



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 3, 2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment
DLCD File Number 002-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 12, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Kristen Maze, Deschutes County

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2 Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: Deschutes County Local file number: TA-08-1
Date of Adoption: May 14, 2008 Date Mailed: May 21, 2008
Date original Notice of Proposed Amendment was mailed to DLCD: 1-14-08

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____



Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The amendment adopted is to Deschutes County Code section 18.12 to clarify the existing zone map text and tables and include the geographic information mapping system as the County's official working map.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

same

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1, 2

Was and Exception Adopted? YES NO

DLCD File No.: 002-08 (16642)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing?



Yes



No

If no, do the statewide planning goals apply?



Yes



No

If no, did Emergency Circumstances require immediate adoption?



Yes



No

Affected State or Federal Agencies, Local Governments or Special Districts:

County Clerk

Local Contact: Kristen Maze Phone: (541) 383 6701 Extension: _____

Address: 1107 NW Lafayette City: Bend

Zip Code + 4: 97701 Email Address: Kristen m@co.deschutes.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**


per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

REVIEWED


LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending the Deschutes County Code *
Title 18, Establishment of Zones. *

ORDINANCE NO. 2008-017

WHEREAS, the Deschutes County Community Development staff has initiated a text amendment to Title 18 for Chapter 18.12 Establishment of Zones recognizing the Geographic Information System (GIS) as the official copy used by the Deschutes County staff and to clarify language in the Code; and

WHEREAS the Planning Commission considered this matter after public hearing on March 13, 2008 and forwarded amendments to the zoning regulations for Title 18 to the Board; and

WHEREAS the Board considered this matter after a public hearing on April 28, 2008 and concluded that the public will benefit from changes to the various land use regulations for Title 18; now, therefore,

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

Section 1. AMENDMENT. Title 18, Sections, 18.12, 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 ~~striketrough~~.

///

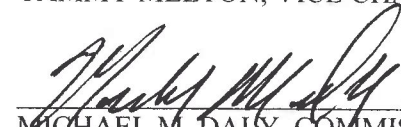
Section 3. FINDINGS. The Board of Commissioners adopts as its findings in support of this amendment as in Exhibit "B" attached and incorporated by reference herein.

Dated this 14 of May, 2008


BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


DENNIS R. LUKE, CHAIR


TAMMY MELTON, VICE CHAIR


MICHAEL M. DALY, COMMISSIONER

ATTEST:


Recording Secretary

Date of 1st Reading: 28 day of April, 2008.


Date of 2nd Reading: 14 day of May, 2008.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tammy Melton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael M. Daly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: 18 day of August, 2008.

ATTEST:


Recording Secretary

Chapter 18.12. ESTABLISHMENT OF ZONES

18.12.010. Establishment of Zones.

18.12.020. Location of Zones.

18.12.030. Zoning Map.

18.12.040. Zone Boundaries.

18.12.010. Establishment of Zones.

For the purpose of DCC Title 18, the following primary zones, combining zones, subzones and unincorporated community zone districts are hereby established:

A. Primary Zones.

Primary Zones	Abbreviations
Airport Development	AD
Exclusive Farm Use Zones	EFU
Flood Plain	FP
Forest Use	F1
Forest Use	F2
Multiple Use Agriculture	MUA10
Open Space and Conservation	OS&C
Rural Commercial	RC
Rural Industrial	RI
Rural Residential	RR10
Surface Mining	SM

B. Combining Zones.

Combining Zones	Abbreviations
Airport Height Safety	AHS
Conventional Housing	CH
Destination Resort	DR
Landscape Management	LM
Limited Use	LU
Sensitive Bird & Mammal Habitat	SBMH
Surface Mining Impact Area	SMIA
Wildlife Area	WA

C. Exclusive Farm Use Subzones.

Exclusive Farm Use Subzones	Abbreviations
Alfalfa	EFUAL
Horse Ridge East	EFUHR
La Pine	EFULA
Lower Bridge	EFULB
Sisters/Cloverdale	EFUSC
Terrebonne	EFUTE
Tumalo/Redmond/Bend	EFUTRB

