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**GOAL 5 ECONOMIC, SOCIAL, ENVIRONMENTAL AND ENERGY
CONSEQUENCES ANALYSIS**

Last Ranch LLC

File Nos. 247-22-000573-ZC/574-PA

August 13, 2024

INTRODUCTORY NOTE

The Applicant spoke at length to Amanda Punton, Natural Resource Specialist at the Oregon Department of Land Conservation and Development, on July 18, 2024. Ms Punton said that no two ESEEs should be the same. They can be quite short, only a few pages, if there is no opposition to the application. They should be longer if there is opposition. The ESEEs should highlight new conflicts with the new zone, RI. For each RI use, consider whether the use should be allowed, limited or prohibited to adequately protect the resource. Uses can be grouped together where impacts are similar. The social portion of the analysis should be from the point of view of motorists on the highway. Do not take into consideration the impact on neighbors. Use the applicable codes to determine how each use might look on the parcels and think about how the RI Code, the LM Code and the Conditional Use Code will affect the development. If a use needs to be limited, be very specific about it so people in the future will understand what is intended. Sometimes it is cleaner to prohibit a conflicting use rather than to limit it. There is no one right way to write ESEEs. Applicant sent the draft ESEEs to Ms Punton on August 2, 2024, for comment. Ms Punton wrote that she had only time to do a cursory review but it looked as if the document covered all of the elements that we talked about.

1. SUMMARY

The applicant, Last Ranch LLC, applied on July 13, 2022, for a Deschutes County Comprehensive Plan Amendment to re-designate the property from Agriculture to Rural Industrial and for a corresponding Zoning Map Amendment (Zone Change) to rezone 20.36 acres from Exclusive Farm Use, Tumalo/Redmond/ Bend Subzone (EFU-TRB) to Rural Industrial Zone (RI). The property is within ¼ mile from US 97 and for this reason is subject to the scenic protections provided through the Landscape Management (LM) Zone.

Where a post acknowledgment plan amendment is proposed, the statewide planning goals apply. OAR 660-023, the Goal 5 implementing rules, applies to PAPAs that affect a Goal 5 resource. In this case, the rule applies because the PAPA allows new uses that could be conflicting uses with the “scenic and natural appearance of the landscape as seen from the designated county roadways. OAR 66-023-0250(3)(b).

As explained in greater detail below, the natural scenic quality of the subject property is quite low. This is because of existing topography as well as the surrounding conditions that limit the ability to view the property. Existing use, development and design limitations imposed through the RI zone, the LM zone and the Conditional Uses Code will significantly constrain development opportunities and ensure that the County will have broad discretion to ensure that any RI-authorized development is compatible with and not detract from the natural quality of the highway area.

Based on the evaluation of the economic, social, environmental and energy consequences analysis that follows, the County should decide to allow all uses authorized within the RI zone except for the following:

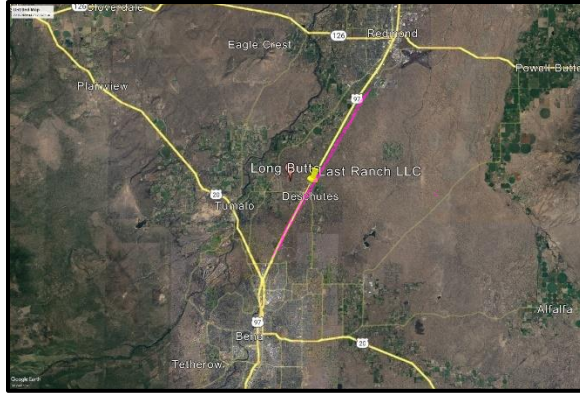
Prohibited Uses

- Automotive wrecking yard totally enclosed by a sight obscuring fence.
- Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.
- Pulp and paper manufacturing.
- Any use permitted by DCC 18.100.010, which is expected to exceed the following standards: Lot coverage in excess of 70 percent. 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.

2. BACKGROUND

The Creation of the Highway Landscape Management Roads

The Landscape Management Corridor was designated by the BOCC on November 25, 1992, by County Ordinance 92-052. It includes a quarter mile on each side of the centerline from a list of county roadways that taken together, total 465 miles. Of this total, 54.5 miles of US 97 are on the list of designated resources. These US 97 designations are broken down into three sections, from the north county line to the south county line excluding the portion of the highway within the Bend and Redmond city limits:



2023 Google Earth Map. The Pink line is along the middle section of the US Highway 97 landscape Management Corridor between the city limits of Redmond and Bend. This corridor is now approximately 9 miles long. The subject property is 2,200 feet long. It is located at the yellow tick. The percentage of the length of the corridor that is along the subject property on the eastern side of the highway at Long Butte is 0.023%, less than a quarter of 1%.

The purpose for this designation was to maintain the:

“scenic and natural appearance of the lands adjacent to the roadways because providing “areas of good visual quality” along roadways, attract more visitors, making them want to stay longer, inducing new businesses and residents who rely on and experience these travel corridors throughout the county, maintain visual quality of road-side rest areas and parks to increase desirability to visitors and recreationists, increase recreation-related expenditures, and maintain and enhance the tourism and recreational experience for all.”

The only conflicting use identified in Ordinance 92-052 is:

“Development within the one-quarter mile overlay zone which would excessively interfere with the scenic or natural appearance of the landscape as seen from the road or alteration of existing landscape by removal of vegetative cover.”

Allowing Permitted Uses and Limiting Conflicts by Applying the LM Combining Zone

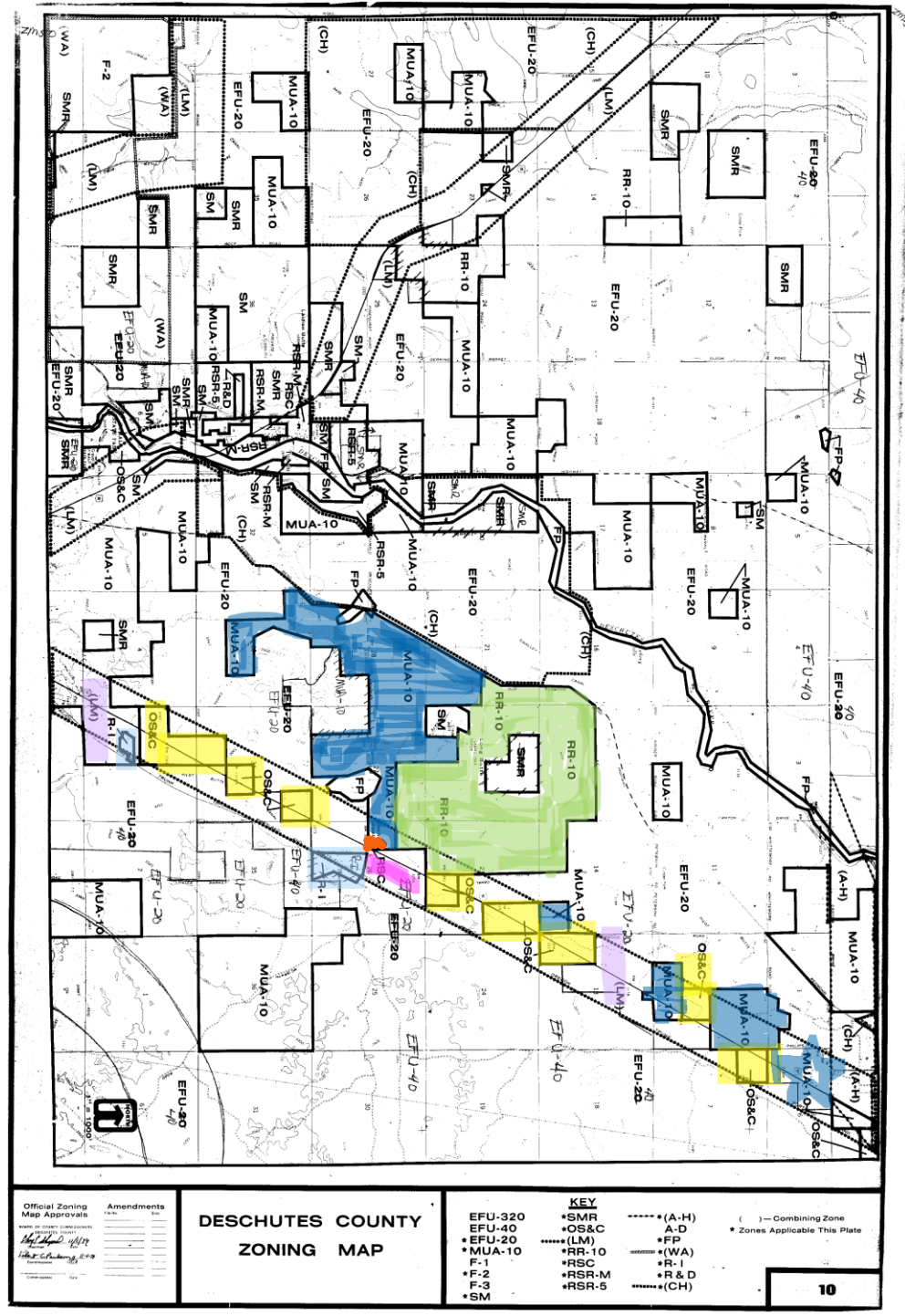
After evaluating the various factors, the 1992 Ordinance’s ESEEs concludes that these travel corridor scenic qualities should be protected by limiting conflicting uses to some degree. The County accomplished this limitation by adopting the LM Overlay Combining Zone. More specifically, Ord 92-052 relating to Landscape Management Roads ends with, “*For implementing measures, see Deschutes County Code Title 18.84, the Landscape Management (LM) Combining Zone as adopted by 92-033 and 92-034.*” (P 9 of Ordinance 92-052).

Nothing in the original designation or protection documents suggests any intent to constrain otherwise permitted uses through these scenic overlay protections. Rather the idea was that development and design standards could serve to make the permitted development compatible with the natural surroundings. This same objective can be realized considering the RI permitted or conditional uses, as discussed in greater detail below.

