



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

“An Ordinance Amending Deschutes County Code Title 9, Public Peace and Welfare, Title 15, Buildings and Construction, Title 17, Subdivisions, Title 18, Zoning Ordinance, Title 19, Bend Urban Area Zoning Ordinance, Title 22, Procedures Ordinance, and, Title 23, Deschutes County Comprehensive Plan, to Incorporate Changes to State Law, and Provide Clarification of Existing Regulations, Procedures, and Policies.”

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ORDINANCE NO. 2020-007

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File Nos. 247-20-000341-PA and 247-20-000342-TA) to the Deschutes County Code (“DCC”), Chapter 9.12 – Right to Farm, Chapter 15.04 – Building and Construction Codes and Regulations, Chapter 17.22 – Approval of Tentative Plans for Partitions, Chapter 17.24 – Final Plat, Chapter 18.04 – Purpose and Definitions, Chapter 18.12 – Establishment of Zones, Chapter 18.16 – Exclusive Farm Use Zones, Chapter 18.36 – Forest Use Zone F1, Chapter 18.40 – Forest Use Zone F2, Chapter 18.80 – Airport Safety Combining Zone, Chapter 18.84 – Landscape Management Combining Zone, Chapter 18.90 – Sensitive Bird and Mammal Habitat Combining Zone, Chapter 18.108 – Urban Unincorporated Community Zone-Sunriver, Chapter 18.116 – Supplementary Provisions, Chapter 18.128 – Conditional Uses, Chapter 19.22 – Westside Transect Zone, Chapter 22.04 – Introductions and Definitions, Chapter 22.20 – Review of Land Use Actions Applications, Chapter 22.34 – Proceedings on Remand, Chapter 22.36 – Limitations on Approvals, and Title 23 – Deschutes County Comprehensive Plan Chapter 2; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed amendments on June 25, 2020, and subsequently forwarded a recommendation of Approval to the Deschutes County Board of County Commissioners (“Board”); and

WHEREAS, the Board considered this matter after a duly noticed public hearing on July 15, 2020, and concluded that the public will benefit from the proposed changes to the Deschutes County Comprehensive Plan Title 23 and Deschutes County Code Chapter Titles 9, 15, 17, 18, 19, and 22;

NOW, THEREFORE,

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

Section 1. AMENDMENT. DCC Title 23.01.010, Introduction, is amended to read as described in Exhibit “A”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strike through~~.

Section 2. AMENDMENT. Deschutes County Comprehensive Plan Chapter 5, Legislative History, is amended to read as described in Exhibit “B”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 3. AMENDMENT. Deschutes County Code Chapter 9.12, Right to Farm, is amended to read as described in Exhibit “C”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 4. AMENDMENT. Deschutes County Code Chapter 15.04, Building and Construction Codes and Regulations, is amended to read as described in Exhibit “D”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 5. AMENDMENT. Deschutes County Code Chapter 17.22, Approval of Tentative Plans for Partitions, is amended to read as described in Exhibit “E”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 6. AMENDMENT. Deschutes County Code Chapter 17.24, Final Plat, is amended to read as described in Exhibit “F”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 7. AMENDMENT. Deschutes County Code Chapter 18.04, Purpose and Definitions, is amended to read as described in Exhibit “G”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 8. AMENDMENT. Deschutes County Code Chapter 18.12, Establishment by Zones, is amended to read as described in Exhibit “H”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 9. AMENDMENT. Deschutes County Code Chapter 18.16, Exclusive Farm Use Zones, is amended to read as described in Exhibit “I”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 11. AMENDMENT. Deschutes County Code Chapter 18.36, Forest Use Zone – F1, is amended to read as described in Exhibit “J”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 12. AMENDMENT. Deschutes County Code Chapter 18.40, Forest Use Zone – F2, is amended to read as described in Exhibit “K”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 13. AMENDMENT. Deschutes County Code Chapter 18.80, Airport Safety Combining Zone, is amended to read as described in Exhibit “L”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 14. AMENDMENT. Deschutes County Code Chapter 18.84, Landscape Management Combining Zone, is amended to read as described in Exhibit “M”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 15. AMENDMENT. Deschutes County Code Chapter 18.90, Sensitive Bird and Mammal Habitat Combining Zone, is amended to read as described in Exhibit “N”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 16. AMENDMENT. Deschutes County Code Chapter 18.108 Urban Unincorporated Community Zone – Sunriver, is amended to read as described in Exhibit “O”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 17. AMENDMENT. Deschutes County Code Chapter 18.116, Supplementary Provisions, is amended to read as described in Exhibit “P”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 18. AMENDMENT. Deschutes County Code Chapter 18.128, Conditional Use, is amended to read as described in Exhibit “Q”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 19. AMENDMENT. Deschutes County Code Chapter 19.22, Westside Transect Zone, is amended to read as described in Exhibit “R”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 20. AMENDMENT. Deschutes County Code Chapter 22.04, Introductions and Definitions, is amended to read as described in Exhibit “S”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 21. AMENDMENT. Deschutes County Code Chapter 22.20, Review of Land Use Actions Applications, is amended to read as described in Exhibit “T”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 22. AMENDMENT. Deschutes County Code Chapter 22.34, Proceedings on Remand, is amended to read as described in Exhibit “U”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 23. AMENDMENT. Deschutes County Code Chapter 22.36, Limitations on Approvals, is amended to read as described in Exhibit “V”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 24. AMENDMENT. Deschutes County Comprehensive Plan, Section 2.6 – Wildlife Policies, is amended to read as described in Exhibit “W”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 25. FINDINGS. The Board adopts as its findings Exhibit “X”, attached and incorporated by reference herein.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2020

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

Patti Adair  
PATTI ADAIR, Chair

Anthony DeBone  
ANTHONY DEBONE, Vice Chair

ATTEST: Aaron Keith  
Recording Secretary

Philip G. Henderson  
PHILIP G. HENDERSON

Date of 1<sup>st</sup> Reading: 15 day of July, 2020.

Date of 2<sup>nd</sup> Reading: 29 day of July, 2020.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Patti Adair	X			
Anthony DeBone	X			
Philip G. Henderson	X			

Effective date: 27 day of October, 2020.

**Chapter 23.01 COMPREHENSIVE PLAN**

23.01.010. Introduction.

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OO. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-007, are incorporated by reference herein.

