.
- H. All lighting shall be shielded and directed downward in accordance with DCC 15.10, Outdoor Lighting Control.
- I. Signage shall be restricted to one sign no greater than 20 square feet, nonilluminated and posted at the entrance to the property.
- J. Occupancies shall be limited to not more than 30 days.
- K. The guest ranch shall be operated in a way that will protect neighbors from unreasonable disturbance from noise, dust, traffic or trespass.
- L. One off-street parking space shall be provided for each guestroom in addition to parking to serve the residents.
- M. Any conversion or alterations to properties designated as historic landmarks shall be approved by the Deschutes County Historical Landmarks Commission.
- N. A guest ranch that is authorized under this section shall submit an annual report, that shall be made available to the public upon request, to the Community Development Department by the real property owner or licensee, if different, each February 1 documenting the following:
 1. The size of the guest ranch's livestock operation;
 2. The income that the guest ranch obtained from:
 - a. Livestock operations; and

b. Guest ranch activities; and

3. Other information to ensure ongoing compliance with this section or any condition of approval.

(Ord. 2021-007 §3, 2021; Ord. 2018-006 §15, 2018; Ord. 2010-022 §3, 2010; Ord. 2004-020 §2, 2004; Ord. 2004-001 §3, 2004; Ord. 2001-043 §1, 2001; Ord. 98-056 §2, 1998)

Note: ~~DCC 18.128.360 is repealed April 15, 2020. (Ord. 2018-006 §15, 2018; Ord. 2010-022 §3, 2010).~~

FINDINGS

I. **APPLICABLE CRITERIA:**

Chapter 17.48. DESIGN AND CONSTRUCTION SPECIFICATIONS

Chapter 18.16. EXCLUSIVE FARM USE ZONES

Chapter 18.128. CONDITIONAL USE

II. **BASIC FINDINGS:**

- A. PROPOSAL:** Amend Deschutes County Code Chapter 17.48 (Design and Construction Specifications) with housekeeping edits that the Road Department has requested. These proposed amendments, based on recommendations from County Engineering, will help to streamline the code by updating language, striking references that conflict with Oregon Administrative Rules (OARs), and/or removing outdated, inaccurate content. Staff initiated the proposed changes and notified the Oregon Department of Land Conservation and Development (DLCD).
- B. PROPOSAL:** In May of 2019, the Oregon State Legislature voted in favor of House Bill 2435 which removed the sunset clause for Guest Ranches as a conditional use on land zoned Exclusive Farm Use (EFU). In addition, HB 2435 requires Guest Ranches to submit annual reports to their respective county. With these changes to the state law, it is appropriate to remove the sunset clause and add similar language related to annual reporting requirements to the Deschutes County Code (DCC). Staff initiated the proposed changes to DCC 18.16 and DCC 18.128, and notified the Oregon Department of Land Conservation and Development (DLCD).

III. **CONCLUSIONARY FINDINGS:**

A. **CHAPTER 22.12, LEGISLATIVE PROCEDURES**

1. Section 22.12.010.

Hearing Required

FINDING: This criterion will be met because a public hearing will be held before the Deschutes County Planning Commission and Board of County Commissioners.

2. Section 22.12.020, Notice

Notice

A. Published Notice

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

FINDING: This criterion will be met by notice being published in the Bend Bulletin newspaper.

B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.

FINDING: This criterion will be met when notice is posted in the bulletin board in the lobby of the Deschutes County Community Development Department, 117 NW Lafayette, Bend.

C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.

FINDING: Given the proposed legislative amendments do not apply to any specific property, no individual notices were sent.

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

FINDING: Notice will be provided to the County public information official for wider media distribution. This criterion has been met.

3. Section 22.12.030 Initiation of Legislative Changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.

FINDING: The application was initiated by the Deschutes County Planning Division, which received a fee waiver. This criterion has been met.

4. Section 22.12.040. Hearings Body

A. The following shall serve as hearings or review body for legislative changes in this order:

- 1. The Planning Commission.**
- 2. The Board of County Commissioners.**

B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.

FINDING: These criteria will be met.

5. Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: The proposed legislative changes included in file no. 247-21-000240-TA will be implemented by ordinances upon approval and adoption by the Board. This criterion will be met.

