



# 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

04/30/2009

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

**FROM:** Larry French, Plan Amendment Program Specialist

**SUBJECT:** Deschutes County Plan Amendment  
DLCDC File Number 018-08

The Department of Land Conservation and Development (DLCDC) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCDC office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures\*

**DLCDC ACKNOWLEDGMENT or DEADLINE TO APPEAL:** Wednesday, May 13, 2009

This amendment was submitted to DLCDC for review 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.

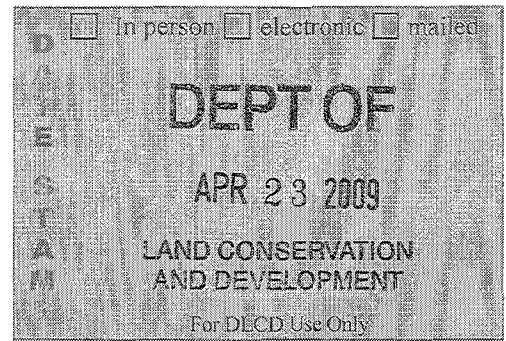
**\*NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCDC. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

**Cc:** Will Groves, Deschutes County  
Doug White, DLCDC Community Services Specialist

Jon Jinings, DLCDC Regional Representative

<paa> YA

# 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: ZC-086/PA-08-C  
 Date sent to DLCD: 4-22-09 mail Electronic in person Date of Adoption: 4/20/09  
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? No If yes, when: 11/21/08  
 Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment  
 Land Use Regulation Amendment  Zoning Map Amendment  
 New Land Use Regulation  Other: \_\_\_\_\_

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

*CREATES NEW RURAL INDUSTRIAL/LIMITED USE ZONE TO REPLACE  
 EXISTING ZONE OF SAME NAME AND SAME LOCATION BUT  
 ADD MINERALS OTHER THAN PUMICE TO ALLOWED PROCESSING  
 OF ALL MINERALS.*

Does the Adoption differ from proposal? Please describe. If no proposal submitted, check here:

*No*

Plan Map Changed from: RURAL INDUSTRIAL/LIMITED USE to: SAME  
 Zone Map Changed from: " to: "  
 Address of Property: 16-12-26 C 301 Acres Involved: \_\_\_\_\_  
 Specify Density: Previous: NO CHANGE New: \_\_\_\_\_

Applicable statewide planning goals:

- |                          |                          |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                          |                          |                          |                          |
|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                 | <b>2</b>                 | <b>3</b>                            | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                           | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

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

DLCD file No. 018-08(17242) [15487]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: WILL GROVE Phone: 541-388-6518 Extension: \_\_\_\_\_  
Address: 117 NW LAFAYETTE City: SENO Zip: 97701  
Fax Number: \_\_\_\_\_ E-mail Address: WILLG@DEBCHUTES.ORG

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## 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 Complete Copies (documents and maps) 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. **Electronic Submittals:** Go to: <http://webserver.lcd.state.or.us/upload2/uploadForm1.php>  
Enter the number of files to be uploaded and then browse to locate files and when all files are found, press submit and your files will be sent to DLCD. At least **one** hard copy must be sent by mail or delivered in person. If you would like help with electronic submittals, please call Mara Ulloa at (503) 373-0050 extension 238.
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 now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

REVIEWED <hr/> LEGAL COUNSEL
REVIEWED <hr/> CODE REVIEW COMMITTEE

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code  
Title 23, the Deschutes County Comprehensive Plan,  
to Adopt Exceptions to Goals 3 and 14 To Change  
the Plan Designation for Certain Property From a  
Limited Use Combining Zone (LU) to a New Limited  
Use Combining Zone (LU) and Declaring and  
Emergency.

\*  
\* ORDINANCE NO. 2009-007  
\*  
\*  
\*  
\*  
\*  
\*

WHEREAS, 4-R Equipment, LLC proposed, Deschutes County Comprehensive Plan and Plan Map amendments to adopt goal exceptions to Statewide Planning Goals 3 (Agricultural Lands) and 14 (Urbanization) and to change the comprehensive plan designation of certain property from a Limited Use Combining Zone (LU) to a new Limited Use Combining Zone (LU) to expand the types of minerals that can be stored, crushed, processed, sold and distributed on the subject property within the Limited Use Combining (LU) zone in Deschutes Junction; and

WHEREAS, a duly noticed public hearing was held on January 6, 2009 before the Deschutes County Hearings Officer and, on February 10, 2009 the Hearings Officer recommended approval of the zone change; and

WHEREAS, a duly noticed public hearing was held on March 16, 2009 before the Board of County Commissioners ("Board"), and

WHEREAS, the Board, after review conducted in accordance with applicable law, approved the Goal Exception to Goal 3 and Goal 14 to change the comprehensive plan designation from Rural Industrial (RI) with a Limited Use Combining Zone (LU) to Rural Industrial with a new (expanded) Limited Use Combining Zone (LU); and,

WHEREAS, Deschutes County Ordinance 2000-017 ordained the Deschutes County Comprehensive Plan Map to be a component of DCC Title 23 and, therefore, any amendment to the Plan Map is an amendment to DCC Title 23; now therefore,

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

Section 1. AMENDMENT. DCC Section 23.24.030, Policies (Rural Development), is amended as described in Exhibit "A", attached hereto and by this reference incorporated herein, with language to be deleted in ~~strikethrough~~ and added in underline.

Section 2. AMENDMENT. DCC Section 23.120.110, Rural Industrial Zone, is amended as described in Exhibit "B", attached and incorporated by reference herein, with language to be deleted in ~~strikethrough~~ and added in underline.

Section 3. AMENDMENT. DCC Title 23, The Deschutes County Comprehensive Plan Map, is amended to change the plan designation for certain property described in Exhibit "C" and depicted on the map set forth as Exhibit "D," attached and incorporated by reference herein, from a Limited Use Combining Zone (LU) to a new Limited Use Combining Zone (LU) of the same title.

Section 4. FINDINGS. The Board adopts as its findings in support of this decision Exhibit "E," 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 takes effect on its passage.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2009

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
TAMMY BANEY, CHAIR

\_\_\_\_\_  
DENNIS R. LUKE, VICE CHAIR

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
ALAN UNGER, COMMISSIONER

Date of 1<sup>st</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Date of 2<sup>nd</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Tammy Baney	_____	_____	_____	_____
Dennis R. Luke	_____	_____	_____	_____
Alan Unger	_____	_____	_____	_____

Effective date: \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
Recording Secretary

## Chapter 18.100. RURAL INDUSTRIAL ZONE - R-I

- 18.100.010. Uses Permitted Outright.
- 18.100.020. Conditional Uses.
- 18.100.030. Use Limitations.
- 18.100.040. Dimensional Standards.
- 18.100.050. Off-street Parking and Loading.
- 18.100.060. Site Design.
- 18.100.070. Additional Requirements.
- 18.100.080. Solar Setback.
- 18.100.090. Limited Use Combining Zone - Deschutes Junction.