(Ord. 2020-007§1, 2020; Ord. 2020-003 §1, 2020; Ord. 2020-002 §1, 2020; Ord. 2020-001§26, 2020; Ord. 2019-019 §2, 2019; Ord. 2019-016 §3, 2019; Ord. 2019-006 § 1, 2019; Ord. 2019-011 § 1, 2019; Ord. 2019-004 §1, 2019; Ord. 2019-003 §1, 2019; Ord. 2019-001 §1, 2019; Ord. 2019-002 §1, 2019; Ord. 2018-008 §1, 2018; Ord. 2018-005 §2, 2018; Ord. 2018-011 §1, 2018; Ord. 2018-006 §1, 2018; Ord. 2018-002 §1, 2018; Ord. 2017-007 §1, 2017; Ord. 2016-029 §1, 2016; Ord. 2016-027 §1, 2016; Ord. 2016-005 §1, 2016; Ord. 2016-022 §1, 2016; Ord. 2016-001 §1, 2016; Ord. 2015-010 §1, 2015; Ord. 2015-018 § 1, 2015; Ord. 2015-029 § 1, 2015; Ord. 2015-021 § 1, 2015; Ord. 2014-027 § 1, 2014; Ord. 2014-021 §1, 2014; Ord. 2014-12 §1, 2014; Ord. 2014-006 §2, 2014; Ord. 2014-005 §2, 2014; Ord. 2013-012 §2, 2013; Ord. 2013-009 §2, 2013; Ord. 2013-007 §1, 2013; Ord. 2013-002 §1, 2013; Ord. 2013-001 §1, 2013; Ord. 2012-016 §1, 2012; Ord. 2012-013 §1, 2012; Ord. 2012-005 §1, 2012; Ord. 2011-027 §1 through 12, 2011; Ord. 2011-017 repealed; Ord.2011-003 §3, 2011)

Click here to be directed to the Comprehensive Plan (<http://www.deschutes.org/compplan>)

## Section 5.12 Legislative History

### **Background**

This section contains the legislative history of this Comprehensive Plan.

**Table 5.11.1 Comprehensive Plan Ordinance History**

<b>Ordinance</b>	<b>Date Adopted/ Effective</b>	<b>Chapter/Section</b>	<b>Amendment</b>
...	...	...	...
<u>2020-007</u>	<u>7-29-20/10-27-20</u>	<u>23.01.010, 2.6</u>	<u>Housekeeping Amendments correcting references to two Sage Grouse ordinances.</u>

**Chapter 9.12. RIGHT TO FARM**

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**9.12.100. Protection of Allowed Farm and Forest Uses in Zones Other than EFU and Forest Zones.**

- A. On lands other than those zoned for farm or forest use, no farm or forest use allowed in a zone shall be declared to be a public or private nuisance or trespass, or support any complaint procedure, or give rise to a claim for relief in favor of, or to protect the interests of, nonresource uses or any persons or property associated therewith, to the extent that such controversy, proceeding or claim would arise under an ordinance or the inherent authority of Deschutes County.
- B. DCC 9.12.100+40 shall apply:
  - 1. To farming practices on commercial farms only, notwithstanding the definition of farming in DCC 9.12.
  - 2. Whether or not the farm practice occurs within the applicable urban growth boundary.
  - 3. Where the commercial farming or forest practice existed before the conflicting nonfarm or nonforest use of real property that gave rise to the complaint.

(Ord. 2020-007 §3, 2020; Ord. 95-024 §6, 1995)

**Chapter 15.04. BUILDING AND CONSTRUCTION CODES AND REGULATIONS**

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**15.04.080. Fire Code-Adopted.**

The ~~2019~~2009 edition of the International Fire Code, as published by the International Code Council and as amended by the Office of State Fire Marshal, ~~a copy of which is on file with the County Clerk,~~ hereinafter referred to as "fire code," is adopted in its entirety as the fire code of the County and incorporated by reference herein.

(Ord. 2020-007 §4, 2020; Ord. 2011-022, §2, 2011; Ord. 97-024 §1, 1997; Ord. 93-006 §1, 1993; Ord. 90-005 §4, 1990; Ord. 86-068 §1, 1986; Ord. 83-056 §6, 1983)

**Chapter 17.22. APPROVAL OF TENTATIVE PLANS FOR PARTITIONS**

**17.22.010. Filing Procedures and Requirements.**

**17.22.020. Requirements for Approval.**

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**17.22.010. Filing Procedures and Requirements.**

- A. Any person, or his authorized agent or representative, proposing a land partition, shall prepare and submit a minimum of 10 copies ~~copy~~ of the tentative plan and one (1) reduced scale copy 8 ½" x 11" or 11" x 17", hereinafter described, unless more copies are required by the Planning Director, in accordance with the prescribed procedures, and the appropriate filing fee, to the Planning Division.

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(Ord. 2020-007 §5 2020; Ord. 2008-030 § 4, 2008; Ord. 2006-007 §3, 2005; Ord. 93-012 §21, 1993; Ord. 90-003 §1, Exhibit A, 1990; Ord. 81-043 §1, Exhibit A, §5.015, 1981)

**17.22.020. Requirements for Approval.**

- A. No application for partition shall be approved unless the following requirements are met:

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8. For partitions or portions thereof within one-half mile of SM zones, the applicant shows that a noise or dust sensitive use, as defined in DCC Title 18, can be sited consistent with the requirements of DCC 18.56, as demonstrated by the site plan and accompanying information required to be submitted under DCC 17.22.010(C). ~~17.28.010(C)~~.

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(Ord. 2020-007 §5 2020; Ord. 2006-007 §3, 2005; Ord. 93-012 §22, 1993; Ord. 90-003 §1, Exhibit A, 1990; Ord. 81-043 §1, Exhibit A, §5.020, 1981)

**Chapter 17.24. FINAL PLAT**

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**17.24.040. Form.**

The final plat shall be submitted in the form prescribed by state statute and DCC Title 17. All plats and other writings or dedications made a part of such plats offered for recording shall be made in black India ink upon an 18 inch by 24-inch sheet, ~~with an additional three-inch binding edge on the left side.~~ The plat shall be made upon drafting material ~~of at least four mil thickness that is suitable for binding and copying and~~ have such other characteristics of strength and permanency as ~~may be required by the County Surveyor.~~ All signatures on the original subdivision or partition plat shall be in permanent black India-type ink. The plat shall be of such a scale as established by the County Surveyor, and the lettering of the approvals, dedications, the Surveyor's certificate, and all other information shall be of such size or type as will be clearly legible, but no part shall come nearer to any edge of the sheet than one inch. The plat may contain as many sheets as necessary, but an index page shall be included for plats of three or more sheets.