Many Zones in 1979 in the Corridor: RI, OS&C, MUA-10, RR-10 and RSC

In 1992, there were many zones in the land along the US 97 scenic corridor between Redmond and Bend. The designated zones included RSC, RI, OS&C, MUA-10, RR-10 and EFU. The original zoning map was completed in 1979 and it demonstrates that there were Rural Industrial zoned parcels within the LM zone and the County concluded that the LM overlay protections were sufficient limits to any RI-authorized conflicting uses. Following is the County’s 1979 Zoning Map.

DESCHUTES COUNTY NOVEMBER 1, 1979 ZONING MAP



The dotted lines on either side of US 97 indicate the 1/2 mile wide corridor of the US 97 Landscape Management Corridor, with 1/4 mile on each side of the centerline. The pink indicates the general location of the subject property. Zones indicated in this area of the corridor are RSC, RI, OS&C, MUA-10, and RR-10. The RI zoning is indicated with light blue and is in two places. LM is indicated in purple. RSC is orange at the SE corner of the property west of the subject site. There are eight approximately 40-acre parcels of OS&C.

Ordinance Includes Provisions for Future Development

Ordinance 92-052 was not meant to prohibit rezones or development in the scenic view corridor but rather was meant to balance the uses and allow development in a limited way. On page 9, it says, *“Program for Resource Protection: Based on the ESEE Analysis, the resource and the conflicting uses are important relative to each other, and the identified ESEE consequences should be balanced so as to allow the conflicting uses but in a limited way to as to protect the resource to a desired extent.”*

Rather than protect the entire ¼ mile width of the scenic corridor, the Landscape Management Combining Zone code creates a 100-foot setback from the designated road right-of-way. The LM zone restrictions, discussed in greater detail below, will constrain what can be built on the property and limit the public’s view of it, but do not prohibit development.

Development allowed at the time of designation were also uses permitted within the EFU-TRB zone. In addition to farm and forest uses, this zone allows a wide array of non-farm permitted and conditional uses including:

- community centers and churches,
- utility facilities necessary for public services,
- farmstands,
- farm and forest crop processing facility,
- a landscape contracting business,
- commercial dog boarding kennel and equine counselling activities. DCC 18.16.025 and .030.

The ESEE set forth in Ordinance 92-052 explains that it is the scenic beauty of land in its natural condition when it is visible within a roadway corridor that attracts more visitors and induces people to stay longer. By protecting the visual impacts along the corridor, people do not need “to drive further to enjoy a recreational or visual experience similar to the level prior to the conflicting use being allowed.” In order to realize this objective, the County determined that it needed to limit the conflicting uses on all zones to some degree by imposing the Landscape Management (LM) Combining Zone.

Ordinances No 92-033 and 92-034 identified the necessary protections. First, Ord 92-033 adopting amendments to the County’s Comprehensive Plan, explains that the policies, including the scenic highway protections were:

“developed with the intent of reaching the identified goals but in ways that restrict only as is necessary and with consideration of the individuals who may be affected by the needs of the public.” P 2.

The relevant plan policy amendments adopted within Ord 92-033 include:

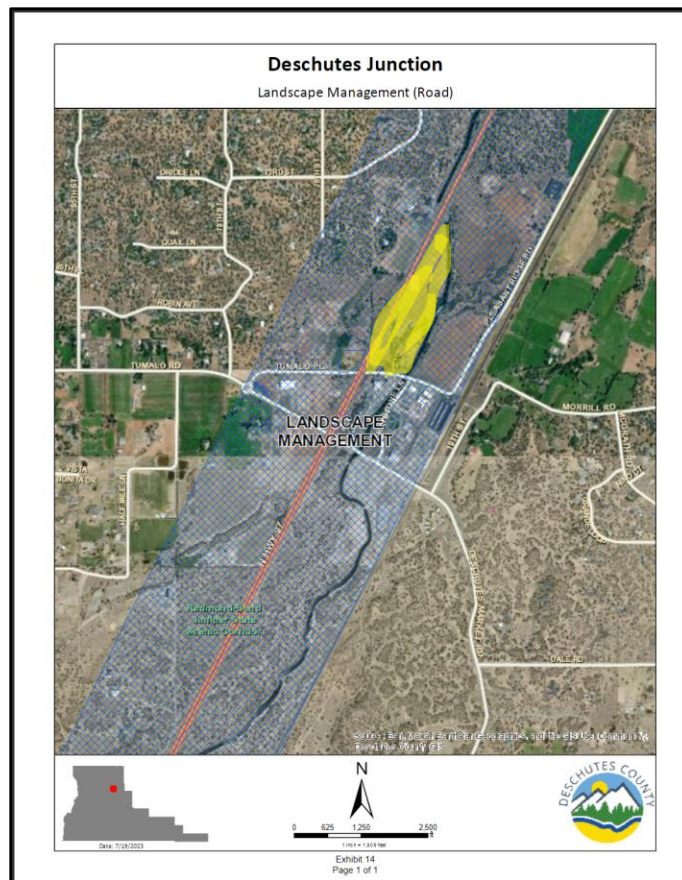
“4. Approval of any such development in the Landscape Management Zone will be dependent on site screening by existing natural cover and/or compatibility with the landscape as seen from the river stream or road.”

“6. The primary purpose of the landscape management site plan review shall be to obtain a structure as compatible with the site and existing scenic vistas as

is possible, rather than to establish arbitrary standards for appearance or to otherwise restrict construction of appropriate structures.”

In Ordinance 922-034, the County adopted amendments to its LM Overlay Zone to make them applicable to “natural landscapes as seen from designated roads.” Although these provisions have been modified slightly since adoption, the fundamental design obligations remain largely unchanged:

- All new structures must be setback at least 100 feet from the edge of the designated road, unless otherwise varied. DCC 18.84.090(B)
- “Except as necessary for construction of access roads, building pads, septic drain fields, public utility easements, parking areas, etc, the existing tree and shrub cover screening the development from the road “shall be retained.” DCC 18.84.080(A).
- Recommendation that new structures and additions to existing structures be “finished in muted earth tones that blend with and reduce the contrast with the surrounding vegetation.” DCC 18.84.080(B).
- No large areas, including roofs, may be constructed of white, bright or reflective materials. DCC 18.84.080(C).
- Structures may not exceed 30 feet in height. DCC 18.84.080(E).



This map has blue hatch marks over the ½ mile wide boundaries of the Scenic Corridor, with ¼ mile wide being on each side of the centerline of US Highway 97. The highway is indicated in

orange. The Subject Property is yellowed. The Scenic Corridor goes as far east as the double BNSF railroad tracks indicated by the eastern blue line.

All of these regulations and restrictions assist the county in protecting the scenic vistas and natural landscape, but also reduce profits and add costs to any RI development that will occur.

3. IDENTIFY THE CONFLICTING USES

The term “conflicting use” is defined by OAR 660-023-0010 to include “a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource.” These findings will examine those new uses that could be allowed within the RI zone and utilize an ESEE (Economic, Social, Environmental and Energy) analysis to consider potential scenarios for those conflicting uses to inform the proposed amendments.

As noted above, the conflicting use identified in Ordinance 92.052 was development that would interfere with the scenic and natural appearance of the landscape as seen from the road. This same concern – loss of the natural appearance of the landscape, could result within uses permitted outright or conditionally in the RI zone. Although detailed in greater detail below, these possible uses include:

- Farm or forest product processing, treatment, storage and distribution (similar to farm and forest crop processing facility)
- Freight Depot
- 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 (similar to landscape contracting business)
- Ice or cold storage plant.
- Wholesale distribution outlet including warehousing, but excluding open outside storage (similar to landscape contracting business)
- Welding, sheet metal or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight-obscuring fencing (similar to landscape contracting business)
- Kennel or a Veterinary clinic (similar to EFU-permitted dog kennel or equine therapy).
- Lumber manufacturing and wood processing except pulp and paper manufacturing (similar to farm and forest crop processing facility)
- Road or street projects and operation of irrigation systems (similar to utility facilities necessary for public services)

The list of conditional uses:

- Concrete or ready-mix plant.
- Petroleum products storage and distribution.
- Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete.
- Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.
- Railroad trackage and related facilities.
- Pulp and paper manufacturing.

- Intensive industrial uses where lot coverage exceeds 70 percent, generates noise dust and fumes
- 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.
- Processing, packaging and storage of food and beverages including those requiring distillation and fermentation.
- Public Land Disposal Site Transfer Station, including recycling and other related activities.
- Mini-storage facility.
- Automotive wrecking yard totally enclosed by a sight-obscuring fence.
- Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- 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.
- Marijuana retailing, subject to the provisions of DCC 18.116.330.
- Psilocybin testing laboratories.

4. DETERMINE THE IMPACT AREA

The “impact area” is defined by OAR 660-023-0010(3) to include the “geographic area within which conflicting uses could adversely affect a significant Goal 5 resource.”

Visual Characteristics of the Highway Corridor as the Impact Area

As noted above, the significant Goal 5 resource extends for a total of 465 miles. Of this total, 54 miles exist along US 97 and the area between Bend and Redmond was 12 miles in 1992 and is now 9 miles. The subject property is 2,200 feet long. The percentage of the length of the US 97 corridor between Bend and Redmond that borders the subject property on the eastern side of the highway at Long Butte is 0.023%, less than one quarter of 1%.

There are locations along the southern portion of the designated US 97 corridor south of Bend where motorists have views of forests, rivers, and the Cascade Mountain peaks. However, between Bend and Redmond they can see the native scrub lands and the Cascade Mountains. On the eastern side of the highway between Long Butte and Bend is a 1,500-acre parcel of scrub juniper forest owned by the City of Bend, unofficially called “Dirt World” and officially named “Juniper Ridge”. A rock spine, juniper trees and a large unofficial homeless camp, trash, and port-a-potties are visible there. On the west side is the 280-acre Redmond-Bend Juniper Wayside, rocky government land in native juniper and sage brush. The highway south of Long Butte goes through two miles of federal scrub land on the west.

Along the highway, including one about 200 feet north of the subject parcel on both sides of the highway, are eight undeveloped 35-40-acre parcels of scrub juniper forest owned by the Oregon Parks and Recreation Department.