IV. PROPOSED TEXT AMENDMENTS:

The proposed text amendments are detailed in the referenced ordinance attached hereto with additional text identified by underline and deleted text by ~~striketrough~~. Below are explanations of the proposed changes.

B. Title 17, Subdivisions:

Chapter 17.18 DESIGN AND CONSTRUCTION SPECIFICATIONS

17.48.010. Minimum Standards Established.

DCC 17.48.010(A) defines the minimum standard documents for governing the design and construction of roads and other improvements and facilities; the proposed amendment removes reference to Deschutes County Road Department Standard Drawings (January 2011) embedded in the code, as they are difficult to update to current construction standards. The Road Department refers to more current Oregon Department of Transportation (ODOT) or City of Bend Standard Drawings as determined by the Road Department Director. This would better align with contemporary practices and those of our partner agencies.

DCC 17.48.010(B) describes the use of City of Redmond-specific standards and specification for use within the associated urban growth boundary (UGB); the proposed amendment will strike this course of action and rely on current ODOT or City of Bend Standard Drawings. This would better align with contemporary practices and those of our partner agencies.

DCC 17.48.010(C) states that subject area not covered by the City of Redmond Standards and Specification shall continue to be covered by applicable provisions of DCC 17.48; the proposed amendment will strike this guidance due its reference to City of Redmond-specific standards (DCC 17.48.010(B)) which are proposed to be removed.

17.48.090. Intersections.

DCC 17.48.090(A) describes guidance for general intersection design; the proposed amendment will strike reference to specific imbedded design standards, instead relying on more current ODOT or City of Bend Standard Drawings. This would better align with contemporary practices and those of our partner agencies.

17.48.190. Drainage.

DCC 17.48.190(B)(2) describes guidance for the design of catchbasins within curbed sections of streets; the proposed amendment will strike reference to specific imbedded design standards, instead relying on more current ODOT or City of Bend Standard Drawings. This would better align with contemporary practices and those of our partner agencies.

17.48.250. Utilities-Construction-Performance-Standards.

DCC 17.48.250(A) defines the minimum standard documents for governing the design and construction of utilities; the proposed amendment removes reference to Deschutes County Road Department Standard Drawings (January 2011) embedded in the code, as they are difficult to update to current construction standards. The Road Department refers to more current ODOT or City of Bend Standard Drawings as determined by the Road Department Director. This would better align with contemporary practices and those of our partner agencies.

17.48.270. Utilities-Construction-Backfilling and Restoring.

DCC 17.48.270(B)(2)(3) describes guidance for the backfilling and site restoration process following the construction of underground utilities; the proposed amendment removes reference to Deschutes County Road Department Standard Drawings (January 2011) embedded in the code, as they are difficult to update to current construction standards. The Road Department refers to more current ODOT or City of Bend Standard Drawings as determined by the Road Department Director. This would better align with contemporary practices and those of our partner agencies; the proposed amendment also adds language to ensure "paved surfaces" along with "aggregate" fall under this code.

17.48.280. Utilities-Construction-Inspection.

DCC 17.48.280(A) describes guidance for notifying the Road Department for inspection prior to backfilling and site restoration process following the construction of underground utilities; the proposed amendment removes reference to an outdated phone number and includes new guidance to notify the department according to applicable OARs.

17.48.310. Insurance.

DCC 17.48.310 describes requirements for carrying insurance while performing authorized work in the public right of way; the proposed amendment removes reference to outdated

requirements and includes new guidance for coverage to include the entire term of authorized work, all subcontractors, coverage types, and amounts reflected in ODOT standards as determined by the Road Department Director.

17.48.370. Construction-Cooperation with Utilities.

DCC 17.48.370(A)(B)(C) describes guidance for cooperating with and notifying all facility owners, railroads, and fire control authorities if damage occurs within the vicinity of work during the construction of underground utilities; the proposed amendment removes outdated language and includes new guidance to notify the Oregon Utility Notification Center according to applicable OARs.

17.48.390. Construction-Clearing and Grubbing.

DCC 17.48.390 describes guidance for performing work in accordance with ODOT/ American Public Works Association (APWA) Oregon Standard Specifications for Construction; the proposed amendment removes an outdated reference to a specific section of these specifications.