(Ord. 2020-007 §6, 2020; Ord. 93-012 §25(A), 1993; Ord. 90-003 §1, Exhibit A, 1990; Ord. 81-043 §1, Exhibit A, §4.015, 1981)

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**17.24.150. Recording.**

- A. No plat shall have any force or effect until it has been recorded. No title to property described in any dedication on the plat shall pass until recording of the plat.
- B. The applicant must present the original approved plat ~~plus two exact mylar copies at the time of recording. The Surveyor who made the plat shall make an affidavit on the mylar copies indicating that the copy or tracing is a true and exact copy of the plat.~~ Prior to submission to the County Clerk of a plat of a County-approved subdivision or partition, the applicant shall provide 15 blue line copies of the plat to the planning division and pay the appropriate cartography fee. No plat shall be recorded with the County Clerk unless accompanied by a written statement from the Planning Division that all requirements have been met.
- C. No plat may be recorded unless all city or County approvals required under ORS 92 with respect to land division and surveying and mapping have been obtained. If the plat or the circumstances of its presentation do not allow the Clerk to make this determination, the Clerk may make such inquiry as is necessary to establish that such requirements have been met.
- D. No subdivision plat shall be recorded unless all ad valorem taxes and all special assessments, fees or other charges required by law to be placed upon the tax roll that have become a lien upon the subdivision or that will become a lien upon the subdivision during the tax year have been paid.
- E. No plat shall be recorded unless it is accompanied by a signed statement of water rights and, if there are water rights appurtenant to the property being divided, an acknowledgment of receipt by the Oregon Department of Water Resources of applicant's statement of water rights. This provision shall not apply if the partition or subdivision plat displays the approval of any special district referred to in DCC 17.24.090.
- F. No plat shall be recorded unless it complies with the provisions of DCC 17.24.040 regarding form.
- G. Following submission of the approved plat ~~and required copies,~~ and upon payment of such recording fees as prescribed by the County, the original shall be recorded in the County Clerk's plat records by scanning and microfilming the plat. The physical copy of the recorded plat shall be released by the County Clerk to the County Surveyor for filing. ~~One copy of the final plat submitted shall be preserved without folding in the archives of the County Clerk. The other copy shall be filed with the County Surveyor.~~

(Ord. 2020-007 §6, 2020; Ord. 2006-007 §4, 2006; Ord. 2005-044 §1, 2005; Ord 93-012 §31, 1993; Ord. 90-003 §1, Exhibit A, 1990; Ord. 81-043 §1, Exhibit A, §4.065, 1981)

**17.24.160. Approval and Recordation of Subdivision Interior Monuments.**

- A. Approval. Within five days of completion of the setting of interior monuments as allowed by the County Surveyor under DCC 17.24.100, the Surveyor performing the work shall notify the City or County Surveyor, as the case may be, of the completion of the work. At that time the Surveyor performing the work shall submit to the city or County Surveyor such documentation as the City or county Surveyor shall require demonstrating that the work has been completed in accordance with the Surveyor's affidavit recorded on the plat and ORS 92, including an affidavit in conformance to the requirements of ORS 92.070(3)(b).
- B. Recordation of Affidavit. upon approval by the City or County Surveyor, as the case may be, the monumentation affidavit shall be recorded in the office of the County Clerk.
- C. Reference of Monumentation. The County Surveyor shall, in all cases, note the monuments set and the recorder's information on the original subdivision plat provided to the County Surveyor and any true and exact copies filed in accordance with DCC 17.24.150.
- D. Reference of County Surveyor's Approval. The County Surveyor shall, in all cases, the County Surveyor shall reference his approval on the plat filed in the County Surveyor's records in accordance with DCC 17.24.150. ~~on the original subdivision plat previously recorded.~~  
(Ord. 2020-007 §6, 2020; Ord. 90-003 §1, Exhibit A, 1990)

**17.243.170. Correction of Errors.**

- A. A plat may be amended to correct errors specified in ORS 92.170(1).
- B. Amendment of a plat pursuant to DCC 17.24.170 shall be made by an affidavit of correction prepared in accordance with ORS 92.170(3).
- C. The affidavit shall be submitted to the City or County Surveyor, as the case may be, who shall certify that the affidavit has been examined and that the changes shown on the affidavit are permitted under ORS 92.170(1). After approval by the Surveyor, the affidavit shall be recorded with the Clerk upon payment of such recording and Surveyor's fees as set by the Board.
- D. The County Surveyor shall, in all cases, note the correction and the recording reference from the affidavit on the plat filed in the County Surveyor's records in accordance with ~~upon the original plat and upon the true and exact copies filed pursuant to DCC 17.24.150.~~  
(Ord. 2020-007 §6, 2020; Ord. 90-003 §1, Exhibit A, 1990; Ord. 81-043 §1, Exhibit A, §4.070, 1981)

## Chapter 18.04. TITLE, PURPOSE AND DEFINITIONS

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### 18.04.030. Definitions.

As used in DCC Title 18, the following words and phrases shall mean as set forth in DCC 18.04.030.

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~~"Disposal site", as used in Title 18, is defined in ORS 459. means land facilities used for disposal, handling or transfer of or resource recovery of solid wastes.~~

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~~"Land disposal site", as used in Title 18, is defined in ORS 459. means a disposal site and related facilities at which the method of disposing solid waste is by landfill.~~

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~~"Resource recovery" means the process of obtaining useful material or energy resources from solid waste and includes:~~

- ~~A. "Energy recovery," which means recovery in which all or a part of the solid waste materials are processed to utilize the heat content, or other forms of energy, of or from the material.~~
- ~~B. "Material recovery," which means any process of obtaining from solid waste, by presegregation or otherwise, materials which still have useful physical or chemical properties and can be reused or recycled from some purpose.~~
- ~~C. "Recycling," which means any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity.~~
- ~~D. "Reuse," which means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.~~

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~~"Solid waste" for the purposes of DCC Title 18, means all putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper and cardboard; commercial, industrial, demolition and construction wastes, discarded home and industrial appliances; and other wastes; but the term does not include:~~

- ~~A. Hazardous wastes as defined in ORS 466.005(7).~~
- ~~B. Materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and growing or harvesting of crops and the raising of animals.~~