D. Unincorporated Community Zones.

1. La Pine Urban Unincorporated Community.

La Pine Planning Area	Abbreviations
Commercial District	LPC
Community Facility District	LPCF
Community Facility Limited District	LPCFL
Flood Plain District	LPFP
Industrial District	LPI
Business Park District	LPBP
Residential District	LPR
Sewer Treatment District	LPST
Neighborhood Planning Area	Abbreviations
Neighborhood Community Facility	LPNCF
Neighborhood Community Facility Limited	LPNCFL
Neighborhood Commercial	LPNC
Neighborhood Park	LPNPK
Neighborhood Open Space	LPNO
Neighborhood Residential Center	LPNRC
Neighborhood Residential General	LPNRG
Wickiup Planning Area	Abbreviation
Wickiup Commercial/Residential	LPWCR

2. Sunriver Urban Unincorporated Community.

Sunriver Districts	Abbreviations
Airport District	SUA
Business Park District	SUBP
Commercial District	SUC
Community General District	SUCG
Community Limited District	SUCL
Community Neighborhood District	SUCN
Community Recreation District	SUCR
Flood Plain Combining District	SUFP
Forest District	SUF
Multiple Family Residential District	SURM
Resort District	SUR
Resort Equestrian District	SURE
Resort Golf Course District	SURG
Resort Marina District	SURA
Resort Nature Center District	SURN
Single Family Residential District	SURS
Utility District	SUU

3. Terrebonne Rural Community.

Terrebonne Districts	Abbreviations
Commercial District	TeC
Commercial-Rural District	TeCR
Residential District	TeR
Residential-5 acre minimum District	TeR5

4. Tumalo Rural Community.

Tumalo Districts	Abbreviations
Commercial District	TuC
Flood Plain District	TuFP
Industrial District	TuI
Residential District	TuR
Residential-5 acre minimum District	TuR5
Research & Development District	TuRE

5. Rural Service Center.

Commercial/Mixed Use Districts	Abbreviations
Brothers, Hampton, Millican, Whistlestop, Wildhunt	RSC-C/M (B,H,M,W,W)
Alfalfa	RSC-C/M (A)
Alfalfa Residential	RSC-R(A)
Brothers Open Space	RSC-OS

6. Black Butte Ranch Resort Community.

Black Butte Ranch District	Abbreviations
Resort District	BBRR
Surface Mining District/Limited Use	BBRSM
Utility District/Limited Use	BBRU

7. Inn of the 7th Mountain/Widgi Creek Resort Community

Inn of the 7 th Mountain/ Widgi Creek District	Abbreviations
Resort District	SMWCR
Widgi Creek Residential District	WCR

(Ord 2008-017 § 1, 2008, Ord. 2006-008 §2, 2006; Ord. 2005-016 §1, 2005, Ord. 2002-019 §1, 2002, Ord. 2002-001, §1, 2002, Ord. 2001-048 §4, 2001, Ord. 2001-044 §2, 2001; Ord. 98-063 §2, 1998; Ord. 96-003 §4, 1996; Ord. 92-025 §5, 1992)

18.12.020. Location of Zones.

The boundaries for the zones listed in DCC Title 18 are indicated on the Deschutes County Zoning Map which is hereby adopted by reference. The boundaries shall be modified subject to zoning map amendments which shall be adopted by reference.

(Ord. 91-020 §1, 1991)

18.12.030. Zoning map.

A zoning map amendment adopted by DCC 18.12.020, above, or by an amendment thereto shall be prepared by authority of the Planning Director or Hearings Body or Board of County Commissioners. The map or map amendment shall be dated with the effective date of the order or

ordinance that adopts the map or map amendment. The Deschutes County zoning map exists in official replica form as an electronic map layer within the County geographic information system. The official copy of the electronic version of the zoning map shall contain a legal description of the area to be amended, a map reflecting the previous zoning and a map of the amendment printed onto permanent media, recorded and maintained in the office of the County Clerk. An ~~certified~~ original printed version of the adopted map or map amendment signed by the Board of County Commissioners shall be maintained in the office of the County Clerk. ~~as long as the map adoption order or ordinance remains in effect. A copy of all map amendments, which shall contain a legal description of the area to be amended as well as a map reflecting the previous zoning and a map of the amendment, shall be maintained in the office of the County Clerk.~~

(Ord 2008-017 § 1, 2008, Ord. 91-020 §1, 1991)

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 Title 18 does not apply to areas zoned flood plain.