### 18.100.010. Uses Permitted Outright.

In an R-I Zone, the following uses and their accessory uses are permitted outright except as limited by DCC 18.100.040, and unless located within 600 feet from a residential dwelling, a lot within a platted subdivision or a residential zone.

- A. Farming or forest use.
- B. Primary processing, packaging, treatment, bulk storage and distribution of the following products:
  - 1. Agricultural products, including foodstuffs, animal and fish products, and animal feeds.
  - 2. Ornamental horticultural products and nurseries.
  - 3. Softwood and hardwood products excluding pulp and paper manufacturing.
  - 4. Sand, gravel, clay and other mineral products.
- C. Residence for caretaker or night watchman on property.
- D. Freight Depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck.
- E. Contractor's or building materials business and other construction-related business including plumbing, electrical, roof, siding, etc., provided such use is wholly enclosed within a building or no outside storage is permitted unless enclosed by sight-obscuring fencing.
- F. Ice or cold storage plant.
- G. Wholesale distribution outlet including warehousing, but excluding open outside storage.
- H. Welding, sheet metal or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight-obscuring fencing.
- I. Kennel or a Veterinary clinic.
- J. Lumber manufacturing and wood processing except pulp and paper manufacturing.
- K. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- L. Class III road or street project.
- M. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

(Ord. 2002-126, §1, 2002; Ord. 2001-039 §12, 2001; Ord. 2001-016 §2, 2001; Ord. 93-043 §16, 1993; Ord. 91-038 §1, 1991)

### 18.100.020. Conditional Uses.

The following uses may be allowed subject to DCC 18.128:

- A. Any use permitted by DCC 18.100.010, which is located within 600 feet of a residential dwelling, a lot within a platted subdivision or a residential zone.
- B. Any use permitted by DCC 18.100.010, which involves open storage.
- C. Concrete or ready-mix plant.

- D. Petroleum products storage and distribution.
- E. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete.
- F. Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.
- G. Railroad trackage and related facilities.
- H. Pulp and paper manufacturing.
- I. Any use permitted by DCC 18.100.020010, which is expected to exceed the following standards:
  - 1. Lot coverage in excess of 70 percent.
  - 2. Generation of any odor, dust, fumes, glare, flashing lights or noise that is perceptible without instruments 500 feet from the property line of the subject use.
- J. Manufacture, repair or storage of articles manufactured from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, precious or semiprecious stones or metal, wax, wire, wood, rubber, yarn or similar materials, provided such uses do not create a disturbance because of odor, noise, dust, smoke, gas, traffic or other factors.
- K. Processing, packaging and storage of food and beverages including those requiring distillation and fermentation.
- L. Public Landfill Transfer Station, including recycling and other related activities.
- M. Mini-storage facility.
- N. Automotive wrecking yard totally enclosed by a sight-obscuring fence.
- O. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- P. Utility facility.
- Q. Manufacturing, storage, sales, rental, repair and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities.
- R. Electrical substations.  
(Ord. 2004-013, §10, 2004; Ord. 2002-126, §1, 2002; Ord. 2001-039 §12, 2001; Ord. 2001-016 §2, 2001; Ord. 97-063 §3, 1997; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 90-014 §38, 1990; Ord. 86-018 §15, 1986)

**18.100.030. Use Limitations.**

In an R-I Zone, the following limitations and standards shall apply to all permitted and conditional uses:

- A. Properties subject to a limited use combining zone shall be limited to those uses and conditions specified in the limited use combining zone.
- B. No use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall be permitted to locate on a lot adjacent to or across a street from a residential dwelling, a lot in a platted subdivision or a residential zone.
- C. No use shall be permitted that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises unless served directly by an arterial or collector or other improved street or road designed to serve the industrial use which does not pass through or adjacent to residential lots in a platted subdivision or a residential zone.
- D. Any use on a lot adjacent to or across the street from a residential dwelling, a lot in a platted subdivision or a residential zone shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use or lot.
- E. All parking demand created by any use permitted by DCC 18.100.020 010 or 030 020 shall be accommodated on the applicant's premises entirely off-street.
- F. No use permitted by DCC 18.100.020 010 or 030 020 shall require the backing of traffic onto a public or private street or road right of way.

- G. There shall be only one ingress and one egress from properties accommodating uses permitted by DCC 18.100.020 010 or 030 020 per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, permitted uses shall provide for shared ingress and egress.
- H. All uses permitted by DCC 18.100.020 or 030 shall be screened from adjoining residential uses by a sight-obscuring fence.
- I. No use shall be permitted to operate for business between the hours of 11:00 p.m. and 7:00 a.m. if located adjacent to or across the street from a residential dwelling, a lot in a platted subdivision or a residential zone except as is consistent with DCC 8.08.
- J. No use shall be permitted which has been declared a nuisance by state statute, County ordinance or a court of competent jurisdiction. No use requiring contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit-reviewing authority, nor shall such uses be permitted adjacent to or across a street from a residential use or lot.
- K. Residential and industrial uses shall be served by DEQ approved on-site sewage disposal systems.
- L. Residential and industrial uses shall be served by on-site wells or public water systems.  
(Ord. 2004-013, §10, 2004; Ord. 2002-126, §1, 2002; Ord. 91-020 §1, 1991)

**18.100.040. Dimensional Standards.**

In an R-I Zone, the following dimensional standards shall apply:

- A. The minimum lot size shall be determined subject to the provisions of DCC 18.100.050.
- B. No conditional use permitted by DCC 18.100.030 that is located within 600 feet of a residential use, lot in a platted subdivision or a residential zone shall exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.
- C. The minimum setback between a structure and a street or road shall be 50 feet.
- D. The minimum setback between a structure and a property line adjoining a residential lot or use shall be 50 feet.
- E. The minimum rear or side yard setback shall be 25 feet unless a greater setback is required by DCC 18.100.050 C or D.
- F. The maximum building height for any structure shall be 30 feet on any lot adjacent to or across a street from a residential use or lot and 45 feet on any other lot.
- G. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- H. Maximum industrial use floor area.
  - 1. The maximum size of a building is 7,500 square feet of floor space. The maximum square footage in a building or buildings for a single allowable use, as defined in DCC 18.100.020 and 18.100.030, on an individual lot or parcel shall not exceed 7,500 square feet. There is no building size limit for uses that are for the primary processing of raw materials produced in rural areas.
  - 2. A lawfully established use that existed on or before 02/25/03 may be expanded to occupy a maximum of 10,000 square feet of floor area or an additional 25 percent of the floor area currently occupied by the existing use which ever is greater.