(Ord. 2020-007 §7, 2020; Ord. 2020-001 §1, 2020; Ord. 2019-016 §1, 2019; Ord. 2019-010 §1, 2019; Ord. 2018-005, §8, 2018 repealed; Ord. 2018-006 §4, 2018; Ord. 2017-015 §1, 2017; Ord. 2016-026 §1, 2016; Ord. 2016-015 §1, 2016; Ord. 2016-006 §1, 2016; Ord. 2015-004 §1, 2015; Ord. 2014-009 §1, 2014; Ord. 2013-008 §1, 2013; Ord. 2012-007 §1, 2012; Ord. 2012-004 §1, 2012; Ord. 2011-009 §1, 2011; Ord. 2010-022 §1, 2010; Ord. 2010-018 3, 2010, Ord. 2008-007 §1, 2008; Ord. 2008-015 §1, 2008; Ord. 2007-005 §1, 2007; Ord. 2007- 020 §1, 2007; Ord. 2007-019 §1, 2007; Ord. 2006-008 §1, 2006; Ord. 2005-041 §1, 2005; Ord. Chapter 18.04 35 (04/2015) 2004-024 §1, 2004; Ord. 2004-001 §1, 2004; Ord. 2003-028 §1, 2003; Ord. 2001-048 §1, 2001; Ord. 2001-044 §2, 2001; Ord. 2001-037 §1, 2001; Ord. 2001-033 §2, 2001; Ord. 97-078 §5, 1997; Ord. 97-017 §1, 1997; Ord. 97-003 §1, 1997; Ord. 96-082 §1, 1996; Ord. 96-003 §2, 1996; Ord. 95-077 §2, 1995; Ord. 95-075 §1, 1975; Ord. 95-007 §1, 1995; Ord. 95-001 §1,

1995; Ord. 94-053 §1, 1994; Ord. 94-041 §§2 and 3, 1994; Ord. 94-038 §3, 1994; Ord. 94-008 §§1, 2, 3, 4, 5, 6, 7 and 8, 1994; Ord. 94-001 §§1, 2, and 3, 1994; Ord. 93-043 §§1, 1A and 1B, 1993; Ord. 93-038 §1, 1993; Ord. 93-005 §§1 and 2, 1993; Ord. 93-002 §§1, 2 and 3, 1993; Ord. 92-066 §1, 1992; Ord. 92-065 §§1 and 2, 1992; Ord. 92-034 §1, 1992; Ord. 92-025 §1, 1992; Ord. 92-004 1 and 2, 1992; Ord. 91-038 §§3 and 4, 1991; Ord. 91-020 §1, 1991; Ord. 91-005 §1, 1991; Ord. 91-002 §11, 1991; Ord. 90-014 §2, 1990; Ord. 89-009 §2, 1989; Ord. 89-004 §1, 1989; Ord. 88-050 §3, 1988; Ord. 88-030 §3, 1988; Ord. 88-009 §1, 1988; Ord. 87-015 §1, 1987; Ord. 86-056 2, 1986; Ord. 86-054 §1, 1986; Ord. 86-032 §1, 1986; Ord. 86-018 §1, 1986; Ord. 85-002 §2, 1985; Ord. 84-023 §1, 1984; Ord. 83-037 §2, 1983; Ord. 83-033 §1, 1983; Ord. 82-013 §1, 1982)

**Chapter 18.12. ESTABLISHMENT OF ZONES**

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**18.12.040. Zone Boundaries.**

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad rights of way, water courses, ridges or rimrocks, other readily recognizable or identifiable natural features, or the extension of such lines. In case of any dispute regarding the zoning classification of property subject to the County code, the original ordinance with map exhibit contained in the official county records will control. Whenever uncertainty exists as to the boundary of a zone as shown on the zoning map or amendment thereto, the following rules shall apply:

- A. Where a boundary line is indicated as following a street, alley, canal or railroad right of way, it shall be construed as following the centerline of such right of way.
- B. Where a boundary line follows or approximately coincides with a section lines or division thereof, lot or property ownership line, it shall be construed as following such line.
- C. If a zone boundary as shown on the zoning map divides a lot or parcel between two zones, the entire lot or parcel shall be deemed to be in the zone in which the greater area of the lot or parcel lies, provided that this adjustment involves a distance not exceeding 100 feet from the mapped zone boundary. ~~DCC 18.12.040 does not apply to areas zoned flood plain. Title 18 does not apply to areas zoned flood plain.~~

(Ord 2020-007 §8, 2020; Ord 2008-017 § 1.2008, Ord. 91-020 §1, 1991; Ord. 91-005 §3, 1991; Ord. 80-206 §2, 1980)

**Chapter 18.16. EXCLUSIVE FARM USE ZONES**

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**18.16.031. Conditional Uses on Non-high Value Farmland Only.**

The following uses may be allowed only on tracts in the Exclusive Farm Use Zones that constitute non-high value farmland subject to applicable provisions of the Comprehensive Plan and DCC 18.16.040 and other applicable sections of DCC Title 18.

- A. ~~A site for the disposal of solid waste~~ A disposal site which includes a land disposal site approved by the governing body of a city or County or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation.

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(Ord. 2020-007 §9, 2020; Ord. 2014-010 §1, 2014; Ord. 2012-007 §2, 2012; Ord. 2010-022 §2, 2010; Ord. 2009-014 §1, 2009; Ord. 2004-001 §2, 2004; Ord. 95-007 §12, 1995)

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**18.16.040. Limitations on Conditional Uses.**

N. Pre-Application Conference

- 1. Before an applicant may submit an application under DCC Chapter 22.08 and DCC 18.16.031(~~C~~), for land use approval to establish or modify a disposal site for composting that requires a permit issued by the Oregon Department of Environmental Quality, the applicant shall:
  - a. Request and attend a pre-application conference described in DCC 18.16.040(N)(3);
  - b. Hold a pre-application community meeting described in DCC 18.16.040(N)(6).

(Ord. 2020-007 §9, 2020; Ord. 2018-006 §5, 2018; Ord. 2015-016 §2, 2015; Ord. 2014-010 §1, 2014; Ord. 2012-007 §2, 2012; Ord. 2009-014 §1, 2009; Ord. 2008-001 §2, 2008; Ord. 2006-008 §3, 2006; Ord. 2004-001 §2, 2004; Ord. 98-030 §1, 1998; Ord. 95-075 §1, 1995; Ord. 95-007 §14, 1995; Ord. 92-065 §3, 1992; Ord. 91-038 §1 and 2, 1991; Ord. 91-020 §1, 1991; Ord. 91-011 §1, 1991)

**Chapter 18.36. FOREST USE ZONE - F-1**

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**18.36.030. Conditional Uses Permitted.**

The following uses and their accessory uses may be allowed in the Forest Use Zone, subject to applicable provisions of the Comprehensive Plan, DCC 18.36.040 and other applicable sections of DCC Title 18.