17.48.400. Construction-Dust Control.

DCC 17.48.400(A) describes guidance for dust abatement in accordance with ODOT/APWA Oregon Standard Specifications for Construction; the proposed amendment removes an outdated reference to a specific section of these specifications.

17.48.410. Construction-Subgrade Construction.

DCC 17.48.410(A)(1)(2) describes guidance for performing subgrade construction in accordance with ODOT/APWA Oregon Standard Specifications for Construction; the proposed amendment removes an outdated reference to a specific section of these specifications and outdated guidance for supplemental methods that are not in accordance with ODOT standards as determined by the Road Department Director.

17.48.420. Construction-Surfacing Requirements.

DCC 17.48.420(A)(1)(2)(B)(C)(D)(1) describes guidance for performing surfacing construction in accordance with ODOT/APWA Oregon Standard Specifications for Construction; the proposed amendment removes outdated references to specific sections of these specifications and DCC Title 17 that are not in accordance with ODOT/APWA standards as determined by the Road Department Director.

17.48.430. Construction-Concrete Curb.

DCC 17.48.430(A) describes guidance for constructing concrete curbs in accordance with ODOT/APWA Oregon Standard Specifications for Construction; the proposed amendment

removes outdated references to DCC Title 17 that are not in accordance with ODOT/APWA standards as determined by the Road Department Director.

17.48.440. Construction-Sidewalks.

DCC 17.48.440(B) describes guidance for constructing concrete sidewalks in accordance with ODOT/APWA Oregon Standard Specifications for Construction; the proposed amendment removes outdated references to DCC Title 17 that are not in accordance with ODOT/APWA standards and adds language requiring sidewalks to conform to standard drawings as determined by the Road Department Director.

17.48.460. Construction-Catchbasins.

DCC 17.48.460 describes guidance for constructing concrete catchbasins; the proposed amendment removes outdated references to DCC Title 17 that are not in accordance with ODOT/APWA standards and adds language requiring catchbasins to conform to standard drawings as determined by the Road Department Director.

A. Title 18, County Zoning:

Chapter 18.16 EXCLUSIVE FARM USE ZONES

Section 18.16.037. Guest Ranch.

DCC 18.16.037 defines criteria for guest ranches in the EFU zone. Previously, this chapter was due to sunset in 2012, and then in 2018; in 2018, Oregon HB 4031 extended this sunset date to April 15, 2020. The proposed amendment strikes the sunset clause note from the code to reflect the same changes to ORS 215.461-62 and adds guidance regarding annual reporting procedures.

Chapter 18.128 CONDITIONAL USE

Section 18.128.360. Guest Ranch.

DCC 18.128.360 defines criteria for guest ranches and a conditional use in the EFU zone. Previously, this chapter was due to sunset in 2010, and then in 2018; in 2018, Oregon HB 4031 extended this sunset date to April 15, 2020. The proposed amendment strikes the sunset clause note from the code to reflect the same changes to ORS 215.461-62 and adds guidance regarding annual reporting procedures.

V. CONCLUSION:

Based on the information provided herein, the staff recommends the Planning Commission and Board of County Commissioners approve the proposed text amendments that make minor changes necessary to remove outdated content and reflect changes to state law.



Deschutes County Board of Commissioners
1300 NW Wall St, Bend, OR 97703
(541) 388-6570 – Fax (541) 385-3202 – <https://www.deschutes.org/>

AGENDA REQUEST & STAFF REPORT

For Board of Commissioners BOCC Wednesday Meeting of June 9, 2021

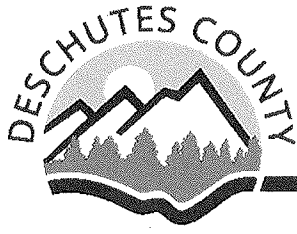
DATE: June 2, 2021

FROM: Brandon Herman, Community Development, 541-385-1704

TITLE OF AGENDA ITEM:

PUBLIC HEARING: Guest Ranch and Title 17 Text Amendments

The Board of County Commissioners will conduct a public hearing on June 9, 2021 concerning Ordinance No. 2021-007, legislative amendments to address the striking of the Guest Ranch sunset clause and other housekeeping updates for Title 17, Subdivisions.