(Ord. 2002-126, §1, 2002; Ord. 95-075 §1, 1995; Ord. 94-008 §26, 1994; Ord. 91-020 §1, 1991)

**18.100.050. Off-street Parking and Loading.**

Off-street parking and loading shall be provided subject to the provisions of DCC 18.100.070 and DCC 18.116.

(Ord. 91-020 §1, 1991)



**18.100.060. Site Design.**

All uses except farm, forest and residential uses are subject to the provisions of DCC 18.124, Site Plan Review.

(Ord. 2002-126, §1, 2002; Ord. 91-020 §1, 1991)

**18.100.70. Additional Requirements.**

As a condition of approval of any use proposed within an R-I Zone, the Planning Director or Hearings Body may require:

- A. An increase in required setbacks.
- B. Additional off-street parking and loading facilities.
- C. Limitations on signs or lighting, hours of operation, and points of ingress and egress.
- D. Additional landscaping, screening and other improvements.

(Ord. 91-020 §1, 1991)

**18.100.080. Solar Setback.**

The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.

(Ord. 91-020 §1, 1991; Ord. 83-037 §20, 1983)

**18.100.090. Limited Use Combining Zone - Deschutes Junction**

For the property at Deschutes Junction that is described in Exhibit "C" and identified on Exhibit "D", attached to Ordinance 2009-007 and incorporated by reference herein, the storage, crushing, processing, sale and distribution of minerals and their accessory uses are permitted outright and do not require site plan review.

(Ord. 2009-008 §2)

(Zoning Map amended by Ord. 2009-008 §2; Ord. 95-016 §1, 1995; Ord. 94-011 §1, 1994)

REVIEWED
_____ LEGAL COUNSEL
REVIEWED
_____ CODE REVIEW COMMITTEE

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code	*	
Title 18 the Deschutes County Zoning Map, and	*	ORDINANCE NO. 2009-008
Adding DCC 18.100.090, to Change the Zone	*	
Designation for Certain Property From a Limited Use	*	
Combining Zone (LU) to a New Limited Use	*	
Combining Zone (LU) and Declaring an Emergency.	*	
	*	
	*	

WHEREAS, 4-R Equipment, LLC applied for a Deschutes County Code (“DCC”) text addition and a zone change to the DCC Title 18, Deschutes County Zoning Map, to rezone certain property from a Limited Use Combining Zone (LU) to a new Limited Use Combining Zone (LU) to expand the types of minerals that can be stored, crushed, processed, sold and distributed on certain property within the limited use combining zone in Deschutes Junction; and

WHEREAS, after notice was give in accordance with applicable law, a public hearing was held on January 6, 2009 before the Deschutes County Hearings Officer and, on February 10, 2009 the Hearings Officer recommended approval of the zone change; and

WHEREAS, after notice was give in accordance with applicable law, a public hearing was held on March 16, 2009 before the Board of County Commissioners (“Board”); and

WHEREAS, on this same date, the Board adopted Ordinance 2009-007, adopting a goal exception to Statewide Planning Goals 3 and 14 and a Comprehensive Plan amendment; and

WHEREAS, the Board approved the zoning text amendment and map changes that implement the newly adopted plan amendment the comprehensive plan ; now therefore,

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

Section 1. ADDING. DCC Section 18.100.090, Limited Use Combining Zone – Deschutes Junction is added as described in Exhibit “A”, attached and incorporated by reference herein.

Section 2. AMENDMENT. DCC Title 18, Zoning Map, is amended to change the Limited Use Combining Zone (LU) designation to a new Limited Use Combining Zone (LU) with the same title for that certain property described in Exhibit “C” and depicted on the map set forth as Exhibit “D”, attached to Ordinance 2009-007 and incorporated by reference herein.

Section 3. FINDINGS. The Board adopts as its findings in support of this decision, Exhibit “E”, attached to Ordinance 2009-007 and incorporated by reference herein.

///

Section 4. EMERGENCY. This Ordinance being necessary for the public peace, health and safety, an emergency is declared to exist and this Ordinance takes effect on its passage.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2009

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
TAMMY BANEY, CHAIR

\_\_\_\_\_  
DENNIS R. LUKE, VICE CHAIR

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
ALAN UNGER, COMMISSIONER

Date of 1<sup>st</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Date of 2<sup>nd</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Tammy Baney	_____	_____	_____	_____
Dennis R. Luke	_____	_____	_____	_____
Alan Unger	_____	_____	_____	_____

Effective date: \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
Recording Secretary

## Chapter 23.24 RURAL DEVELOPMENT

### 23.24.010. Rural Development.

#### 23.24.020. Goals.

#### 23.24.030. Policies.

### 23.24.010. Rural Development.

The primary duty of this comprehensive plan is to guide growth and development in the rural areas of Deschutes County. The Urbanization chapter discusses urban area growth; but the primary plans for the County's major communities are the three urban area plans. The Deschutes County Comprehensive Plan is focused upon the changes that will be taking place outside the urban growth boundaries. This chapter is meant to tie together the various more specific chapters that deal with resource and growth management so that an integrated plan for the development of the County may be obtained.

Being the fastest growing County in Oregon has meant many changes for Deschutes County. Some of the changes, such as improved social, cultural and economic opportunities, are seen as beneficial. Others, such as traffic congestion, loss of scenic views, and rising taxes to pay for public services, are changes most people would like to do without.

Recent years have witnessed Countywide growth occurring at about 6.3 per cent annually. The present population of Deschutes County is estimated at 49,700. Growth is expected to continue at a slower rate (4.5 per cent annually) to the year 2000. By that time, the County will likely have about 128,200 residents. Of that number, 84,000 will be in the Bend Urban Area; another 23,093 will be in and around Redmond; 2,135 are expected for Sisters; and La Pine will have incorporated and reached an urban area population of 3,620. That leaves a rural population of 15,350 people, up from an estimated 8,300 presently.