- A. Private hunting and fishing operations without any lodging accommodations.
- B. Caretaker residences for public parks and fish hatcheries.
- C. Temporary forest labor camps limited to the duration of the forest operation requiring its use.
- D. Exploration for and production of geo-thermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
- E. Log scaling and weigh stations.
- F. A disposal site which includes a land disposal site ~~Disposal site for solid waste for which the~~ Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

(Ord. 2020-007 §10, 2020; Ord. 2018-006 §6, 2018; Ord. 2012-007 §3, 2012; Ord. 2007-020 §3, 2007; Ord. 2004-002 §5, 2004; Ord. 2000-033 §1, 2000; Ord. 94-038 §1, 1994; Ord. 92-068 §1, 1992; Ord. 92-025 §2, 1992; Ord. 91-038 §1, 1991; Ord. 90-014 §28, 1990; Ord. 86-018 §8, 1986)

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**Chapter 18.40. FOREST USE ZONE - F-2**

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**18.40.030. Conditional Uses Permitted.**

The following uses and their accessory uses may be allowed in the Forest Use Zone, subject to applicable provisions of the Comprehensive Plan, DCC 18.40.040 and other applicable sections of DCC Title 18:

- A. Private hunting and fishing operations without any lodging accommodations.
- B. Caretaker residences for public parks and fish hatcheries.
- C. Temporary forest labor camps limited to the duration of the forest operation requiring it use.
- D. Destination Resorts where mapped in a DR zone and subject only to the provisions of DCC 18.113 and other applicable provisions of DCC Title 18 and the Comprehensive Plan not contained in DCC 18.40.
- E. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
- F. Log scaling and weigh stations.
- G. A disposal site which includes a land disposal site ~~Disposal site for solid waste for which the~~ Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.  
(Ord. 2020-009 §11, 2020; Ord. 2018-006 §7, 2018; Ord. 2012-007 §4, 2012; Ord. 2007-020 §4, 2007; Ord. 2004-002 §6, 2004; Ord. 2000-033 §1, 2000; Ord. 94-038 §1, 1994; Ord. 92-068 §1, 1992; Ord. 92-025 §2, 1992; Ord. 91-038 §1, 1991; Ord. 90-014 §28, 1990; Ord. 86-018 §8, 1986)

...

**Chapter 18.80 AIRPORT SAFETY COMBINING ZONE - AS**

...

**18.80.044. Land Use Compatibility.**

Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of DCC 18.80 as provided herein. When compatibility issues arise, the Planning Director or Hearings Body is required to take actions that eliminate or minimize the incompatibility by choosing the most compatible location or design for the boundary or use. Where compatibility issues persist, despite actions or conditions intended to eliminate or minimize the incompatibility, the Planning Director or Hearings Body may disallow the use or expansion, except where the action results in loss of current operational levels and/or the ability of the airport to grow to meet future community needs. Reasonable conditions to protect the public safety may be imposed by the Planning Director or Hearings Body. [ORS 836.619; ORS 836.623(1); OAR 660-013-0080]

...

F. Limitations and Restrictions on Allowed Uses in the RPZ, Transitional Surface, Approach Surface, and Airport Direct and Secondary Impact Areas.

For the Redmond, Bend, Sunriver, and Sisters airports, the land uses identified in DCC 18.80 Table 1, and their accessory uses, are permitted, permitted under limited circumstances, or prohibited in the manner therein described. In the event of conflict with the underlying zone, the more restrictive provisions shall control. As used in DCC 18.80.044, a limited use means a use that is allowed subject to special standards specific to that use.

(Ord. 2020-007 §12, 2020; Ord. 2018-006 §10, 2018; Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

**Declaration of Anticipated Noise**

As a condition of the grant of development approval pursuant to DCC 18.80, the undersigned, hereinafter referred to as Grantor, ~~Grantees (whether singular or plural)~~, hereby covenants and agrees that ~~they it~~ shall not, by reason of their ownership or occupation of the following described real property, protest or bring suit or action against the [Name of Airport] or Deschutes County, for aviation-related noise, including property damage or personal injury from said noise connected when such activities conform to:

- 1. Airport activities lawfully conducted in connection with a pre-existing airport, as that term is defined in DCC 18.80.022(B), at the described airport; or
- 2. Airport activities that might be lawfully conducted in the future at the described airport under County or State permits or exemptions.

The real property of ~~Grantorees~~ subject to this covenant and agreement is situated in Deschutes County, State of Oregon, and described as set forth in that certain [Statutory Warranty Deed] dated [date], as record in [the Official Records of Deschutes County as instrument number 20xx-xxxxx] OR [Volume xx, Page xx of the Deschutes County Book of Records];

~~Tax Lot \_\_\_\_\_ of Township \_\_\_\_\_ Range \_\_\_\_\_ E.W.M., Section \_\_\_\_\_, and further described as \_\_\_\_\_;~~

Grantor(s) acknowledge that by virtue of such grant he/they have no remaining rights to complain or protest about the protected activities described above.

This Declaration of Anticipated Noise runs with the land and is binding upon the heirs, successors and assigns of the undersigned's interest in the described real property or any persons acquiring through he undersigned an interest in the described real property.

Deschutes County requires the execution of this covenant and agreement by the ~~Grantorees~~ as a pre-requisite to Deschutes County approving a partition, subdivision, or issuing a building permit for ~~Grantor's~~ development on the above-described real property, which real property is located within the noise impact boundary of the [Name of -Airport]. This ~~agreement~~ Declaration is executed for the protection and benefit of the [Name of Airport] and Deschutes County's interest in said airport and to prevent development in adjacent lands to said airport which will interfere with the continued operation existent and development of said airport.

~~STATE OF OREGON, Deschutes County: ss~~

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ Grantor(s)  
[Name]

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

Its: \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, ~~the undersigned before me,~~ a Notary Public in and for said County and State, personally appeared ~~the within named \_\_\_\_\_, and \_\_\_\_\_ who are known to me to be the identical individuals described in and \_\_\_\_\_ of \_\_\_\_\_ who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily above document on behalf of said Department.~~

~~IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.~~

\_\_\_\_\_

Notary Public for: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**Chapter 18.84. LANDSCAPE MANAGEMENT COMBINING - LM ZONE**

...

**18.84.080. Design review standards.**

C. No large areas, including roofs, shall be finished with white, bright or reflective materials. Roofing, including metal roofing, shall be non-reflective and of a color which blends with the surrounding vegetation and landscape. DCC 18.84.080(C) shall not apply to attached additions to structures lawfully in existence on April 8, 1992, unless substantial improvement to the roof of the existing structure occurs.