In the corridor between Bend and Redmond are dozens of residences, three long standing mobile home parks, a recreational vehicle park, a historic motel now used for long term rentals, Happy Tales dog and cat kennels, a solar panel farm, an old wrecking yard, a taxidermist, two

power plants on canals, two rental yards for construction vehicles, two commercial hay barns and feed dealers, Varnam Crane Service, Canutt's Gems rock shop and concrete fountain manufacturing plant, an RV storage facility, a used vehicle sales yard, two ministorage facilities, Rock Supremacy's office, hay farms, a concrete paver dealer, two rock crushing businesses, two vehicle repair shops, excavators, a farm equipment rental yard and used sales, and other businesses.

Between Long Butte and Redmond, primarily on the western side, are some pastures and hay farms.

Visual Characteristics of the Area between Deschutes Pleasant Ridge Road Exits

Following is a 2023 Google Earth photo of the southeast corner of Long Butte, including the subject property that shows the degraded view of scenic or natural features at Long Butte.



The above 2023 Google earth photo shows the subject site outlined in pink and its surrounding uses within the ½ mile landscape management road corridor. There is no agriculture in the landscape management corridor at Long Butte. The approximately 29 acres of land due west of the subject property with a number “1” is zoned MUA10 and RC and is continuing with a non-conforming use permit industrial and commercial uses started in 1937. South of the subject property is 57 acres of RI zoned land including Jct. 97 Storage, a ministorage business, marked “2”; Robinsons 4-R Equipment headquarters; and gpEnergy (3), the rock crushing operation at 4-R equipment (4); and (8) Deschutes RV Storage. Numbers 5 and 6 are parts of the Anthony Aceti 20 acres of land that is now zoned RI and is used to park trucks. The streets and houses in the upper left corner marked “7” are on Long Butte in Whispering Pines Estates subdivision encompassing 1,095 residential lots originally subdivided in 1968. Number “9” is the 64.51 acres of unfarmable fallow land recently purchased by Hooker Creek Excavation and Construction. The Burlington Northern Santa Fe Railroad tracks run parallel to US 97 about 500

feet east of the subject site. The 1904 Pilot Butte Canal following the terrain winds between the highway and the BNSF RR. Along the west side of US 97 in the top of this photo are non-conforming roadside businesses with some of them dating back to before 1972.

There is no scenic view at Deschutes Junction. The adjacent 57 acres of properties south of the Subject Site and east of US 97 are all zoned RI. The 20.01-acre property catty corner southwest of the Subject Site is zoned RI. The 29-acre property across the highway west of the site is zoned RC and MUA-10 and has a Non-Conforming Use Permit. The 19.12-acre Hermeling/Johnson property 2000 feet northwest of the site is zoned RI. Whispering Pines subdivision on the hill of Long Butte has 1,095 residential lots that generally vary from 1-5 acres in size. Many houses and other commercial and rural industrial development are visible from the highway at Deschutes Junction.

There are no significant scenic views in this area, no Cascades, no Deschutes River, no farms and no forest, not even any juniper scrub lands. It is highly developed. Most of the land along the corridor was developed prior to 1960 in residential, commercial and industrial uses. A small acreage subdivision, a gas station, a motorcycle racetrack, a restaurant, a mechanics shop, a tire shop, a convenience store, the ODOT rock quarry, and Cascade Pumice and its lab and garages were at the location as early as 1937.

Although this ESEE analysis considers views and conflicts for the 9-mile stretch of US 97, as a practical matter, a driver or their passengers can only experience what is within their field of vision as they pass through. For this reason, what the travelling public will see when they travel along this particular stretch at the US Highway 97 on and off ramps to Deschutes Pleasant Ridge Road is one focus of this impact analysis. This property has been degraded and is not scenic. The rock spine and the juniper trees are the only natural features visible to the east from the highway. There is no easterly view past it.

The overpass is built into the rock spine. Then, the rock spine continues to the north bound off ramp, creating the hill up and over the rock onto Deschutes Pleasant Ridge Road. The natural rock spine begins about 230 feet from the highway at the property's southern end. It exits the property about half-way through it, where the parcel is 425 feet wide. About 30 stunted juniper trees grow along the rock spine and screen the eastern part of Lot 800. The berm built in 1904 to contain the water in the 50-foot-wide Pilot Butte Canal blocks any view of anything further north and east. About ten juniper trees grow along the canal. The canal curves toward the highway as it runs northwest and falls into a pipe and flows under the highway.

The Subject Property has an uninspired, limited, constrained view no more than 395 feet into the property. It is feather shaped, with a rock spine dividing it into two elevations. Staff in the 1992 Conditional Use Permit application staff report called its view, "diminished" on the east side of the highway. The parcel looks much as it did in 1992. Lot 101 had been added to the parcel in 1991, the previous year. Sparse weeds are growing on more than half of the subject property. A five-page description of the property is in Section 9, "Site Description" in the Application. Photos of the property and north and south of it taken from the US Highway 97 from a point 0.1 mile south of the Deschutes Junction Overpass to a point 300 feet north of the property at 261612A Lot 200 were included in the January 24, 2024, submission.

The visibility of any development on this site is significantly constrained for several reasons that have nothing to do with any proposed development. The presence of the four-lane US Highway 97 on its western property line, the presence of the two-lane Deschutes Pleasant Ridge Road (also acting as the north-bound on and off ramps) on the southern property line, the 12-15-foot

tall rock spine running through the southern half of the property, the Pilot Butte Canal on the entire eastern and northern edges of the property and the two triangular levels of the property. The upper triangle is about 872 feet long and tapers from 158 to 75 feet wide. A ramped interior trail connects the upper and lower portions of the parcel. One driveway into the property is along the southern side onto Deschutes Pleasant Ridge Road.

The property is only 400 feet wide along Deschutes Pleasant Ridge Road. It widens slightly to 425 feet across the heart-shaped pond and narrows to 387 feet wide at the canal waterfall. It is 356 feet wide at the historic rock wall between Lots 101 and 800, and to only ten feet wide at its northern end. The canal's waterfall is not visible except when one is walking right beside it on the berm, in the canal easement. The canal is on average 50-feet wide and COID has an easement beside it for operation and maintenance of the canal.

Further, the subject property is difficult to see when considered from the perspective of a vehicle travelling at speeds more than 65 mph. There is no scenic view onto the subject property. It is on the east side of the highway. The Cascade Mountains are to the west. The Deschutes River is three miles to the west. Motorists can see some juniper trees and some of the rock spine. The Pilot Butte Canal is on the far eastern and northern property lines and the weed covered berms hold in the water and prevent it from being visible to motorists. At the northern property line next to the highway the water enters a pipe that conveys it under the highway. There is a 19-foot drop in elevation from the southeastern corner down toward the highway.

US 97 is very wide at this location. It was constructed as a two-lane highway with a gravel surface in 1937. Then it was paved. It was crossed by some of the earliest roads in the area. The east-west roads came first. Tumalo Road was designated a Crook County road in 1908.

After dozens of traffic accidents, injuries and fatalities at this location over the years, the highway was widened to four lanes in 1998. Since 1998, with on and off ramps both north and south bound, deceleration and acceleration lanes on both sides of the highway, its pavement width is about 150 feet. But, at the intersection with Tumalo Place and with Deschutes Pleasant Ridge Road in the southwest corner of the Subject Property, the intersection itself is 280 feet wide. The northbound acceleration lane adjacent to the subject property is especially long, 660 feet, where slow moving drivers going downhill on Deschutes Pleasant Ridge Road make a 90-degree turn and reach over 65 MPH to merge into the through lanes.

On the northbound through lanes, motorists must be especially vigilant, with vehicles going under the overpass, entering a short deceleration lane, turning 90 degrees up the hill onto Deschutes Pleasant Ridge Road, while other vehicles fly west down the hidden hill, turning 90 degrees to the right onto the long acceleration lane and speeding up to merge into northbound thru traffic. Drivers do not have time to relax and investigate the subject property.

In 1992, the average daily traffic count at 0.30 mile north of its intersection with Highway 20 was 24,000. The traffic volume on US 97 near Deschutes Junction has grown by approximately 14,761 vehicles since 1992 to 38,761, with volumes going up to 50,000 on some days.

In 1992, US 97 beside the subject property was a two-lane paved highway with a 100-foot-wide right-of-way. It is now four lanes with on and off ramps and merge lanes.

Since 1992 ODOT has spent tens of millions of dollars at the Deschutes Junction intersections to make them safer. Some of the changes to the highway system at this location include:

- a) widening US 97 from two to four lanes which involved taking about 25 feet of land from all the properties along the right-of-way,
- b) construction of the Deschutes Junction Overpass and approaches,
- c) realignment of Deschutes Market Road,
- d) realignment of Tumalo Road,
- e) creation of Tumalo Place,
- f) closing of the north end of Pleasant Ridge Road at the intersection with US 97,
- g) closing the at grade crossing at the railroad tracks at the former Deschutes Market Road,
- h) creation of Greystone Lane,
- i) creation of the traffic circle at the new intersection of Tumalo Place and Tumalo Road,
- j) building a new underpass under Deschutes Market Road for private properties,
- k) installation of on and off ramps to the overpass and local collectors on each side of the highway,
- l) installation of flashing lights and acceleration and deceleration lanes at 61st Street north of Long Butte, and
- m) installation of New Jersey barriers in the area.

The centerline of US 97 has remained close to where it was in 1992. Land has been taken from the subject parcels for widening the road.

In 2024, at this location, the width of the US 97 right-of-way is 175 feet wide south of the overpass and 280 feet wide between Tumalo Place and Deschutes Pleasant Ridge Road. North of the acceleration lane, the highway tapers down to 175 feet and then to 150 feet.

During 1992, having to fend with fewer distractions, drivers could have relaxed more than they can today in this corridor. On the two-lane paved highway with lower speeds and lower volumes, they could have glanced at the Cascade Mountains between Redmond and Long Butte, excepting at Long Butte. If they wanted to take a photo, they could have pulled off the road and onto the shoulder and stopped for a while. Now, with the speed profile around 70 mph and with the four lanes of fast traffic right beside one another, it is treacherous to pull off and merge back on to the highway. The noise and wind created by the traffic is a deterrent.