To accommodate the new rural population will require 3,039 lots (assumes 2.32 persons per household). There were available in Deschutes County, as of January 1, 1979, 17,377 undeveloped rural tract and recreational lots. It appears that Countywide there is in excess of 14,000 lots beyond the public housing needs until the year 2000. That does not preclude the possibility of certain areas needing new lots, since the vast majority of those existing lots are in the La Pine area, but it does indicate the County must give serious review before approving any further rural development.

Much of the development that has occurred locally has been the standard parcelization of land into small (less than 10 acres) lots. This dispersed pattern is often the most costly to serve; the most wasteful of energy, land and resources; the least esthetic; and the most destructive to rural character. Planned Developments, such as Indian Ford Planned Development, often provide a more efficient and beneficial manner in which to serve the public demand for rural recreational or residential experience. Destination resorts, such as Black Butte Ranch and dude ranches, have been found locally to be economically and socially desirable land uses, when located and developed consistent with the capabilities of the land and the abilities of various public and private agencies to serve that area.

Recreational subdivision was originally seen as a benefit to the County as the non-resident landowners would be contributing to the County tax base. This probably resulted in areas like La Pine subsidizing other portions of the County. Now the recreation subdivisions are filling up with retirees and younger people seeking less expensive building lots. The result is a call for more services in areas far from existing service facilities and in subdivisions where roads and other improvements were meant only for seasonal and limited use. As demand continues to grow, to provide adequate service levels it will be necessary for other areas to

subsidize the recreational areas for many years. Studies by Oregon State University indicate that Deschutes County is likely faced with such a situation presently.

The County has witnessed losses of agricultural, forest and other resource lands, as well as seen the expense and esthetic losses created by urban sprawl. Studies such as "The Costs of Sprawl" have emphasized the greater efficiencies that can be obtained by a more condensed and planned development pattern. When these factors were combined with State requirements to contain development in urban areas, there was no question to the Overall CAC that the updated comprehensive plan would have to address the issue of containing urban sprawl and protecting the rural character of the County.

The predominant rural land uses in the County are open spaces, pasture and limited crop production, livestock production, natural resource utilization and wildlife cover. There is also residential use and some commercial and industrial activity in the rural service centers. Unfortunately, the unrestrictive zoning permitted in the rural service centers has allowed incompatible adjacent land uses and not resulted in providing the needed services for the surrounding rural areas. In the case of Deschutes Junction this result is combined with another factor in that Bend's urban sprawl is augmented by development at the junction.

Interestingly, the residents of the rural service centers, except for La Pine, have expressed concern that higher levels of development in their locales would be incompatible with the existing rural nature of the area. They agree that there is a need for limited and controlled growth, but that the rural character of the community must be maintained.

To guide development into appropriate patterns the following goals have been prepared.  
(Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 92-051, 1992; PL-20, 1979)

#### **23.24.020. Goals.**

- A. To preserve and enhance the open spaces, rural character, scenic values and natural resources of the County.
- B. To guide the location and design of rural development so as to minimize the public costs of facilities and services, to avoid unnecessary expansion of service boundaries, and to preserve and enhance the safety and viability of rural land uses.
- C. To provide for the possible long-term expansion of urban areas while protecting the distinction between urban (urbanizing) land and rural lands.

(Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 92-051, 1992; PL-20, 1979)

#### **23.24.030. Policies.**

The policies needed to accomplish the identified goals were largely developed by the Overall CAC during its deliberations on the preliminary plan. It was obvious that some policies were needed to pull the various resource and management chapters together and to fill in some gaps so that an integrated and cohesive plan was available.

Rural Development policies are meant to pertain to all non-urban areas (areas outside urban growth boundaries) and are the basic policies to be followed in guiding rural growth. Specific resource or management policies from other chapters shall augment these policies so that the plan must be viewed as an integrated whole rather than a series of individual chapters.

- **Residential/recreational development.**

1. Because 91 percent of the new County population will live inside an urban area, with only 3,039 new rural lots required, and in light of the 17,377 undeveloped rural tracts and lots as well as the energy, environmental and public service costs, all future rural development will be stringently

reviewed for public need before approval. As a guideline for review if a study of existing lots within three miles of the proposed development indicates approximately 50 per cent or more of those lots have not had structures constructed thereon, then the developer shall submit adequate testimony justifying additional lots in that area. This will permit development in areas where such is needed (other policies considering energy, public facilities, safety and other development aspects shall also be considered) while restricting future division in areas where many undeveloped lots already exist.

2. To further restrict subdivision outside urban areas the minimum parcel size shall be 10 acres, except where other policies supersede this minimum (see Unincorporated Communities, Rural Service Centers, Agriculture and Forest Lands).
3. Cluster or planned development offers significant savings to the developer because of reduced roadway, utility and construction costs. Public costs to serve cluster developments are also usually lower. Therefore, to encourage cluster and planned developments, rather than parcelization, the county shall permit smaller lot sizes and the continued use of special lot size requirements in cluster and planned developments in rural residential exception areas.
4. Cluster and planned developments shall maintain a minimum of 65 per cent of the land in open space, forest or agricultural uses compatible with the surrounding area and the development area. The open space of the development may be platted as a separate parcel or in common ownership of some or all of the clustered units; however, the open area shall not be subject to development unless the whole development is brought inside an urban growth boundary. Also, service connections shall be the minimum length necessary and underground where feasible. Roads may be private roads and shall meet County standards.
5. Destination resorts are important elements of the local economy. These developments shall not be permitted in exclusive farm use districts except in EFU-20 and EFU-40 zones pursuant to the County's Destination Resort Siting Map and Destination Resort Siting Combining Zone and in forest districts only in the F-2 zone pursuant to the County's Destination Resort Siting Combining Zone. They may be allowed in the County's rural areas if compatible with the environmental capabilities of the site, near existing transportation and utility facilities, consistent with the rural character of the area, and unlikely to create undue public service burdens.
6. Other than as outlined in Policy 5 and the Goals and Policies set forth for Destination Resorts, no further recreational (seasonal) subdivision will be approved in rural areas.
7. Parcels legally existing at the time of this plan's adoption shall continue to function as legal lots and will not be unduly affected by the new lot size.
- **Commercial and Industrial Development.**
8. Within one mile of acknowledged urban growth boundaries, use of the planned or cluster development concepts shall permit development in Multiple Use Agriculture or Rural Residential zones (not under a combining zone which would prevent such) with a minimum lot size or equivalent density of one unit per five acres.
9. Temporary on-site processing and storage of either mineral and aggregate materials or agricultural products shall be permitted as appropriate, in order to support the continued productivity of the County's natural resources.
10. Certain industrial uses, such as research and development facilities (requiring quiet and open surroundings) and manufacturers of hazardous materials (requiring long distances between the plant and neighbors) are more suitably located in rural areas. The County shall consider making provision for such uses as the need is found to exist (see Tumalo).
11. Certain industrial uses, such as research and development facilities (requiring quiet and open surroundings), wrecking or salvage yards and manufacturers of hazardous materials (requiring long distances between the plant and neighbors) are more suitably located in rural areas. The County shall consider making provision for such uses as the need is found to exist (see Tumalo).