(Ord. 2020-007 §13, 2020; Ord. 2018-006 §11, 2018; Ord. 2015-016 §5, 2015; Ord. 2001-016 §2, 2001; Ord. 97-068 §1, 1997; Ord. 95-075 §3, 1995; Ord. 93-043 §12A and 12B, 1993; Ord. 92-034 §2, 1992; Ord. 91-020 §1, 1991; Ord. 90-020 §1 1990; PL-15 1979)

**Chapter 18.90. SENSITIVE BIRD AND MAMMAL HABITAT COMBINING ZONE - SBMH**

...

**18.90.050. Site Plan Review Requirement.**

D. Based upon the record, and evaluation of the proposal based on the criteria in DCC 18.90.060, and conformance with the ESEE analysis for the site contained in the Resource Element of the Comprehensive Plan, the County shall approve or reject the site plan. In lieu of rejection of the site plan, the County may allow the applicant to revise the site plan if the applicant has not met the standards for approval. Applicant shall waive the 150 ~~120~~-day time limit if it chooses to revise the site plan.

(Ord. 2020-007 §14, 2020; Ord. 2015-011 §2, 2015; Ord. 95-075 §1, 1995; Ord. 94-005 §1, 1994; Ord. 93-043 §14B, 1993; Ord. 92-042 §2, 1992)

**Chapter 18.108. URBAN UNINCORPORATED COMMUNITY ZONE - SUNRIVER**

...

**18.108.180. Forest - F District.**

...

B. Conditional uses permitted. The following uses and their accessory uses may be allowed in the Forest District, subject to applicable provisions of DCC 18.36, Forest Use-F1 Zone, and to applicable provisions of the comprehensive plan:

...

6. ~~Disposal site for solid waste, not including a land disposal site, for which the Oregon Department of Environmental Quality has granted a permit or a similar approval, together with equipment, facilities or buildings necessary for operation. Uses permitted under this category are limited to commercial~~ Commercial composting for which the Oregon Department of Environmental Quality has granted a permit or a similar approval, together with equipment, facilities or buildings necessary for operation, subject to DCC 18.128.015 and 18.128.120.

(Ord. 2020-007 §15, 2020; Ord. 2001-040 §1, 2001; Ord. 98-016 §2, 1998; Ord. 97-078 §2, 1997)

**Chapter 18.116. SUPPLEMENTARY PROVISIONS**

...  
**18.116.330 Marijuana Production, Processing, and Retailing**

...  
B. Marijuana production and marijuana processing. Marijuana production and marijuana processing shall be subject to the following standards and criteria:

...  
20. Prohibited Uses.

- a. In the EFU zone, the following uses are prohibited:
  - i. A new dwelling used in conjunction with a marijuana crop;
  - ii. A farm stand, as described in ORS 215.213(1)(r) or 215.283(1)(o), used in conjunction with a marijuana crop;
  - iii. A commercial activity, as described in ORS 215.213(2)(c) or 215.283(2)(a), carried on in conjunction with a marijuana crop; and Agri-tourism and other commercial events and activities in conjunction with a marijuana crop.

|  
|  
(Ord. 2020-007 §16, 2020) Ord. 2019-012, 2019; Ord. 2018-012 §3, 2018; Ord. 2016-015 §10, 2016)

**Chapter 18.128. CONDITIONAL USE**

**18.128.120. ~~Landfill, Solid Waste Disposal Site.~~**

...

**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:

...

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

(Ord. 2020-007 §17, 2020; Ord. 92-047 §1, 1992; Ord. 91-038 §3, 1991)

...

**18.128.120. ~~Landfill, Solid Waste Disposal Site.~~**

The Planning Director or Hearings Body may authorize a ~~landfill or other solid waste disposal~~ site as a conditional use, subject to the following standards:

- A. The proposed site shall not create a fire hazard, litter, insect or rodent nuisance, or air or water pollution in the area.
- B. The proposed site shall be located in or as near as possible to the area being served.
- C. The proposed site shall be located at least one-quarter mile from any existing dwelling, home or public road (except the access road).
- D. The proposed site shall be provided with a maintained all-weather access road.
- E. Applications for a conditional use permit to establish a commercial composting facility under this category shall also meet the following criteria:
  - 1. The proposed facility shall be effectively screened from adjacent residential uses and scenic roadways. The proposed facility may use existing topography and trees and/or introduced landscaped material.
  - 2. The proposed facility shall employ practices of material handling and processing that prevent noise and odors from impacting residences at least one-quarter mile from the site.
  - 3. The proposed facility shall employ practices of material handling and processing that control debris and dust and ensure material is contained on site.

(Ord. 2020-007 §17, 2020; Ord. 2001-040 §2, 2001; Ord. 95-075 §1, 1995; Ord. 91-020 §1, 1991)

...

**18.128.320. Campgrounds.**

A conditional use permit for a campground may be issued only when the following criteria are met:

...

- D. A campground shall conform to state standards specified in OAR Chapter 918, Division 650 and the following:

...

- 3. Campgrounds shall provide potable water, toilet and shower facilities, lighting, picnic tables and garbage collection sites for the convenient use of campers as specified in OAR ORS 918.650. Water and electric lines shall be placed underground.

...

(Ord. 2020-007 §17, 2020; Ord. 2004-013 §14, 2004; Ord. 95-075 §1, 1995; Ord. 91-038 §3, 1991)

**Chapter 19.22. WESTSIDE TRANSECT ZONE – WTZ**

...

**19.22. 060. Land Divisions.**

All residential subdivisions shall be master planned under DCC 17.16.050 and shall comply with the following.

- G. If phasing is proposed, a phasing plan for the tentative subdivision plats shall be provided. Each tentative subdivision application shall include a plat map meeting the subdivision requirements of DCC Title 17, the Subdivision / Partition Ordinance, except as may be specifically modified herein.

(Ord. 2020-007 §18, 2020 Ord. 2019-001 §8, 2019)

**Chapter 22.04. INTRODUCTION AND DEFINITIONS**

...

**22.04.020. Definitions.**

"Land use permit" includes any approval of a proposed development of land under the standards in the County zoning ordinances or subdivision or partition ordinances involving the exercise of significant discretion in applying those standards.

By way of illustration, "land use permit" includes review of conditional use permits, landscape management plans, farm or nonfarm dwellings, forest management plans, partition, master plan, river setback exception, riverfront design review, site plan, site plan change of use, modification of approval, solar access, solar shade exception, subdivision, ~~and~~ subdivision variance, and variance.

(Ord. 2020-007 §19, 2020; Ord. 2017-015§3, 2017; Ord. 96-071 § 1A, 1996; Ord. 95-045 § 1, 1995; Ord. 90-007 § 1, 1990)

**Chapter 22.20. REVIEW OF LAND USE ACTION APPLICATIONS**

...

**Chapter 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 the 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 purpose 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.