It takes concentration to drive safely in this corridor, as the number of reported accidents attests. ODOT says the large number of connecting county roads and driveways entering and exiting directly onto the highway and the 65-mph speed limit are partially to blame. Distractions and icy roads half of the year cause people to drive out of their lanes leading to serious accidents. New Jersey barriers have been installed to separate north and south bound traffic in some areas. The necessary vigilance results in people looking to the sides.

The Potential for Impact is further Constrained by Existing Zoning Code Limitations

The existing adopted zoning codes will serve to limit any conflicting uses. The LM Combining Zone takes away an additional 50 feet next to the US 97 for development and adds other restrictions to protect the view corridor. The RI Zoning Code Section 18.100.030 Use Limitations, Section 18.100.040 Dimensional Standards, Section 18.100.050 Off Street Parking and Loading, Section 18.100.060 Site Design, and Section 18.100.070 Additional Requirements also add limitations that limit density and add compatibility. The Conditional Use Limitation in Section 18.128 are the most complex, adding somewhat arbitrary regulations that ensure case by case compatibility. Following are some regulations that will ensure compatible and low-

density development on site after the rezone.

Don Kliewer PE, Retired, provided an analysis of how the existing zoning LM zoning limitations would serve to restrict the potential area of impact: "Figure 22. Diagram Of Developable Acres, Using Easements And Setbacks From Property Lines" increases the setbacks along US 97 from the usual 50 feet to 100 feet for the LM Zone. That action resulted in a reduction of developable acres of 1.23 acres, from 14.85 acres to 13.62 acres.

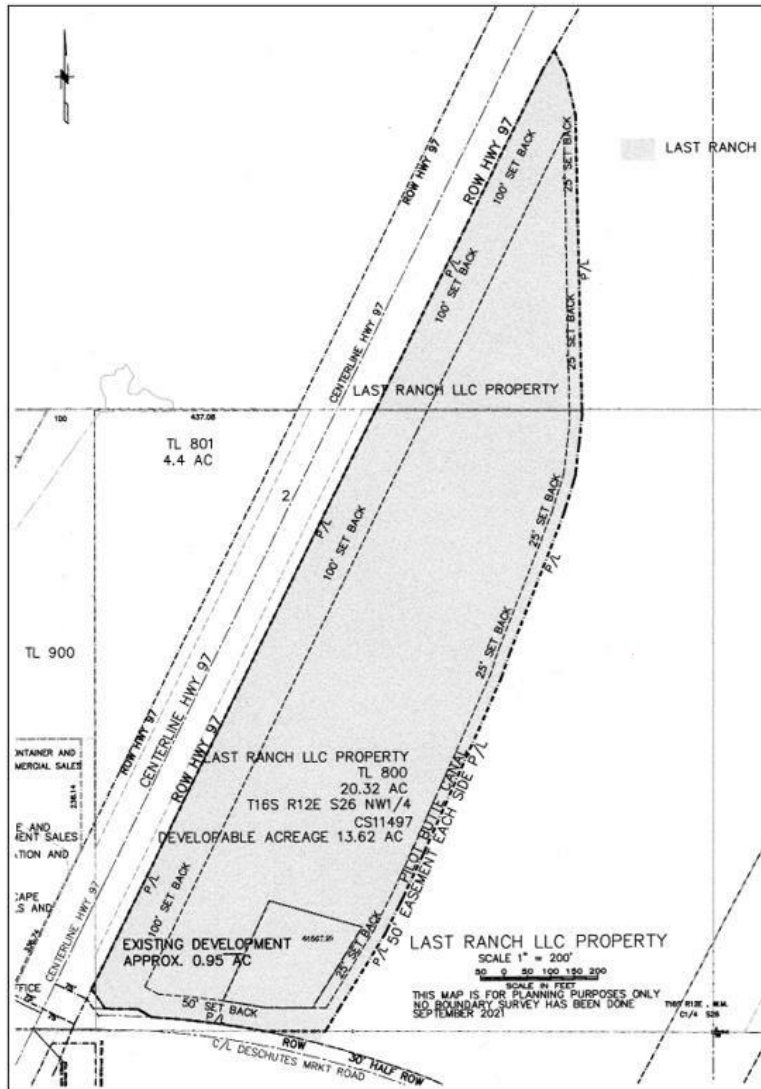
The total developable acres in the subject parcels are 13.62 acres, after setbacks from the Pilot Butte Canal and its 50-foot-wide easement from the centerline of the canal, LM setbacks, property line setbacks and road setbacks are subtracted. The 13.62 acres includes the 2.46 acres already used for the well, septic systems with drain fields, the two houses, garage/store, shop, barn, two cisterns, the heart-shaped pond, landscaping, and other improvements. If the current improvements are retained, only 11.16 acres could be further developed. The diagram uses 0.95 acres for the houses, garage, shop, barn and parking area. The total acreage indicates the acreage in Tax lots 161226B000101 and Tax lot 161226B000800. The 0.01 acre in Tax lot 161226B000700 is within a setback and is not developable.

The county will have much discretion to ensure all of the resulting development will be compatible with the scenic corridor and with the nearby residences.

Also, there are existing easements that must be avoided by development. They include the 50-foot-wide easement from the centerline of the Pilot Butte Canal that runs the entire length north to south of the property. This is shown on the developable acre map.

All the development codes will keep the density of development on this parcel low and ensure that the development is compatible with the site and existing scenic vistas.

DIAGRAM OF DEVELOPABLE ACRES, USING EASEMENTS AND SETBACKS FROM PROPERTY LINES. 2022 Image Source: Don Kliewer, PE, Retired



The Existence of Nearby Houses and other Rural Industrial Zoning Limitations will Constrain the Development Area Limiting the Impacts

Using other County codes for the RI zone, because two houses are within 600 feet of the property, only 70% of the land could be developed: 14.52 developable acres. Because of the two residences that are on the west side of the highway, all of the uses, including permitted uses, will be conditional uses.

18.100.040. B. requires “No conditional use permitted by DCC 18.100.030 (Use limitations) 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.” This code applies because there is a home 549 feet to the

west on lot 161226B000300 and a house 340 feet west on the northwest corner of US 97 and Tumalo Place on lot 161226B000500.

Setbacks

18.100.040. C. says, “*The minimum setback between a structure and a street or road shall be 50 feet.*” The property is bordered by US 97 on its entire western property line. A portion of its southern property line is on Deschutes Pleasant Ridge Road. However, because US 97 is in a Landscape Management Combining Zone, the setback from it will be 100 feet. The map of developable land shows those setbacks.

18.100.040. D. says, “*The minimum setback between a structure and a property line adjoining a residential lot or use shall be 50 feet.*” The setback between the two houses on the west of US 97 and the western property is already 100 feet, double the 50 feet that this code requires. There are no residential zones nearby. Two houses west of US 97 are within 600 feet. One is located on EFU-TRB and the other is located on Rural Commercial. Therefore, this setback will be moot.

18.100.040. E. says, “*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.*” This setback applies to all buildings and was not computed because the number of buildings that will be developed and redeveloped over time is not known. However, this setback will reduce the amount of land covered by buildings.

Maximum Heights

18.100.040. F. says, “*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.*” In this case, because of the two houses on the west side of US 97, the maximum building height limit would be 30 feet. At this time, it is not clear if this code will apply or not, since the two houses are across a four-lane highway. It is likely that it will only apply within the 600-foot circles. Additionally, US Highway 97 was constructed about four feet above the subject property for its 2,200-foot length beside the subject property. Buildings placed on the edge of the 100-foot LM setback will appear 4 feet shorter than the 30 feet they are allowed to be, or 26 feet.

Maximum Size

18.100.040. H. 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.” This limitation was used for our calculations and the TIA. Two story buildings would have smaller footprints.

Sewers and Storm Water

On site sewer systems for industrial and commercial users must adhere to State of Oregon regulations for the discharge of waste. A third of the parcel can be used for sewage disposal systems according to the Soil Scientist, Gary Kitzrow. Storm water runoff must meet the Central Oregon Stormwater Manual. This will be another constraint on the actual acres of development, further keeping the final uses low density.

Ability to Apply Conditions

As noted above, because all uses developed on this site will require a conditional use permit, DCC 18.128.020 empowers the decision maker to impose additional conditions. Subsection 11 of that provision authorizes conditions as necessary to preserve existing trees, vegetation, water resources, wildlife habitat or other significant natural resources. This will authorize an independent view of the visual impacts from development to ensure compatibility with the natural surroundings.

When applied, all of the RI and LM regulations will result in a development that will be uncrowded and well buffered. It will be set back at least 100 feet from the highway, will be no more than 30 feet tall and buildings will be in less than 7500 square feet. All buildings will be painted a neutral color. It will have setbacks all around the buildings and lighting that faces downward. It will be screened with natural screening or sight obscuring fencing. The rock spine will break up the development and the 19-foot change in elevations across the parcels will result in a varied development. There are 42 juniper trees on site, primarily along the rock spine and the canal that will serve to block views of structures on the upper triangular portion of the property, as they do for the structures there now.

For these reasons, the Board of Commissioners should find that compliance with the development and design standards within the RI and LM zone will be sufficient to ensure compatibility with the natural landscape as seen from the road.

5. ECONOMIC, SOCIAL, ENVIRONMENTAL, and ENERGY CONSEQUENCES ANALYSIS

This ESEE analysis addresses all RI uses listed in Deschutes County RI Zoning Code, DCC 18.110.010 Uses Permitted Outright and DCC 18.100.020, Conditional Uses. It is important to remember that this evaluation is focused on evaluating the visual impacts to the scenic resource resulting from allowing, limiting or prohibiting the proposed conflicting use. This is less about evaluating the pros and cons of a use generally and is instead focused on how an RI permitted use will make the county a less attractive place to live, will deter visitors from visiting Deschutes County and desiring to stay.