To ensure that the uses in the Rural Industrial zone on tax lot 16-12-26C-301, as described in Exhibit "C" and depicted on Exhibit "D," attached to Ordinance 2009-007 and incorporated by

reference herein, are limited in nature and scope, the Rural Industrial zoning on the subject parcel shall be subject to a Limited Use Combining Zone, which will limit the uses to storage, crushing, processing, sale and distribution of ~~public~~ minerals.

12. Because large scale recreation facilities cannot normally be accommodated in urban areas, uses such as motor cross tracks, rodeo grounds and livestock arenas shall be conditional uses which may be approved in rural areas adjacent to existing highways and other public facilities.

• **Other.**

13. Construction on open lands shall be in a manner least intrusive to the aesthetic and natural character of those lands and neighboring lands (fences and access roads shall not be considered structures).

14. Because there have been problems in obtaining community centers in some areas, centers approved on the original subdivision plat or development plan shall be permitted uses in rural residential zones.

15. Due to the more dispersed pattern of dwellings in rural areas the notice requirement area for public hearings on quasi-judicial land use actions shall be larger than in urban areas.

16. More effective dog control program should be considered by the County to counter existing problems.

17. Pre-existing status shall be granted to subdivisions and partitions with at least preliminary approval and buildings with at least an issued building permit at the time of plan adoption by the Board of County Commissioners.

18. All development in Deschutes County shall comply with all applicable state and federal rules, regulations and standards.

(Ord. 2009-007 §1; Ord. 2004-023 §1, 2004, Ord. 2002-001 §2, 2002, Ord. 2002-005 §1, 2002, Ord 2002-001§2; Ord. 2000-017 §1, 2000; Ord. 92-051, 1992; PL-20, 1979)

(~~Note: Pursuant to Exhibit "A" of this Ordinance, this section of text has been moved to DCC 23.40.010 with text amended pursuant to Exhibit "D" of this Ordinance.~~)

## Chapter 18.100. RURAL INDUSTRIAL ZONE - R-I

- 18.100.010. Uses Permitted Outright.
- 18.100.020. Conditional Uses.
- 18.100.030. Use Limitations.
- 18.100.040. Dimensional Standards.
- 18.100.050. Off-street Parking and Loading.
- 18.100.060. Site Design.
- 18.100.070. Additional Requirements.
- 18.100.080. Solar Setback.
- 18.100.090. Limited Use Combining Zone - Deschutes Junction.

### 18.100.010. Uses Permitted Outright.

In an R-I Zone, the following uses and their accessory uses are permitted outright except as limited by DCC 18.100.040, and unless located within 600 feet from a residential dwelling, a lot within a platted subdivision or a residential zone.

- A. Farming or forest use.
- B. Primary processing, packaging, treatment, bulk storage and distribution of the following products:
  - 1. Agricultural products, including foodstuffs, animal and fish products, and animal feeds.
  - 2. Ornamental horticultural products and nurseries.
  - 3. Softwood and hardwood products excluding pulp and paper manufacturing.
  - 4. Sand, gravel, clay and other mineral products.
- C. Residence for caretaker or night watchman on property.
- D. Freight Depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck.
- E. Contractor's or building materials business and other construction-related business including plumbing, electrical, roof, siding, etc., provided such use is wholly enclosed within a building or no outside storage is permitted unless enclosed by sight-obscuring fencing.
- F. Ice or cold storage plant.
- G. Wholesale distribution outlet including warehousing, but excluding open outside storage.
- H. Welding, sheet metal or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight-obscuring fencing.
- I. Kennel or a Veterinary clinic.
- J. Lumber manufacturing and wood processing except pulp and paper manufacturing.
- K. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- L. Class III road or street project.
- M. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

(Ord. 2002-126, §1, 2002; Ord. 2001-039 §12, 2001; Ord. 2001-016 §2, 2001; Ord. 93-043 §16, 1993; Ord. 91-038 §1, 1991)

### 18.100.020. Conditional Uses.

The following uses may be allowed subject to DCC 18.128:

- A. Any use permitted by DCC 18.100.010, which is located within 600 feet of a residential dwelling, a lot within a platted subdivision or a residential zone.
- B. Any use permitted by DCC 18.100.010, which involves open storage.
- C. Concrete or ready-mix plant.



- D. Petroleum products storage and distribution.
- E. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete.
- F. Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.
- G. Railroad trackage and related facilities.
- H. Pulp and paper manufacturing.
- I. Any use permitted by DCC 18.100.020010, which is expected to exceed the following standards:
  - 1. Lot coverage in excess of 70 percent.
  - 2. Generation of any odor, dust, fumes, glare, flashing lights or noise that is perceptible without instruments 500 feet from the property line of the subject use.
- J. Manufacture, repair or storage of articles manufactured from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, precious or semiprecious stones or metal, wax, wire, wood, rubber, yarn or similar materials, provided such uses do not create a disturbance because of odor, noise, dust, smoke, gas, traffic or other factors.
- K. Processing, packaging and storage of food and beverages including those requiring distillation and fermentation.
- L. Public Landfill Transfer Station, including recycling and other related activities.
- M. Mini-storage facility.
- N. Automotive wrecking yard totally enclosed by a sight-obscuring fence.
- O. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- P. Utility facility.
- Q. Manufacturing, storage, sales, rental, repair and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities.
- R. Electrical substations.  
(Ord. 2004-013, §10, 2004; Ord. 2002-126, §1, 2002; Ord. 2001-039 §12, 2001; Ord. 2001-016 §2, 2001; Ord. 97-063 §3, 1997; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 90-014 §38, 1990; Ord. 86-018 §15, 1986)

**18.100.030. Use Limitations.**

In an R-I Zone, the following limitations and standards shall apply to all permitted and conditional uses:

- A. Properties subject to a limited use combining zone shall be limited to those uses and conditions specified in the limited use combining zone.
- B. No use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall be permitted to locate on a lot adjacent to or across a street from a residential dwelling, a lot in a platted subdivision or a residential zone.
- C. No use shall be permitted that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises unless served directly by an arterial or collector or other improved street or road designed to serve the industrial use which does not pass through or adjacent to residential lots in a platted subdivision or a residential zone.
- D. Any use on a lot adjacent to or across the street from a residential dwelling, a lot in a platted subdivision or a residential zone shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use or lot.
- E. All parking demand created by any use permitted by DCC 18.100.020 010 or 030 020 shall be accommodated on the applicant's premises entirely off-street.
- F. No use permitted by DCC 18.100.020 010 or 030 020 shall require the backing of traffic onto a public or private street or road right of way.