(Ord. 2020-007, §20, 2020; Ord. 2015-019, §1, 2015)

**Chapter 22.34. PROCEEDINGS ON REMAND**

...

**22.34.040. Scope of Proceeding.**

- A. On remand, the Hearings Body shall review those issues that LUBA or the Court of Appeals required to be addressed. In addition, the Hearings Body~~Board~~ shall have the discretion to reopen the record in instances in which it deems it to be appropriate.
- B. At the ~~Board's~~Hearings Body's discretion, a remanded application for a land use permit may be modified to address issues involved in the remand or withdrawal to the extent that such modifications would not substantially alter the proposal and would not have a significantly greater impact on surrounding neighbors. Any greater modification would require a new application.
- C. If additional testimony is required to comply with the remand, parties may raise new, unresolved issues that relate to new evidence directed toward the issue on remand. Other issues that were resolved by the LUBA appeal or that were not appealed shall be deemed to be waived and may not be reopened.

(Ord. 2020-007 §21, 2020; Ord. 95-045 §§39 and 42, 1995)

**Chapter 22.36. LIMITATIONS ON APPROVALS**

...  
**22.36.010. Expiration of Approval.**

...  
B. Duration of Approvals.

1. Except as otherwise provided under DCC 22.36.010 or under applicable zoning ordinance provisions, a land use permit is void two years after the date the discretionary decision becomes final if the use approved in the permit is not initiated within that time period.
2. Except as otherwise provided under applicable ordinance provisions, preliminary approval of plats or master plans shall be void after two years from the date of preliminary approval, unless the final plat has been submitted to the Planning Division for final approval within that time period, an extension is sought under DCC 22.36.010 or the preliminary plat or master plan approval has been initiated as defined herein.
3. In cases of a land use approval authorized under applicable approval criteria to be completed in phases, each phase must be initiated within the time specified in the approval, or initiated within two years of completion of the prior phase if no timetable is specified.
4. The approval period for the following dwellings in the Exclusive Farm Use and Forest Use Zones is for 4 years:
  - a. Nonfarm dwelling
  - b. Lot of record dwelling
  - c. Large tract dwelling
  - d. Template dwelling.
  - e. Alteration, restoration or replacement of a lawfully established dwelling in Forest Use Zones
  - f. Caretaker residences for public parks and public fish hatcheries

...  
(Ord. 2020-007 §22, 2020; Ord. 2017-015§5, 2017; Ord. 2015-017 §s5, 2015; Ord. 2011-016, 2011; Ord. 2004-001 §4, 2004; Ord. 95-045 §43A, 1995; Ord. 95-018 §1, 1995; Ord. 90-007 §1, 1990)

## Section 2.6 Wildlife Policies

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### Goals and Policies

...

**Goal 3**      **Support retaining populations of Federal and State protected endangered species.**

...

Policy 2.6.12    Address potential conflicts between large-scale development and sage grouse habitat using Ordinances Nos. 2015-010 ~~2010-010~~ and 2015-011 ~~2010-011~~, which are consistent with OAR 660-023-0115.

# FINDINGS

## HOUSEKEEPING TEXT AMENDMENTS

### I. BACKGROUND

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

The last round of housekeeping amendments was completed in August 2018.<sup>1</sup>

### II. PROPOSED AMENDMENTS

The proposed amendments are described in Ordinance 2020-007, Exhibits C through W. Added language is underlined and deleted shown as ~~strikethrough~~. They are necessary to clarify existing standards and procedures, incorporate changes to state law, and correct scrivener's errors. Table 1 summarizes the amendments.

**Table 1 - Summary of Amendments**

Exhibit	Amendment	
C	Title 9 Public Peace and Welfare <b>Chapter 9.12 Right to Farm</b>	
	DCC 9.12.100(B)	Correct scrivener's error in code reference: DCC 9.12.100 not 9.12.110.
D	Title 15 Buildings and Construction <b>Chapter 15.04 Building and Construction Codes and Regulations</b>	
	DCC 15.04.080	Update year edition of International Fire Code.
E	Title 17 Subdivisions <b>Chapter 17.22 Approval of Tentative Plans for Partitions</b>	
	DCC 17.22.010(A)	Change requirement for partition tentative plat plans from 10 copies to 1 full size copy.
	DCC 17.22.020(A)(8)	Correct scrivener's error in code reference.
F	Title 17 Subdivisions <b>Chapter 17.24 Final Plat</b>	
	DCC 17.24.040 / .150 / .160 / .170	Update text to reflect modern practices.

<sup>1</sup> Ordinance No. 2018-006.

Exhibit	Amendment	
G	Title 18 County Zoning <b>Chapter 18.04 Title, Purpose and Definitions</b>	
	DCC 18.04.030	Align definitions of "land disposal site" and "disposal site" with ORS. Delete "resource recovery" and "solid waste" to reduce confusion.
H	Title 18 County Zoning <b>Chapter 18.12 Establishment of Zones</b>	
	DCC 18.12.040(C)	Remove incorrect statement that Title 18 does not apply to the Flood Plain Zone.
I	Title 18 County Zoning <b>Chapter 18.16 Exclusive Farm Use Zone</b>	
	DCC 18.16.031(A)	Clarification that a "disposal site which includes a land disposal site" is an allowable conditional use on non-high value farmland, consistent with statute.
	DCC 18.16.040(N)	Correct scrivener's error related to conditional use limitations for composting operations and facilities in EFU Zone. Current DCC 18.16.031(D), should be (C).
J	Title 18 County Zoning <b>Chapter 18.36 Forest Use Zone - F1</b>	
	DCC 18.36.030(F)	Clarification that a "disposal site which includes a land disposal site" is an allowable conditional use, consistent with statute.
K	Title 18 County Zoning <b>Chapter 18.40 Forest Use Zone - F2</b>	
	DCC 18.40.030(G)	Clarification that a "disposal site which includes a land disposal site" is an allowable conditional use, consistent with statute.
L	Title 18 County Zoning <b>Chapter 18.80 Airport Safety Combining Zone</b>	
	DCC 18.80.044(F)	Add transitional surface to location list for consistency with table.
	DCC 18.80 Addendum	Updates to Declaration of Anticipated Noise agreement.
M	Title 18 County Zoning <b>Chapter 18.84 Landscape Management Combining Zone</b>	
	DCC 18.84.080(C)	Correct scrivener's error to note the subsection (not the whole LM code) does not apply for consistency with adopted ordinance.
N	Title 18 County Zoning <b>Chapter 18.90 Sensitive Bird and Mammal Habitat Combining Zone</b>	
	DCC 18.90.050(D)	Correct 120 day time limit to 150 days for SBMH site plan review timeline. (150 days applies to counties; 120 days applies to cities.)
O	Title 18 County Zoning <b>Chapter 18.108 Urban Unincorporated Community Zone - Sunriver</b>	
	DCC 18.108.180(B)(6)	Clarify commercial composting, as approved by DEQ, is an allowable conditional use in the Sunriver Forest District. (Related to update of "disposal site" and "land disposal site" in DCC 18.04.)