As noted above, many of the outright permitted uses in the RI zone are similar to non-farm uses conditionally allowed in the EFU-TBR zone. Examples of these comparable uses include farm / forest product processing, utility facilities, animal medical facilities and construction / landscape contractor facilities. Although several conditional uses permitted within the RI zone are more industrially intensive, the visual impact of removing the existing natural scenic condition to accommodate RI zone uses is not substantially different from the impacts one could expect from the EFU-TBR zoned use. Stated differently, the loss of natural area abutting the highway is visually the same whether this area is replaced by a livestock barn (an EFU-TBR permitted use) or a wood processing plant (a RI conditional use). In either case, the result is a structure less than 30-feet in height that must be setback, buffered by existing tree and shrub covered, finished with muted earthtone colors and any other measures taken to reduce the visual impact. For these reasons, the County could conclude that the loss of the natural surroundings do not create conflicting uses to any greater degree than the existing zone.

Another thing that many of the uses in the RI zone have in common is that they provide services to the public. As commercial operations, these uses will have component elements like access

drives, septic drainfields, and off-street parking areas, that will have the effect of displacing natural vegetated areas. Given the elevation change between the surface of the highway and the subject property, it will be difficult, if not impossible to see property improvements like circulation drives or parking areas. To the extent there might be tree removal associated with construction, the LM zone expressly exempts these accessory elements from the buffering requirements under DCC 18.84.080. For this reason, the visual impact from these use supportive elements need not be considered.

The County could conclude that the existing RI Zoning Code, the Conditional Use Code, and the LM zone protections limit development to a large degree and are sufficient to ensure that no conflicting uses could occur. However, out of an abundance of caution, a detailed evaluation of the impacts resulting from potentially conflicting uses authorized within the RI zone follows:

18.100.010, USES PERMITTED OUTRIGHT IN THE RI ZONING CODE

A. Farming or forest use.

Comments: This use is the same for EFU-TRB and RI. The property is designated EFU-TRB, a zone in which farm and forest uses are allowed. It is not designated as a forest. The 42 juniper trees buffer the property and can continue to shield the upper portion of the property above the rock spine from the view of motorists on the highway. One can see only glimpses of the two historic one-story houses and barn and other improvements from the highway because of the juniper trees, landscaping, and the rock spine. There are no structures west of the rock spine. Grass at the southwest corner and weeds grow on the flatter western portion of land that is visible from the highway. The 38,761 vehicles per day on US 97 going around 65-70 MPH along the western property line create a dizzying noisy environment. Carl Juhl's letter in the record describes how this precludes any livestock raising on site. Livestock jumping the fence or otherwise getting on the roadway could cause fatalities. Tony Aceti's letter and Dean Pettijohn's letter describe why as contract farmers they would not take on farming this parcel. Bev and Harry Fagen's letter says the property has never been farmed. The soil types preclude farming on all but six acres next to the highway. Six acres is not enough for a profitable farm next to a busy highway. For these reasons, it is highly unlikely that if it was rezoned to RI uses, it would be put to any farm or forest use.

Economic Impact: The economic impact of farming the parcel would result in a financial loss to the owner. Two-thirds of the parcel is Class 7 or 8 soil with or without irrigation. All of Lot 101 has never been farmed and is unfarmable. The 2.5 acres in the southeast corner is unfarmable. It is covered with buildings and a paved parking lot and is Class 8 soil. The property formerly was owned by people with other sources of income. It derived some of its income from a roadside attraction, the Funny Farm, under a conditional use permit for the last 32 years, along with residential rental income. The owners of that business have both died, leading to its sale to the current owner. It has never earned an income by agriculture. The property is isolated and surrounded by non-agricultural uses. The surrounding uses are over a thousand residential lots, and industrial and commercial uses. The economic effects of retaining the EFU-TRB zoning would be to keep this property unproductive and unprofitable. Leaving the property as it is today would provide insignificant views from the highway and would have no economic effect on tourism.

Social Impact: This is a tight community of property owners. Many have owned their parcels to the south and west since the early and mid-1990s. They help one another. Letters are in the

record in favor of the zone change from neighbors Tony Aceti and Bev and Harry Fagen. Hooker Creek Excavation and Construction Materials is a new owner of the 66 acres of land to the north and east, but their representative, former Deschutes County Commissioner Linda Swearingen, gives her support to this application. Since the property is already zoned to allow farm and forest uses, there will not be an adverse social impact from the rezone and plan amendment change.

Environmental Impact: Assuming that this property is not put to farm and forest uses, the environmental impact of the rezone will be positive. The chemicals needed to farm the 6 acres of this property that has poor to horrible soil would likely partially blow onto the roadways and the neighboring properties with non-agricultural uses and cause hazards. Maintaining good visual quality on the highway is important in this highway corridor. Thick dust, fertilizers, pesticides, herbicides, ph. balancing products, and other chemicals blowing across the highway has a negative effect in this busy location.

Energy Impact: As covered in the application, the rezone from EFU-TRB to RI will allow a use other than farming that will likely create jobs for a few of the 4,000 residents of Deschutes Junction. That will reduce their miles traveled to jobs in Bend and Redmond and reduce energy usage.

Allow Use	X
Limit Use	
Prohibit 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.**

Comments: Jack Robinson and Sons through 4-R Equipment has a yard for sand, rock and gravel within the highway view corridor below the Deschutes Market Road overpass south of the subject property. Tall piles of sand and gravel and heavy equipment are visible from the highway and the overpass. The RI zoning was applied for and the use approved about 14 years ago, since the LM corridor was approved in 1992. The storage of sand and gravel is not significantly distinct from natural property in this vicinity. An agricultural or wood processing, packaging, storage or distribution facility would consist of a building less than 7,500 square feet of footprint that is natural colors and is screened by natural screening. The visual impact would be that some portion of this structure would be visible from the highway.

Economic Impact: The expected economic impacts to the county and to owners of the businesses processing, packaging, treatment, bulk storage or distribution of agricultural products, wood products, horticultural products and nurseries, or mineral products would likely be positive. The current zoning of the property, EFU-TRB, does not produce a profit.

Social Impact: Because these are some of the uses now in the scenic view corridor on the RI-zoned properties south of the subject property, they will likely continue to be accepted by the motorists. The first industrial use in the area was by Cascade Pumice in 1942 that lasted almost forty years. Cascade Pumice brought in truckloads of pumice rock and processed it on

site leading to piles of crushed rock taller than one-story buildings. Some pumice was loaded onto railroad cars. 4-R Equipment south of the subject site and Fagen's parcel across the highway to the west now are sites with several businesses on this list. As incubators for industries supporting the agricultural communities, such businesses will be interesting to motorists. The Fagen's uses go back to 1937 when the Allison's intensely used the property to sell and repair vehicles, sell firewood, pump gasoline, feed the travelers in their restaurant, and sell general store items. Today, they store, prepare, and sell logs and landscape products and prepare mineral products. With the low density and screening of the building or buildings, and by following the RI and LM codes, there will not be an adverse effect to motorists or the surrounding property residents or employees. The zoning codes will result in development set at least 100 feet from the highway right-of-way, whereas without the LM zone they would allow development 50 feet from the highway. Additional requirements such as the only 11-13 acres that can be developed out to the 20 acres on site, not exceeding a 30-foot height maximum, not exceeding a 7500 square foot floor maximum, natural colors, landscaping, screening and making the development attractive and unobtrusive due to colors and roofing may add expense to the projects but will result in less impact to the motorists. The Conditional Use Code Section 18.128.020 included above will allow the County to ensure more compatibility at its discretion.

Environmental Impact: The environmental impacts from these uses will likely be positive in this location. The double tracks of the Burlington Northern Santa Fe Railroad are about 500 feet east of the site. Trucking products to and from the near-by railroad loading area would be efficient. The location has the best transportation system in the county, with the US 97 Highway next door and Highway 20 only three miles west. The central location in the county allows easy access to Bend, Redmond, and Sisters. The Applicant is not aware of any complaints about air quality from the public or neighbors of similar uses nearby.

Energy Impact: For the reasons outlined above, the energy impact at this location will be positive and result in less transportation costs. It will not have any visual impact on energy expenditures of travelers.

Allow Use	X
Limit Use	
Prohibit Use	

C. Residence for caretaker or night watchman on property.

Comments: The property already contains two houses that are setback from the highway. Of the structures likely to house RI permitted uses, these residences would likely be the smallest and have been there for 100 years.

Economic Impact: This use is likely to have a positive economic impact, as the property has two houses that could be used as residences for caretakers or night watchmen. The economy of adaptively reusing a house for this use is likely to be more economical than building a new house from scratch. Even if built new, caretaker's housing would provide greater security for the property.

Social Impact: This use is unlikely to have any impact because the property already has two houses on it that could be used as a residence for a caretaker or night watchman. One was built around 1912 and the other house was built about 1920. The visual impact when viewed by motorists would be slight because the existing small homes, which are screened, are difficult to see from the highway.

Environmental Impact: This environmental impact is that the two houses on the property that could be reused. It would reduce the negative carbon impact of being demolished.

Energy Impact: Reusing the existing houses will save energy to provide residences for a caretaker or night watchman instead of building such structures from scratch.

Allow Use	X
Limit Use	
Prohibit Use	

D. Freight Depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck.

Comments: Building a freight depot would likely require a warehouse where goods could be loaded, unloaded and stored for transfer. This use would include one or two buildings that are typically one story tall and less than 7500 square feet. The visual impact from the highway for a depot of this type of warehousing structure would be similar to any other type of use housed within a structure where some portion of a building may be visible from the highway rather than the existing natural landscape.

Economic Impact: The economic impacts from these types of uses will likely be positive in this location. The double tracks of the Burlington Northern Santa Fe Railroad are about 500 feet east of the site. Trucking products to and from the railroad loading area would be efficient. The location has the best transportation system in the county, with the US 97 Highway next door and Highway 20 only three miles west. The central location in the county and the Deschutes Junction Overpass allows easy access to Bend, Redmond, and Sisters. These freight centers have only enhanced the economic generators within the County without having any impact on the travelling public's interest in visiting or living within the County. The uses will provide income for the county and the business owners and will be compatible and will not negatively affect the traveling public.