- G. There shall be only one ingress and one egress from properties accommodating uses permitted by DCC 18.100.020 010 or 030 020 per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, permitted uses shall provide for shared ingress and egress.
- H. All uses permitted by DCC 18.100.020 or 030 shall be screened from adjoining residential uses by a sight-obscuring fence.
- I. No use shall be permitted to operate for business between the hours of 11:00 p.m. and 7:00 a.m. if located adjacent to or across the street from a residential dwelling, a lot in a platted subdivision or a residential zone except as is consistent with DCC 8.08.
- J. No use shall be permitted which has been declared a nuisance by state statute, County ordinance or a court of competent jurisdiction. No use requiring contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit-reviewing authority, nor shall such uses be permitted adjacent to or across a street from a residential use or lot.
- K. Residential and industrial uses shall be served by DEQ approved on-site sewage disposal systems.
- L. Residential and industrial uses shall be served by on-site wells or public water systems.  
(Ord. 2004-013, §10, 2004; Ord. 2002-126, §1, 2002; Ord. 91-020 §1, 1991)

**18.100.040. Dimensional Standards.**

In an R-I Zone, the following dimensional standards shall apply:

- A. The minimum lot size shall be determined subject to the provisions of DCC 18.100.050.
- B. No conditional use permitted by DCC 18.100.030 that is located within 600 feet of a residential use, lot in a platted subdivision or a residential zone shall exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.
- C. The minimum setback between a structure and a street or road shall be 50 feet.
- D. The minimum setback between a structure and a property line adjoining a residential lot or use shall be 50 feet.
- E. The minimum rear or side yard setback shall be 25 feet unless a greater setback is required by DCC 18.100.050 C or D.
- F. The maximum building height for any structure shall be 30 feet on any lot adjacent to or across a street from a residential use or lot and 45 feet on any other lot.
- G. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- H. Maximum industrial use floor area.
  - 1. The maximum size of a building is 7,500 square feet of floor space. The maximum square footage in a building or buildings for a single allowable use, as defined in DCC 18.100.020 and 18.100.030, on an individual lot or parcel shall not exceed 7,500 square feet. There is no building size limit for uses that are for the primary processing of raw materials produced in rural areas.
  - 2. A lawfully established use that existed on or before 02/25/03 may be expanded to occupy a maximum of 10,000 square feet of floor area or an additional 25 percent of the floor area currently occupied by the existing use which ever is greater.

(Ord. 2002-126, §1, 2002; Ord. 95-075 §1, 1995; Ord. 94-008 §26, 1994; Ord. 91-020 §1, 1991)

**18.100.050. Off-street Parking and Loading.**

Off-street parking and loading shall be provided subject to the provisions of DCC 18.100.070 and DCC 18.116.

(Ord. 91-020 §1, 1991)

**18.100.060. Site Design.**

All uses except farm, forest and residential uses are subject to the provisions of DCC 18.124, Site Plan Review.

(Ord. 2002-126, §1, 2002; Ord. 91-020 §1, 1991)

**18.100.70. Additional Requirements.**

As a condition of approval of any use proposed within an R-I Zone, the Planning Director or Hearings Body may require:

- A. An increase in required setbacks.
- B. Additional off-street parking and loading facilities.
- C. Limitations on signs or lighting, hours of operation, and points of ingress and egress.
- D. Additional landscaping, screening and other improvements.

(Ord. 91-020 §1, 1991)

**18.100.080. Solar Setback.**

The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.

(Ord. 91-020 §1, 1991; Ord. 83-037 §20, 1983)

**18.100.090. Limited Use Combining Zone - Deschutes Junction**

For the property at Deschutes Junction that is described in Exhibit "C" and identified on Exhibit "D", attached to Ordinance 2009-007 and incorporated by reference herein, the storage, crushing, processing, sale and distribution of minerals and their accessory uses are permitted outright and do not require site plan review.

(Ord. 2009-008 §2)

(Zoning Map amended by Ord. 2009-008 §2; Ord. 95-016 §1, 1995; Ord. 94-011 §1, 1994)

\*\*\*\* Denotes sections of this chapter unaffected by Ordinance 2009-007.

**Chapter 23.120. GOAL EXCEPTION STATEMENT**

- 23.120.010. **Introduction.**
- 23.120.020. **Methodology.**
- 23.120.030. **Agricultural Lands.**
- 23.120.040. **Forest Lands.**
- 23.120.050. **Exceptions Analysis.**
- 23.120.060. **Exception Area Plan.**
- 23.120.070. **Bend Municipal Airport Exceptions Statement.**
- 23.120.080. **La Pine UUC Boundary.**
- 23.120.090. **Spring River Rural Service Center.**
- 23.120.100. **Burgess Road and Highway 97.**
- 23.120.110. **Rural Industrial Zone.**
- 23.120.120. **Prineville Railway.**
- 23.120.130. **Resort Communities.**
- 23.124.140. **Barclay Meadows Business Park.**
- 23.120.150. **Sisters School District #6.**
- 23.120.160. **Sisters Organization of Activities and Recreation and Sisters School District #6.**
- 23.120.170. **Oregon Water Wonderland Unit 2 Sewer District.**
- 23.120.180. **2004 City of Bend Urban Growth Boundary Amendment (Juniper Ridge).**
- 23.120.190.1. **Joyce Coats Revocable Trust Johnson Road and Tumalo Reservoir Road Properties.**
- 23.120.200. **Watson/Generations Development Inc.**
- 23.120.210. **Oregon Department of Transportation.**
- 23.120.220. **Conklin / Eady Property.**
- 23.120.230. **City of Sisters Property.**
- 23.120.240. **McKenzie Meadows Property.**
- 23.120.250. **Bend Metro Park and Recreation District Properties**
- 23.120.260. **Harris and Nancy Kimble Property and Portion of CLR, Inc. Property**