**MEMORANDUM**

TO: Deschutes County Board of County Commissioners

FROM: Brandon Herman, AICP, PLA, Associate Planner

DATE: June 9, 2021

SUBJECT: Public Hearing: Guest Ranch and Title 17 Text Amendments
(File No. 247-21-000240-TA)

The Board of County Commissioners (Board) will conduct a public hearing on June 9, 2021¹ concerning Ordinance No. 2021-007, legislative amendments to address 1) the striking of the Guest Ranch sunset clause in Title 18 and 2) housekeeping updates for Title 17, Subdivisions. Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on March 18, 2021. Staff held a work session with the Planning Commission on April 8, 2021², a public hearing on April 22, 2021³, and deliberations on May 13, 2021⁴ at which time the Planning Commission voted unanimously to recommend approval of the proposed amendments. The Board then conducted a work session on May 24, 2021⁵ in preparation for the June 9, 2021 public hearing. The proposed amendments are provided as attachments to this memorandum; the full written record to date was provided to the Board for the May 24 work session.

I. PROPOSAL

- A.** Amend Deschutes County Code (DCC) Chapter 17.48 (Design and Construction Specifications) with housekeeping edits that the Road Department has requested. These proposed amendments, based on recommendations from County Engineering, will help to streamline the code by updating language, striking references that conflict with Oregon Administrative Rules (OARs), and/or removing outdated, inaccurate content.

¹ https://deschutescountyor.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2778

² https://deschutescountyor.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2748

³ https://deschutescountyor.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2750

⁴ https://deschutescountyor.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2770

⁵ https://deschutescountyor.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2701

- B.** In May of 2019, the Oregon State Legislature voted in favor of House Bill 2435 which removed the sunset clause for Guest Ranches as a conditional use on land zoned Exclusive Farm Use (EFU). In addition, HB 2435 requires Guest Ranches to submit annual reports to their respective county. With these changes to the state law, it is appropriate to remove the sunset clause and add similar language related to annual reporting requirements to DCC. In addition, allowing guest ranches to operate will help to bolster agritourism operations, a major component of the Deschutes County economy.

The applicant, in this case the Deschutes County Community Development Department, has submitted findings summarizing the amendments and demonstrating that the text amendments are in compliance with the Statewide Planning Goals, applicable policies of the Deschutes County Comprehensive Plan including the Transportation System Plan (TSP).

II. PROPOSED TEXT AMENDMENTS

Table 1 summarizes the proposed changes by zone in rural Deschutes County.

Table 1. Existing and Proposed Text Amendments Zoning

Code	Proposed Change
Title 17 - Subdivisions	
Chapter 17.48 DESIGN AND CONSTRUCTION SPECIFICATIONS	
17.48.010. Minimum Standards Established	Remove outdated standards and references to Redmond-specific design guidance.
17.48.090. Intersections	Strike references to specific imbedded design standards, instead relying on more current ODOT or City of Bend Standard Drawings.
17.48.190. Drainage	
17.48.250. Utilities-Construction-Performance-Standards	
17.48.270. Utilities-Construction-Backfilling and Restoring	Strike outdated phone number and replace with new contact guidance.
17.48.280. Utilities-Construction-Inspection	Proposed amendment removes reference to outdated requirements and includes new guidance for coverage.
17.48.310. Insurance	The proposed amendment removes outdated language and includes new guidance.
17.48.370. Construction-Cooperation with Utilities	The proposed amendment removes outdated references to a specific section of these specifications.
17.48.390. Construction-Clearing and Grubbing	
17.48.400. Construction-Dust Control	

Code	Proposed Change
17.48.410. Construction-Subgrade Construction	
17.48.420. Construction-Surfacing Requirements	
17.48.430. Construction-Concrete Curb	
17.48.440. Construction-Sidewalks	The proposed amendment removes outdated references to DCC Title 17 that are not in accordance with ODOT/APWA standards.
17.48.460. Construction-Catchbasins	
Title 18 - County Zoning	
Chapter 18.16 EXCLUSIVE FARM USE ZONE	
18.16.037. Guest Ranch	The proposed amendment strikes the sunset clause note from the code to reflect the same changes to ORS 215.461-62 and adds guidance regarding annual reporting procedures.
Chapter 18.128 CONDITIONAL USE	
18.128.360. Guest Ranch	The proposed amendment strikes the sunset clause note from the code to reflect the same changes to ORS 215.461-62 and adds guidance regarding annual reporting procedures.