Social Impact: These uses are already being used in the adjacent area south of the Deschutes Pleasant Ridge Road across the street. It is likely to foster social activity between the business owners. A neighboring gas dealership has drivers drive trucks to Portland daily to fill with gasoline and return to Deschutes County to distribute the gas region wide. It is like Willamette Greystone, which brings masonry products from the west side of the Cascades and stores and sells them county wide from their central location at Deschutes Junction. The Hay Depot across the highway has been driving semitrucks with pup trailers of hay to the Portland shipyards for over twenty years. MillAnn Farms uses the property today to distribute farm crops.

Environmental Impact: The environmental impact of these uses is positive. The central location should cut down on miles traveled and therefore vehicle emissions as compared to other locations. Site runoff and any noise can be controlled. Water use will be low. The Applicant is unaware of any complaints about air quality from the public or neighbors of the similar uses next door, such as some of the businesses adjacent to the railroad on 4-R Equipment land zoned RI.

Energy Impact: The environmental impacts from these uses will likely be positive in this location. The double tracks of the Burlington Northern Santa Fe Railroad are about 500 feet east of the site. Trucking products to and from the railroad loading area would be efficient. The location has the best transportation system in the county, with the US 97 Highway next door and

Highway 20 only three miles west. The central location in the county allows easy access to Bend, Redmond, and Sisters, saving transportation energy.

Allow Use	X
Limit Use	
Prohibit Use	

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.

Comments: Construction contracting-related businesses will require construction of a building to house the business along with some enclosed building for the storage of materials (or outside storage surrounded by sight obscuring fencing) with parking for vehicles. It is assumed that buildings for this use would be one story tall and could vary in size up to 7,500 square feet. The visual impact from the highway for this type of construction-related business would be like any other type of use housed within a structure where some portion of a large building may be visible from the highway rather than the existing landscape.

Economic Impact: These business uses will likely produce jobs and economic growth. These trades are necessary throughout the county. Jobs created would be an economic benefit to the community.

Social Impact: The code itself is friendly to the public as it restricts these uses to the inside of a building and to outside storage areas with sight-obscuring fencing. They will be unobtrusive and will likely not have any adverse effect on the motorists on the highway. The former United Pipe warehouse is directly south of the subject property. The yellow building is next to the highway and all materials are enclosed within it. Willamette Greystone is a similar use that has been across the street to south for thirty years, beginning ten years after the landscape management corridor was initiated. It has both buildings and a sight obscuring fence. The business is popular in the county.

Environmental Impact: The Site has plenty of water, with the domestic water well drilled in 1992, Avion Water and two cisterns with non-potable Pilot Butte Canal water. Septic tanks and drain fields can be put on the lower six acres. There should not be any runoff, dust or chemicals that could cause trouble. Stormwater will be managed on site.

Energy Impact: Pacific Power’s substation is located close by on Pleasant Ridge Road northeast of the property. A will-serve letter shows Pacific Power’s ability and willingness to serve the site. Locating those uses here in this central location will likely result in reduced transportation costs, less gasoline and fewer gallons of diesel fuel.

Allow Use	X
Limit Use	
Prohibit Use	

F. Ice and cold storage plant.

Comments: An ice and cold storage plant is typically a facility that stores ice and perishable goods at controlled temperatures. These uses require refrigeration systems to maintain ideal temperatures and humidity levels for storing perishable goods. These facilities can help extend

the shelf life of products, reduce waste, and ensure safe consumption. Construction of these types of plants would require construction of an enclosed structure similar to a warehouse. It is assumed that buildings accommodating this use would be less than 30 feet tall and could vary in size up to 7500 square feet. The visual impact from the highway for an ice or cold storage plant would be similar to any other type of use housed within a structure where some portion of a large building may be visible from the highway rather than the existing natural landscape.

Economic Impact: Jobs created would be an economic benefit to the community. There are many businesses that need to use ice and cold storage plants, such as those that serve the traveling public, restaurants, food trucks and some entertainment venues like the Hayden Homes Amphitheater and the Deschutes County Fairgrounds.

Social Impact: This business will not adversely affect the motorists and tourists and in general will serve them. It is no different than any business in the RI zone. It produces a product that is difficult to obtain for grocery, entertainment, non-profit events and other venues. The regulations will ensure the business is unobtrusive to the traveling public. The traveling public will benefit from the region having more ice and cold storage.

Environmental Impact: Power is nearby and can be delivered by Pacific Power. Avion already delivers water to the site. The Site has plenty of water, with the domestic water well drilled in 1992 and Avion Water. There is no known adverse environmental effect. The central location between Sisters, Redmond and Bend, will reduce vehicle emissions as the trucks deliver the products to the customers.

Energy Impact: This type of business is well insulated but could use a significant amount of power. Pacific Power’s substation is located close by on Pleasant Ridge Road northeast of the property. A will-serve letter shows Pacific Power’s ability and willingness to serve the site. The environmental impacts from these uses will likely be positive in this location. Trucking products to and from the site would be efficient. The location has the best transportation system in the county, with the US 97 Highway next door and Highway 20 only three miles west. The central location in the county allows easy access to Bend, Redmond, and Sisters, saving transportation energy.

Allow Use	X
Limit Use	
Prohibit Use	

G. Wholesale distribution outlet including warehousing but excluding open outside storage.

Comments: Like the other storage or warehousing related uses, a wholesale distribution outlet would likely be one to two stories tall and could vary in size up to 7500 square feet. The visual impact from the highway for wholesale distribution outlet would be similar to any other type of use housed within a structure where some portion of a large building may be visible from the highway rather than the existing natural landscape.

Economic Impact: Jobs would be created adding money to the county, the business and the local economy. Products would be more proximate to the stores or businesses and will reduce wait time for customers. End time delivery would be faster.

Social Impact: This use is similar to current uses in buildings on neighboring properties. The touring public will find the warehouse distribution outlet visually unobtrusive with the natural screening, height standards, footprint standards, setbacks and design standards. Outside

storage is prohibited. This use will be unobtrusive and will not adversely affect the traveling public.

Environmental Impact: Delivery trucks may arrive and depart the site in low numbers, but they will use diesel or gasoline to power them. Because no wild animals or birds have been seen on the constrained site in years, due to being surrounded by the highway, roads, and the canals, there should not be any adverse consequences from a delivery use to them. Interior forklifts are likely to be electric. External lighting will be shielded and the color of lighting will be regulated. Stormwater will be contained on site and wastewater can be treated on site.

Energy Impact: Energy needs for power are expected to be low for internal and exterior lighting which will be provided by Pacific Power. Pacific Power's substation is located close by on Pleasant Ridge Road northeast of the property. A will-serve letter shows Pacific Power's ability and willingness to serve the site. Trucking products to and from the site would be efficient. The location has the best transportation system in the county, with the US 97 Highway next door and Highway 20 only three miles west. The central location in the county allows easy access to Bend, Redmond, and Sisters, saving transportation energy and using less gasoline and fewer gallons of diesel fuel.

Allow Use	X
Limit Use	
Prohibit Use	

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.

Comments: Like the other storage or warehousing related uses, the visual impact of a welding, sheet metal or machine shop would be similar to the visual impact from processing, storage or warehousing business. The shop would likely be one to two stories tall and could vary in size up to 7500 square feet. The visual impact from the highway for wholesale distribution outlet would be similar to any other type of use housed within a structure where some portion of the building may be visible from the highway rather than the existing natural landscape.

Economic Impact: This business will employ skilled people to do the jobs that will be provided in a way that vacant and unfarmable property or warehousing will not. Jobs created would be an economic benefit to the county and to the Deschutes community. More jobs will be created with these uses than by many of the others.

Social Impact: These businesses will fit in well in this neighborhood. Tony Aceti, who has a college degree in welding, has a welding shop in his barn catty-corner from the subject site. Some of these trades are provided on the adjacent McCauley's RV repair shop. Harry Fagen has a machine shop on Tumalo Road. Social connections can be made. The smaller buildings will be unobtrusive to the motoring public with all the business being inside low buildings, using natural screening and sight-obscuring fencing. This use will be unobtrusive and will not adversely affect the visual impact on the traveling public.

Environmental Impact: The welding, sheet metal or machine shop businesses do not pose any special environmental concerns.

Energy Impact: These businesses will use normal amounts of energy for lighting, and heating and cooling and to run equipment. Pacific Power can provide the necessary energy. The central location will result in vehicle energy efficiency.

Allow Use	X
Limit Use	
Prohibit Use	

I. Kennel or a Veterinary Clinic

Comments: A kennel use typically consists of one or two low structures and enclosed outdoor spaces suitable for providing shelter for dogs and/or cats. A veterinary clinic provides health care for animals, small and large and has about two or more rooms. The visual impact from the highway for a kennel or veterinary clinic will be similar to any other type of use housed within a small structure where some portion of a building may be visible from the highway rather than the existing natural landscape. If placed on the upper level, given the elevation change and the existing natural screening, it would be unlikely that any of the building or outdoor kennel-related activities would be visible from the highway.

Economic Impact: These businesses can create technically trained and college degreed jobs that benefit the Deschutes community and the traveling public who need care or local boarding for their pets. The positive economic benefits will benefit the owners, the employees and the county. The economic impact will be positive.

Social Impact: These uses will likely create social connections in the Deschutes Community of 4,000 residents who use it for their pets. Boarding between Bend and the Redmond airport will be convenient for travelers. The uses will likely be acceptable to motorists.

Environmental Impact: Since the site has no known habitat for large or small vertebrate animals, amphibians, insects, or birds, there should not be any adverse wildlife impacts. The uses do not generate dust or discharge into the air. The uses will not have any unusual runoff when done correctly. However, the noise and vibrations from the highway may make an outdoor kennel at this location a poor choice as it may be upsetting to animals who board there. But the long-term existing indoor kennel north of Long Butte does not have any problems due to the road noise. This use will be smaller than other warehousing or processing uses, be unobtrusive and will not adversely affect the traveling public and may serve them.

Energy Impact: Water and power usage should be average or lower than average when compared with EFU-TBR permitted uses. Travel times from the community of 4,000 people to the kennel or veterinary clinic at this location will save vehicle fuels that would be needed to drive to other businesses in Bend or Redmond.