<b>Exhibit</b>	<b>Amendment</b>	
P	Title 18 County Zoning <b>Chapter 18.116 Supplementary Provisions</b>	
	DCC 18.116.330(B)(20)	Correct scrivener's error: add missing word ("with").
Q	Title 18 County Zoning <b>Chapter 18.128 Conditional Use</b>	
	DCC 18.128.015(C)	Correct scrivener's error: "insure" to "ensure".
	DCC 18.128.120	Deletion of "landfill, solid waste" to simplify terminology to just "disposal site".
	DCC 18.128.320(D)(3)	Correct scrivener's error ORS reference to OAR.
R	Title 19 Bend Urban Area Zoning Ordinance <b>Chapter 19.22 Westside Transect</b>	
	DCC 19.22.060(G)	Add additional directive text for phasing requirement.
S	Title 22 Deschutes County Development Procedures <b>Chapter 22.04 Introductions and Definitions</b>	
	DCC 22.04.020	Correct scrivener's error in Land Use Permit definition.
T	Title 22 Deschutes County Development Procedures <b>Chapter 22.20 Review of Land use Action Applications</b>	
	DCC 22.20.015	Correct scrivener's error (unnecessary word).
U	Title 22 Deschutes County Development Procedures <b>Chapter 22.34 Proceedings on Remand</b>	
	DCC 22.34.040(A) and (B)	Proceedings on remand - change "Board" to Hearings Body.
V	Title 22 Deschutes County Development Procedures <b>Chapter 22.36 Limitations on Approvals</b>	
	DCC 22.36.010	Align DCC with statute by clarifying the approval period for permits granting approval of: 1) replacement of lawfully established dwelling in Forest Use zones; and, 2) caretaker residences for public parks / public fish hatcheries.
W	Title 23 Comprehensive Plan <b>Section 2.6 Wildlife</b>	
	Policy 2.6.12	Change scrivener's error for Sage Grouse ordinances from 2010-010/11 to 2015-010/11.

### III. BASIC FINDINGS

The Planning Division determined minor changes were necessary to clarify existing standards and procedural requirements, incorporate changes to state law, and correct errors found in various sections of DCC. Staff initiated the proposed changes and notified the Oregon Department of Land Conservation and Development. As demonstrated in Table 1, the amendments remain consistent

with Deschutes County Code, Deschutes County Comprehensive Plan, and the Statewide Planning Goals.

#### **IV. CONCLUSIONARY FINDINGS**

##### **A. CHAPTER 22.12, LEGISLATIVE PROCEDURES**

###### Section 22.12.010.

###### ***Hearing Required***

**FINDING:** The Planning Commission held a public hearing on June 25, 2020. The Board of County Commissioners (Board) will hold a hearing following a Planning Commission recommendation. This criterion is met.

###### Section 22.12.020, Notice

###### ***Notice***

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

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

**FINDING:** This criterion is met as notice was published in *The Bulletin* newspaper on June 10, 2020 for the Planning Commission public hearing and July 1, 2020 for the Board public hearing.

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

**FINDING:** This criterion is met as notice was posted on the bulletin board in the lobby of the Deschutes County Community Development Department, 117 NW Lafayette, Bend, as well as on the Planning Division website.

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

**FINDING:** The proposed amendments are legislative and do not apply to any specific property. Therefore, individual notice is not required.

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

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

Section 22.12.030 Initiation of Legislative Changes.

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

**FINDING:** The application was initiated by the Deschutes County Planning Division at the direction of the Board, and has received a fee waiver. This criterion has been met.

Section 22.12.040. Hearings Body

- A. *The following shall serve as hearings or review body for legislative changes in this order:***
  - 1. *The Planning Commission.***
  - 2. *The Board of County Commissioners.***
- B. *Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.***

**FINDING:** This criterion is met as the Planning Commission held a public hearing on June 25, 2020. The Planning Commission recommended approval of the proposed amendments unanimously. The Board will hold their own public hearing on July 15, 2020.

Section 22.12.050 Final Decision

***All legislative changes shall be adopted by ordinance***

**FINDING:** The proposed legislative changes included in file no. 247-20-000341-PA and 247-20-000342-TA will be implemented by an ordinance upon approval and adoption by the Board. This criterion will be met.



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 July 29, 2020**

**DATE:** July 22, 2020

**FROM:** Zechariah Heck, Community Development, 541-385-1704

**TITLE OF AGENDA ITEM:**

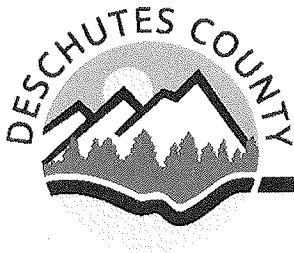
CONSIDERATION OF SECOND READING: Ordinance No. 2020-007, Housekeeping Amendments

**BACKGROUND AND POLICY IMPLICATIONS:**

The Board of County Commissioners held a public hearing on July 15, 2020 concerning housekeeping amendments to Deschutes County Code. The amendments correct minor errors and incorporate updates from rulemaking at the state level through amendments to Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR). The Board voted in favor of approving the proposed amendments as drafted and conducted first reading of Ordinance 2020-007. Second reading is scheduled for Wednesday, July 29, 2020.

**FISCAL IMPLICATIONS:** *none*

**ATTENDANCE:** Zechariah Heck, Associate Planner



**MEMORANDUM**

**DATE:** July 22, 2020  
**TO:** Board of County Commissioners  
**FROM:** Zechariah Heck, AICP, Associate Planner  
**RE:** Housekeeping amendments Second Reading (file no. 247-20-000341-PA / 342-TA)

---

The Board of County Commissioners (Board) held a public hearing on July 15, 2020 concerning housekeeping amendments to Deschutes County Code. The amendments correct minor errors and incorporate updates from rulemaking at the state level through amendments to Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR). No public testimony was received during the hearing. Subsequently, the Board voted in favor of approving the proposed amendments as drafted and conducted first reading of Ordinance 2020-007. Second reading is scheduled for Wednesday, July 29, 2020. The amendments will take effect on October 27, 2020, if approved on Wednesday.

Attachment

Ordinance 2020-007 with exhibits