III. WRITTEN RECORD

The following individuals submitted written testimony during the Planning Commission open record period, which closed on May 5, 2021 at 5:00 pm, and were included in the Planning Commission Deliberations Packet:

- Fancher, Liz
- Richardson, Lance and Rebecca

The following individual submitted public comments after the open record period had closed. They are provided to the Board as an attachment to this packet.

- Gould, Nunzie

IV. HEARING TESTIMONY AND DISCUSSION

During the April 22, 2021 Planning Commission public hearing, one individual provided testimony expressing dissatisfaction regarding the lack of regulations the County places on existing and new guest ranches, with regards to environmental impacts. The community member was concerned that new guest ranches could place increased strains on limited water resources and have negative

impacts on wildlife habitats, most notably migration routes and wintering grounds. In addition, the community member expressed concerns over the ability of Deschutes County to effectively enforce annual reporting requirements and code compliance for existing and new guest ranches.

Although the testimony was relevant to emerging County issues, it may not be specifically relevant to the sunset clause amendments at hand, the scope of which—as outlined in the department work plan—is considered a “housekeeping” amendment to align local code with State statute. Planning Director Nick Lelack has suggested that these issues would be most effectively addressed in a separate work session.

V. ADOPTION BY EMERGENCY

Owing to the need for County Code to accurately reflect state statute and up-to-date references, staff is providing draft ordinance versions for adoption by emergency and non-emergency for the Board’s consideration.

VI. NEXT STEPS

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

Attachments:

1. Draft Ordinance No. 2021-007 – Emergency
2. Draft Ordinance No. 2021-007 – Non-Emergency
3. Corresponding Exhibits to Ordinance No. 2021-007:
 - Exhibit A – DCC Chapter 17.48, Design and Construction Specifications
 - Exhibit B – DCC Chapter 18.16, Exclusive Farm Use Zone
 - Exhibit C – DCC Chapter 18.128, Conditional Use
 - Exhibit D – Findings
4. 2021-05-05 Public Comment - Gould

From: [Peter Gutowsky](#)
To: [Brandon Herman](#)
Cc: [Tanya Saltzman](#)
Subject: FW: comments on guest ranch text amendment
Date: Thursday, May 6, 2021 4:39:38 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

FYI.



Peter Gutowsky, AICP | Planning Manager
DESCHUTES COUNTY COMMUNITY DEVELOPMENT
117 NW Lafayette Avenue | Bend, Oregon 97703
Tel: (541) 385-1709
[f](#) [t](#) [i](#)

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

From: Peter Gutowsky
Sent: Thursday, May 6, 2021 4:38 PM
To: 'Nunzie' <nunzie@pacifier.com>; Planning Commission <PlanningCommission@deschutes.org>
Cc: Nick Lelack <Nick.Lelack@deschutes.org>
Subject: RE: comments on guest ranch text amendment

Nunzie,

The record closed yesterday at 5:00 p.m.



Peter Gutowsky, AICP | Planning Manager
DESCHUTES COUNTY COMMUNITY DEVELOPMENT
117 NW Lafayette Avenue | Bend, Oregon 97703
Tel: (541) 385-1709
[f](#) [t](#) [i](#)

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

From: Nunzie <nunzie@pacifier.com>
Sent: Thursday, May 6, 2021 3:39 PM
To: Planning Commission <PlanningCommission@deschutes.org>
Cc: Peter Gutowsky <Peter.Gutowsky@deschutes.org>; Nick Lelack <Nick.Lelack@deschutes.org>
Subject: comments on guest ranch text amendment

[EXTERNAL EMAIL]

Greetings Planning Commissioners:

As a follow-up to my testimony at your public hearing 4/22/21 on the guest ranch text amendment I have two suggested improvements:

I think it important for Deschutes County's guest ranch reporting criteria to match state law per Section 8 <<https://www.oregonlaws.org/ors/215.461>>

Therefore, **please add to Section N**

"the report collected from a guest ranch shall be made available to the public upon request".

Also in Section N.3. I think it appropriate for "or any" to be replaced with "**and each**" to read as follows

3. Other information to ensure ongoing compliance with this section and each condition of approval.

Thank you
Nunzie Gould