Allow Use	X
Limit Use	
Prohibit Use	

J. Lumber manufacturing and wood processing except pulp and paper manufacturing.

Comments: The visual impact of a lumber or wood processing operation would be similar to an agricultural processing use. This use would occur largely within a one-story building, less than 7500 square feet. Presumably, this use would require the storage of logs and finished lumber in a yard outside. The visual impact would be that some portion of this structure and perhaps piles of lumber would be visible from the highway.

Economic Impact: This industry has nearly vanished in this area. Bend had lumber manufacturing mills that were among the largest in the world, but they are gone now. Having

this use on this constrained site would be difficult but welcome. It could provide good jobs. The Fagen property west of the highway has had logging businesses since 1937. Logging trucks and equipment are parked there and firewood, fence posts, and cut logs for log houses have been manufactured there for 80 years. Jobs and income will be created benefitting the local area and the county.

Social Impact: Lumber mills and wood processing are iconic Oregon businesses. Employee teams may create strong bonds with one another. Tourists may find this use of natural forest products a welcome site. The uses will likely be acceptable to motorists.

Environmental Impact: Environmental effects must be monitored and will be regulated by the County and the State. Noise, power and water uses may be higher than most of the uses on the permitted list.

Energy Impact: Energy impacts involve the cost of running vehicles, bringing in logs and distributing products. The energy needed to run the saws and lighting, among other things, will be provided by Pacific Power. The central location could result in shorter trips from forests to and from the west and south than to the existing mills in Prineville.

Allow Use	X
Limit Use	
Prohibit Use	

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.

Comments: A road improvement project necessary to serve a residential development is unlikely to occur because there is no residential zoned land on the east side of the highway in the vicinity to be served. Also, the Pilot butte Canal forms the entire north and east property lines, creating a barrier to streets. As explained above, road or street improvements would be at ground level and would not be visible to the travelling public.

Economic Impact: A street or road project will remove land from the subject site so will have an adverse economic effect on the usability of the subject site. A project to improve accessibility or to correct a safety hazard may have a positive effect on land values by increasing desirability of the land and making it more accessible. The project will employ many individuals short term from engineers to heavy equipment operators to plan and construct the road.

Social Impact: Once completed, a public road project may make the area more desirable for the motoring public. However, during construction, the public drivers may avoid the area and find alternate routes. The uses will likely be acceptable to motorists.

Environmental Impact: Road projects always have environmental impacts during construction such as the need for water to keep the dust down, the need to reduce site water runoff and dust in the air. Usually when the projects are completed, the environmental impacts are positive, such as reducing travel time and increasing safety.

Energy Impact: The energy impacts of constructing a road or street are large including the use of large construction vehicles with inefficient engines and exhaust, the need for employees to drive to the site, the need for lighting when it is dark which takes power, and the need to haul in construction materials and equipment. The projects are short lived and necessary.

Allow Use	X
Limit Use	
Prohibit Use	

L. Class III road or street project

Comments: A “class III project” consist of improvements to existing roads or streets. Since there is no road or street on within this property, it is unlikely that this use would arise. In any event, any road or street improvements would be at ground level and would not be visible to the travelling public.

Economic Impact: A street or road project will remove land from the subject site so therefore will have an adverse economic effect on the usability of the subject site. A project to improve accessibility or to correct a safety hazard may have a positive effect on land values by increasing desirability of the land and making it more accessible. The project will in the short term employ many individuals from engineers to heavy equipment operators to plan and construct the road.

Social Impact: The project may make the area more desirable for the motoring public. However, during construction, the drivers may avoid the area and find alternate routes. The uses will likely be acceptable to motorists.

Environmental Impact: Road projects always have environmental impacts during construction such as the need for water to keep the dust down, the need to reduce site water runoff and dust in the air. Usually when the projects are completed, the environmental impacts are positive, such as reducing travel time and increasing safety.

Energy Impact: The energy impact of constructing a road is large including the use of large construction vehicles with inefficient engines, the need for employees to drive to the site, the need for lighting when it is dark which takes power, and the need to haul in construction materials and equipment. The use is temporary and necessary.

Allow Use	X
Limit Use	
Prohibit Use	

M. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

Comments: Most irrigation system uses consist of piping or canal conveyance systems located on the surface or under the ground such that they will not usually be visible to the travelling public.

Economic Impact: The piping projects are very expensive, costing tens of millions of dollars. They are often paid for with federal grants. The projects temporarily employ many people, from engineers doing the design to the suppliers, to contractors, to the laborers. Being able to deliver unused irrigation water to Jefferson County may dramatically improve the economy of farming there, with adequate or improved irrigation water available. COID has more senior water rights and North Unit has junior water rights. Usually, the supplier is out of the area and would also benefit economically.

Social Impact: The canals are attractive to look at in three spots near the highway between Long Butte and Redmond. However, the canals are piped and not visible along the highway between the city of Bend and just south of the Deschutes Junction Overpass where they each

enter power plants on either side of the highway, the Pilot Butte Canal on the east and the Swalley Canal on the west. The concrete block power plants are close to the highway and within the view corridor. Piping the canal will eliminate the view of water and small waterfalls in the canal that are very close to the highway. The project will be detrimental to the motorists in the landscape management corridor.

Environmental Impact: Having water from the Deschutes River flow into 9' diameter pipes instead of into the open Pilot Butte Canal built in native rock in 1904 may prevent water from seeping into the soil and therefore reduce the loss of water from the canals. However, 120-year-old trees and other vegetation growing next to the canals may perish, and wildlife habitat in and along the canals will be lost, as has been the case in other piping projects. However, the district does not plan to leave a significant amount of saved water in the Deschutes River. Cooperatively, it will pass on the saved water to the North Unit District in Crook County where the farmers will be able to have more irrigation water. The water delivery systems from the North Unit Canal and the Pilot Butte Canal come together just south of Smith Rock State Park and the Crooked River east of Terrebonne.

Energy Impact: A tremendous amount of energy is needed to make the pipe and deliver it to the site. However, for 120 years the canal was flowing with gravity, taking no energy. It is unknown if the district will require pumps to pressurize the pipe. Pumps will take electricity.

Allow Use	X The BOCC and the COID District have determined that the advantage of saving water and passing it on to Jefferson County farmers is more important than the intermittent view and habitat created by the open canal between Long Butte and Redmond.
Limit Use	
Prohibit Use	

18.100.020 RI 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.**

Comments: Because there are two existing residences within 600 feet of whatever use will be proposed within the RI zone, a conditional use permit will be required. The effect of requiring conditional use review for any RI use is that the County will have the discretion to limit the visual impact in ways that it would not be able to otherwise. Providing this additional review also has the potential to consider and mitigate any adverse consequences that might follow from allowing the use that are identified below.

- B. Any use permitted by DCC 18.100.010, which involves open storage.**

Comment: Outdoor storage of materials is currently permitted for any use within the EFU-TBR zone. Several of the RI Zone Outright Permitted Uses prohibit outdoor storage. Where they do not, it would make sense to require conditional review for outdoor storage for RI uses because (1) any adverse consequences would be considered as part of the conditional use review; (2) outdoor storage uses could be buffered through land contouring or landscaping through the LM overlay and (3) the existing change in elevation between the highway and the development area will provide natural buffering from any outdoor storage use as well. As such, the economic,

social and environmental and energy consequences of an outdoor storage use balance in favor of allowing the use, subject to conditional use review.

C. Concrete or ready-mix plant.

Comments: A concrete or ready-mix plant typically includes components that mix and batch concrete and other materials including bins for storing aggregates, structures for housing materials and scales for measuring and batching cement, conveyors, and stationary or truck mixers. Like any other construction contractor related uses, a concrete plant could typically include a one-story structure much less than 7500 square feet.

Economic Impact: This business will provide jobs for many people who live at Deschutes. It will also form a market for the raw minerals that are necessary to make concrete or ready mix.

Social Impact: This business will be unobtrusive if it is located on the upper level and is screened by native and added evergreen trees. The visual impact from the highway for a concrete plant is different from the other uses because much of the processing work occurs outside and not inside a building. The use can be located on the upper eastern triangle of land where the site is already buffered by juniper trees. If it is located on the western portion of the land, acceptable buffering using landscaping and trees may be possible.

Environmental Impact: These plants have many State and County regulations to follow so they will be environmentally friendly. Dust may blow across the highway causing a hazard if it is located on the lower level. Water is used to keep down dust. Water is available.

Energy Impact: Locating this business here will save about twenty miles round trip for most customers, thereby reducing fuel and emissions. Water needs and power needs are compatible with the site.

Allow Use	X
Limit Use	
Prohibit Use	

D. Petroleum products storage and distribution.

Comment: The visual impact of a petroleum product storage and distribution operation would be similar to any other type of warehousing and distribution use. This use would occur largely within a large, one-or-two story building under 30 feet tall and much less than the 7500 square feet maximum. Presumably, this use would not require any outdoor storage. The visual impact would be that some portion of this structure would be visible from the highway.

Economic Impact: A business like this is gpEnergy, located on 4-R Equipment land just south of the subject site on a parcel zoned RI. It distributes gasoline to gas stations in the county. Drivers go to Portland daily to fill their gas truck tanks with gasoline and bring it back to distribute. This creates driving and delivery jobs, maintenance jobs and office jobs. gpEnergy is unobtrusive with few people noticing it. Most trucks and drivers are gone during the daylight hours. The use of this location will also create jobs. The business needs only a small building for the office and truck maintenance. The vehicles are parked neatly on site for a short time at night. They are on the road during the day.

Social Impact: This business can be attractive and unobtrusive to motorists. It would likely be placed on the upper level, closer to the driveway. The business will be unobtrusive and unnoticed by the motorists.

Environmental Impact: The environmental impact of this business is very low. The trucks may raise some dust if they are on internal dirt streets.

Energy Impact: The energy impacts on site are very low. However, heavy trucks take fuel and emit carbon, no matter where the business is located.

Allow Use	X
Limit Use	
Prohibit Use	

E. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete.