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



Community Development Department

Planning Division Building Safety Division Environmental Health Division

117 NW Lafayette Avenue Bend Oregon 97701-1925
(541)388-6575 FAX (541)385-1764
<http://www.co.deschutes.or.us/cdd/>

Findings

TO: Deschutes County Board of County Commissioners

FROM: Kristen Maze, Associate Planner

SUBJECT: Text Amendment TA-08-1 Deschutes County Code Chapter 18.12 Establishment of Zones

The Deschutes Board of County Commissioners ("Board") will hold a public hearing on April 28, 2008. The Commissioners will consider a text amendment for Deschutes County Code Section 18.12 Establishment of Zones: Specifically, section 18.12.030 recognizing geographic information system (GIS) maps as the official copy used by the Deschutes County staff and adding language to section 18.12.040 Zone Boundaries that identifies protocol for disputes regarding any zone map classification.

Background

This is a Deschutes County Community Development Department ("CDD") staff initiated text amendment. This amendment will identify in our existing code, section 18.12.030 Zoning Map, the use of the electronic map layer within the County GIS as the official map copies.

Deschutes County's GIS program was started in 1991 when Road Department management suggested building a geographic information system to create and maintain Tax Assessor's Maps. The GIS program has evolved to a point where it routinely performs geographic analysis and creates different mapping products for multiple county departments. Today's technology has put GIS capability on user desktops easily and economically for County staff as well as community users. Today our GIS program operates under the Community Development Department and is vital to staff's mapping knowledge and efficiency.

This amendment will recognize our current mapping process. The Deschutes County Clerk's office will continue to record and maintain all permanent media pertaining to zoning and comprehensive plan maps. All amendments will also be recorded and maintained with the County Clerk. The updated and amended mapping will be reflected in the GIS electronic maps CDD staff accesses daily.

Staff has found this amendment to be consistent with Deschutes County's Comprehensive plan and the County's existing land use mapping process.

Draft Text Amendment

The proposed text amendment outlined in the attached Ordinance are underlined for new language and shown as ~~strikethrough~~ for deleted language (Attachment 1). These proposed text changes have been reviewed by the County Clerk and the County Legal Department.

In addition to the amendment to section 18.12.030, staff is making typo corrections to section 18.12.010 and adding existing zone districts that are not included in the code. Language is proposed for section 18.12.040 Zone Boundaries, to address any disputes to the zoning classification of a property.

Review Criteria & Findings

The proposed amendment revises Deschutes County Code Title 18, Establishment of Zones. Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative zoning text amendment. Therefore, the county must determine that the proposed Title 18 text amendments are consistent with the Statewide Planning Goals and the County's Comprehensive Plan. The parameters for evaluating these text amendments are based on whether there are adequate findings that demonstrate this consistency.

For purposes of this discussion, the proposed amendments would satisfy Statewide Goal 1, Citizen Involvement, and Goal 2 Land Use Planning.

- **Goal 1** would be satisfied through our County text amendment process that includes a Planning Commission work session, followed by a Planning Commission public hearing, Board of Commissioners work session and public hearing.
- **Goal 2** was reviewed for compliance. The text amendment meets the intent because it would have no effect on Deschutes County Comprehensive Plan goals and policies because the current Comprehensive Plan does not address the County mapping designations. Staff intends to address the Comprehensive Plan designation and mapping in the proposed Comprehensive Plan Update currently under consideration. The Deschutes County Code Chapter 18.12 Establishment of Zones would be the only regulation that requires amending at this time.
- The other Statewide **Goals 3 through 14** were reviewed and are not applicable to this text amendment proposal because it simply addresses Deschutes County codification of the electronic mapping as official copies to the permanent media maps recorded in the Clerks office.



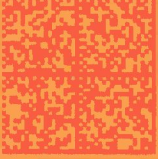
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MAILED FROM ZIP CODE 97701



Deschutes County Community Development Department

117 NW LAFAYETTE AVENUE
BEND, OREGON 97701-1925
(541) 388-6575

Attn: Plan Amendment Specialist
Dept of Land Conservation and Development
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