\*\*\*\*

**23.120.110. Rural Industrial Zone.**

In conjunction with approval of PA-98-2/ZC-98-1PA-08-6, ZC-08-6 for that certain property described in Exhibit "C" and depicted in Exhibit "D" attached to ORS 2009-007 and incorporated by reference herein, an "irrevocably committed" exception to Statewide Planning Goal 3, Agricultural Lands, and a reasons exception to Goal 14 was taken to allow for the subject comprehensive plan and zone change on agricultural land. The plan amendment and zone change will allow Rural Industrial plan and zoning designation with a Limited Use Combining Zone for the specific use of storage, crushing, processing, sale and distribution of ~~pumice~~ only minerals. Reasons justifying why the state policy embodied in Goal 3 should not apply in this situation are set forth in Exhibit "DE" to Ordinance 98-0812009-007, which findings are incorporated herein. (Ord. 2009-007 §2; Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 98-081, 1998)

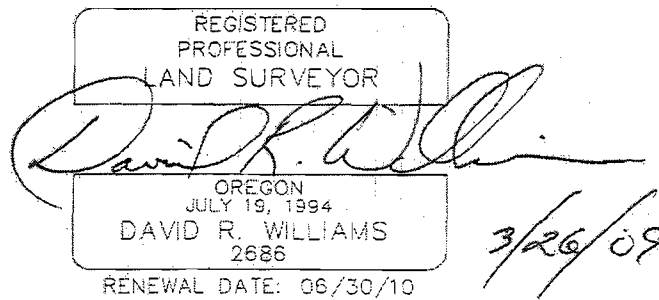
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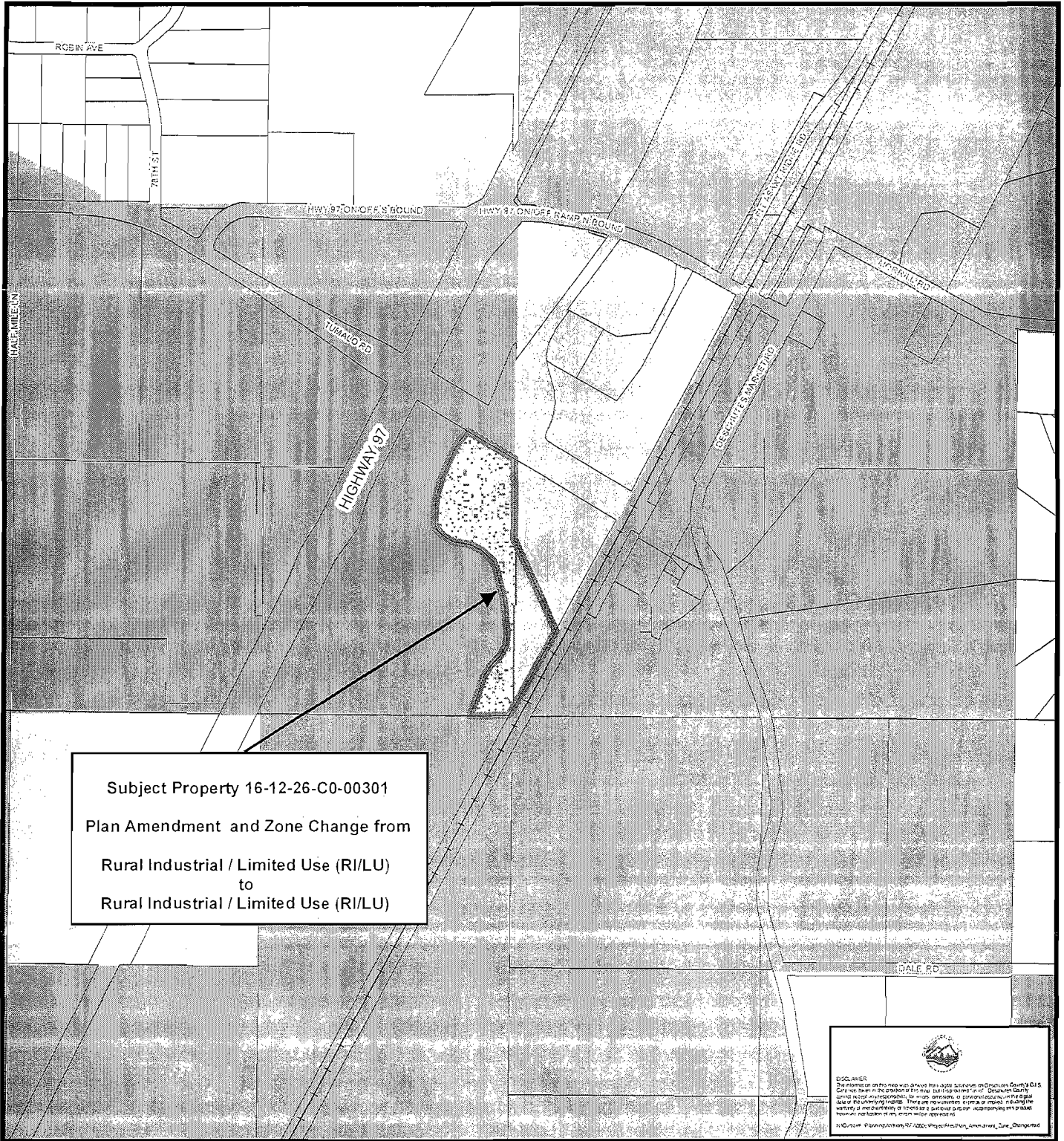
**OVERLAY ZONE**

**LEGAL DESCRIPTION**


A parcel of land located in a portion of Section 26, Township 16 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

All that portion of the West Half of the Southwest Quarter (W1/2 SW1/4) of Section Twenty-six (26), Township Sixteen (16) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, lying easterly of the centerline of the Pilot Butte Canal and westerly from the westerly right-of-way line of the Oregon Trunk Railway and south of Parcel 2 in deed recorded in Book 474, Page 1863 Deschutes County Records.












Subject Property 16-12-26-C0-00301  
 Plan Amendment and Zone Change from  
 Rural Industrial / Limited Use (RI/LU)  
 to  
 Rural Industrial / Limited Use (RI/LU)

  
 BOARD OF COUNTY COMMISSIONERS  
 OF DESCHUTES COUNTY, OREGON

**COMPREHENSIVE PLAN AND ZONING MAP**

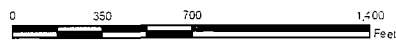
BOARD OF COUNTY COMMISSIONERS  
 OF DESCHUTES COUNTY, OREGON

**Legend**

-  Subject Property 16-12-26-C0-00301
- Comprehensive Plan Designation**
-  AG - Agriculture
-  OS&C - Open Space & Conservation
-  RC - Rural Commercial
-  RI - Rural Industrial
-  RREA - Rural Residential Exception Area
-  LU - Limited Use Combining Zone

4-R Equipment, LLC

**Exhibit "D"**  
 to Ordinance 2009-007



April 14, 2009

Tammy Baney, Chair

Dennis R. Luke, Vice Chair

Alan Unger, Commissioner

ATTEST: Recording Secretary

Dated this \_\_\_\_ day of April, 2009  
 Effective Date: April \_\_\_\_, 2009

DECISION OF DESCHUTES COUNTY BOARD OF COUNTY COMMISSIONERS

FILE NUMBERS: PA-08-6 and ZC-08-6

APPLICANT/  
PROPERTY OWNER: 4-R Equipment, LLC  
P.O. Box 5006  
Bend, Oregon 97708

APPLICANT'S  
ATTORNEY: Sharon R. Smith  
Bryant Lovlien & Jarvis Pc  
P.O. Box 880  
Bend, Oregon 97709

REQUEST: The applicant requests approval of a plan amendment, zone change, and exception to Goals 3 and 14 for the RI-zoned subject property in order to expand the types of minerals that can be stored, crushed, processed, sold and distributed within the existing LU Zone.

STAFF REVIEWER: Will Groves, Senior Planner

HEARING DATE: March 16, 2009

RECORD CLOSED: March 16, 2009

I. APPLICABLE STANDARDS AND CRITERIA:

A. Title 18 of the Deschutes County Code, the Deschutes County Zoning Ordinance

1. Chapter 18.04, Title, Purpose and Definitions
  - \* Section 18.04.030, Definitions
2. Chapter 18.84, Landscape Management - LM Combining Zone
3. Chapter 18.100, Rural Industrial - RI Zone
  - \* Section 18.100.010, Purpose
4. Chapter 18.112, Limited Use Combining Zone
  - \* Section 18.112.010, Purpose
  - \* Section 18.112.020, Combining Zone Requirements
5. Chapter 18.136, Amendments
  - \* Section 18.136.020, Rezoning Standards

B. Title 22 of the Deschutes County Code, the Development Procedures Ordinance

1. Chapter 22.010, Hearing
2. Chapter 22.020, Notice

C. Title 23 of the Deschutes County Code, the Year 2000 Comprehensive Plan

1. Chapter 23.08, Introduction
  - \* Section 23.08.010, Introduction
2. Chapter 23.20, Comprehensive Planning Process
  - \* Section 23.20.040, Goals and Policies

3. Chapter 23.24, Rural Development
    - \* Section 23.24.020, Goals
    - \* Section 23.24.030, Policies
  4. Chapter 23.40, Unincorporated Communities
  5. Chapter 23.120, Goal Exception Statement
    - \* Section 23.120.110, Rural Industrial Zone
- D. Oregon Administrative Rules, Chapter 660, Land Conservation and Development Commission
1. Division 4 - Interpretation of Goal 2 Exception Process:
    - \* OAR 660-004-0010, Application of the Goal 2 Exception Process to Certain Goals
    - \* OAR 660-004-0018, Planning and Zoning for Exception Areas
    - \* OAR 660-004-0020, Goal 2, Part II(c), Exception Requirements
    - \* OAR 660-004-0022, Reasons Exceptions Analysis for Rural Industrial
  2. Division 12 - Transportation Planning Rule
    - \* OAR 660-12-0060, Plan and Land Use Regulation Amendments
  3. Division 14- Urbanization
    - \* OAR 660-014-0040, Establishment of New Urban Development on Undeveloped Rural Lands
  4. Division 15, State-Wide Planning Goals and Guidelines
    - \* OAR 660-015-000, State-wide Planning Goals and Guidelines No. 1 Through No. 14
    - \* OAR 660-015-005, State-wide Planning Goal and Guideline No. 15
    - \* OAR 660-015-010, State-wide Planning Goals and Guidelines No. 16 Through NO. 19

## II. FINDINGS OF FACT:

The Board of County Commissioners ("Board") adopts and incorporates herein by reference the findings of fact proposed by the Hearings Officer in the February 10, 2009, decision, as revised and supplemented herein.

- A. Procedural History:** On February 10, 2009, the Hearings Officer issued a decision approving the subject application. Section 22.28.030(C) requires: "[Z]one changes . . . concerning lands designated for forest or agricultural use shall be heard de novo before the Board of County Commissioners without the necessity of filing an appeal, regardless of the determination of the Hearings Officer[.]" Pursuant to that section, the Board held a de novo public hearing on the subject application on March 19, 2009.

The entire record of the proceeding to date was placed before the Board at the public hearing, and the Board closed the record at the conclusion of the hearing. At the hearing, the Board deliberated and voted to approve the subject application and to adopt the Hearings Officer's findings and conclusions, as revised and supplemented herein.

- B. Public Notice and Comments:** The Planning Division mailed individual written notice of the public hearing before the Board to the owners of record of all property located within 750 feet of the subject property. In addition, notice of the public hearing was published in the "Bend Bulletin" newspaper. No public comment was received in writing. No



members of the public spoke at the public hearing on the subject application on March 19, 2009.

The Board concurs with Hearings Officer's conclusion, as revised and supplemented herein.

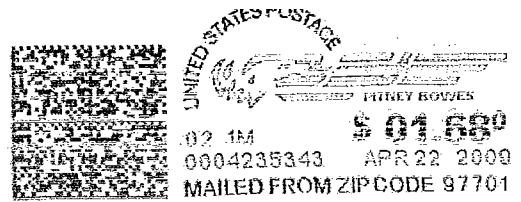
**III. CONCLUSIONS OF LAW:**

**A. Adoption of Hearings Officer's Conclusions of Law**

**FINDINGS:** The Board adopts and incorporates herein by reference the conclusions of law proposed by the Hearings Officer in the February 10, 2009, decision, as revised and supplemented herein.

**IV. DECISION:**

Based on the foregoing Findings of Fact and Conclusions of Law, the Board hereby **APPROVES** the Applicant's proposed plan amendment, zone change and "reasons" exception to Goals 3 and 14, subject to the conditions of approval included in the February 10, 2009 Hearings Officer's decision.



***Deschutes County Community Development Department***

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

Plan Amendment Specialist  
Dept. of Land Conserv. & Developmnt.  
635 Capitol St., N.E., Suite 150  
Salem, OR 97301-2540