Comment: This use is the longest continuing use at Deschutes Junction. Components of this use would include processing equipment such as conveyors, screens, the outdoor storage of piles of gravel or rock and the storage of dump trucks and other heavy vehicles and equipment needed to transport these materials. Like any other construction contractor related uses, these uses could include one story structures of variable sizes for offices. A maintenance building for one or more trucks is also possible.

Economic Impact: This use has been ongoing at Deschutes Junction since 1942 when Cascade Pumice was established between US 97 and the railroad tracks, just south of the subject property. Its testing lab and heavy equipment garages were in four small buildings that remain in the view corridor along what is now Tumalo Place. The pumice rock was hauled in, crushed, and made into pumice blocks in the neighboring RI zoned land just south of the subject site. The pumice blocks that form the garage, shop, and house on the subject property were made by Cascade Pumice. The crushed pumice and products were loaded on the railroad cars in the spur of the double tracks at this location. This use was active for two generations. 4-R Equipment has profitably operated the hauling, storage, crushing and processing of rock adjacent to the highway south of the overpass for the past twenty years. This use will continue to provide many varied well-paying jobs and a market for minerals and rock, which is plentiful.

Social Impact: If this plant is located on the upper eastern level, it will be unobtrusive. Acceptable buffering using evergreen landscaping trees may be possible. A business that uses the plentiful natural rock and other minerals will not likely be offensive to the motorists.

Environmental Impact: State and County regulations will keep this business environmentally friendly. Cascade Pumice and 4-R Equipment are examples of good environmentally sound businesses in this view corridor.

Energy Impact: This business requires heavy machinery that will use fuel and emit carbon emissions. But power and water uses will be low overall.

Allow Use	X
Limit Use	
Prohibit Use	

F. Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.

Comment: These high intensity agricultural operations would include structures and animal storage pens necessary to process cattle or other animals for slaughter. Without the animals, the visual impacts would be similar to other uses – structures and animal enclosures. To the extent that any portion of this operation was visible, it would be highly objectional to the travelling public and may actively discourage visitors to the county.

Economic Impact: This location is not suitable for this use but any such consideration would be evaluated against the conditional use criteria. Expert testimony in the record tells us that livestock will not gain weight when they are next to the highway with its high Average Daily Trips and speed profile. Livestock are not grown commercially for butchering in Deschutes. Livestock who spooked and got out on the roads and highways would be a great hazard to motorists. Cost to truck in feed are high. It is not known if this use can be profitable at this location. A few jobs will be created.

Social Impact: As a conditional use, the sight and smell of a feedlot, stockyard, slaughterhouse and rendering plant would be objectionable to motorists, the Three Sisters Adventist Christian School, and to the 4,000 residents in the Deschutes Community.

Environmental Impact: The environmental impact of this business may be high due to the manure smell and the runoff and other regulations. The cattle trucks may raise dust if they are on internal dirt streets. Water needs will be high.

Energy Impact: The energy impact on site is low. However, heavy trucks take fuel and emit carbon, no matter where the business is located.

Allow Use	
Limit Use	
Prohibit Use	X The sight and smell of the use would be objectional to motorists.

G. Railroad trackage and related facilities.

Comment: The Burlington Northern Santa Fe railroad is located 500 feet to the east. It already has two tracks and loading areas in Deschutes. Although this site might be suitable for additional railroad supportive facilities, it is unlikely given the proximity of existing and long-established loading areas. The topography of the site itself makes the use unfeasible.

Economic Impact: An extension of the railroad track in this location would require bridges across Pleasant Ridge Road and the Pilot Butte Canal. That would be costly to extend the railroad only 250 feet. The parcel would lose acres of usable space. It is unlikely that enough land is available for this use.

Social Impact: The social impact would be the noise of the trains. It is likely that it would be tolerated by motorists.

Environmental Impact: Environmental impacts will be minimal.

Energy Impact: Railroads are efficient ways to transport goods.

Allow Use	X
Limit Use	
Prohibit Use	

H. Pulp and paper manufacturing.

Comment: A pulp mill works to convert wood chips or other plant fibers into a thick fiberboard called pulp. Pulp can be made using mechanical, semi-chemical, or chemical methods. Paper mills use pulp to make paper by matting the cellulose fibers from the pulp into sheets. This use is fairly unlikely because pulp and paper mills require a great deal of water used for washing, cooling and steaming pulp to make paper.

Economic Impact: The use requires a much larger parcel. The subject site is too small and too constrained for this use. Any investment in the 11-13 acres that are available for the use will not likely be profitable. The raw materials are not readily available. If it was located here, round-the-clock jobs would be created.

Social Impact: Pulp and Paper manufacturing plants are busy places day and night. It is highly unlikely that one would locate here on this small, constrained site. It is unlikely that it would be accepted by the motorists as it does not fit into the small scale of development along the highway. Lighting may be distracting.

Environmental Impact: This use requires a great amount of water that is precious in the high desert. It may be more than can be provided. Discharge may also be great.

Energy Impact: A great amount of electricity will be needed.

Allow Use	
Limit Use	
Prohibit Use	X Energy use will be high. Water uses may exceed what is available. The scale is too large for the site. Raw materials are not available to the extent needed.

I. Any use permitted by DCC 18.100.010, 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.**

Comment: No specific uses are mentioned. Given the existing topographic constraints and LM setback areas, it would be exceedingly difficult for any use to cover over 70 percent of the existing property. Any such land intensive or nuisance-type uses would be a conditional use review and would consider the impacts to the scenic overlay as part of this review. The visual and nuisance-laden use, assuming it were allowed, would likely bring significant employment benefits to the county. They would not outweigh any potential negative consequences to the scenic resource experienced by the travelling public.

Allow Use	
Limit Use	
Prohibit Use	X Lot coverage exceeding 70% or the dust, glare, lights, or noise would be detrimental to motorists.

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.

Comment: The visual impact of a business used to manufacture products from any of these materials would be similar to any of the manufacturing process uses mentioned above. These processes would occur entirely within a one-or two-story building less than 30 feet tall and less than 7,500 square feet. The visual impact would be that some portion of this structure would be visible from the highway.

Economic Impact: Many jobs would be created for these uses. Local residents and companies would have a market to sell some of the materials. Repairing items is usually less expensive than having to replace them with new products, so money can be saved.

Social Impact: A business on this list is likely to be in a smaller building. If it was located on the upper level, it would not be visible from the highway. If it was placed 100 feet east of the highway, it could be made unobtrusive with vegetative screening and the other requirements of the LM, RI, and Conditional Use codes.

Environmental Impact: This list of varied businesses with the listed restrictions and state and county environmental regulations are likely to be environmentally friendly. Avion Water Company, a well dug in 1992, and two cisterns supply water.

Energy Impact: The energy needs of these varied businesses are unknown. Pacific Power can supply the electricity. The substation is to the northeast along Pleasant Ridge Road. Some businesses will use the nearby double railroad tracks to load their products. They can also use the excellent centrally located transportation system to reduce energy needs and emissions.

Allow Use	X
Limit Use	
Prohibit Use	

K. Processing, packaging and storage of food or beverages including those requiring distillation and fermentation.

Comment: Like all of the other processing and storage-related uses identified above, food or beverage processing, packages or storage would occur largely within a building, less than 7500 square feet. The visual impact would be that some portion of this structure would be visible from the highway.

Economic Impact: This use may provide many varied jobs that will require a variety of training and education. The economic impact would be positive to the businesses and to the county. t

Social Impact: This use may be very attractive to some tourists and travelers to the region. Tasting rooms are popular such as at distillers, wineries or breweries. The building can be made to be unobtrusive and may be made to be iconic and attractive when they are part of the business's image by following the applicable codes.

Environmental Impact: This use must meet many regulations and will be environmentally compatible with the site.

Energy Impact: Energy impacts may be higher than others on this list due to the need to run specialized equipment, cooling and heating, a kitchen, and exterior and interior lighting.

Allow Use	X
Limit Use	
Prohibit Use	

L. Public Landfill Transfer Station, including recycling and other related activities.

Comment: A landfill transfer station use would consist of covered structures used to house refuse and recycling materials for transfer. In order to address environmental requirements, all elements of this type of use would have to occur within a structure. This use would likely occur within one or two enclosed warehouse type structures. The visual impact would be that some portion of these structures would be visible from the highway.

Economic Impact: When landfills or transfer stations are close by, more people use them. Likely, refuse companies will use one at this central location to consolidate waste before they drive to the landfill. Some transfer stations include recycling facilities which would offer services to people in the central county area. County jobs would be created. The economic impact will be positive.

Social Impact: Recycling will be easier. Some recycling centers and transfer stations are enclosed in buildings and so could one at this site, making it attractive to the motoring public. Having it screened but 100 feet from the highway could remind people to take their recyclable items there.

Environmental Impact: Engineers will design the facility and it will be operated in an environmentally friendly way that meets all the federal, state, and local regulations.

Energy Impact: Energy for interior and exterior lighting and for some heavy equipment that could be electric will be needed, but it will not be excessive.

Allow Use	X
Limit Use	
Prohibit Use	

M. Mini-storage facility.

Comment: The visual impact of a mini-storage facility would be similar to a warehouse or other storage type use. This use would occur largely within a one-story building, less than 7500 square feet. The visual impact would be that some portion of this structure would be visible from the highway.

Economic Impact: The Jct 97 Mini Storage business is just 250 feet southeast of the subject site on RI land adjacent to the railroad tracks on Deschutes Pleasant Ridge Road. It is attractive with landscaping and clean lines. It hires one part-time employee and has limited hours with a part-time attendant. These facilities are often inexpensive to build and are profit centers. Employment opportunities are there but will be limited. The economic impact will be positive.

Social Impact: Mini-storage facilities are very common today. The traveling public will likely need a mini-storage facility if they choose to move to an apartment in the area or if they come often and want to store sports equipment, an off-road vehicle, a snow mobile or a boat or something similar. It may be a positive business for travelers. Recent inquiries have shown nearly all mini-storage units are now full.

Environmental Impact: The environmental impact will be low.

Energy Impact: The energy use will also be low, except for the power needed for air-conditioned units. Downward facing efficient exterior lighting is normal and has low energy needs. People in the area or on the way home from vacation who need to store their equipment would save energy by going somewhere close instead of to the cities.

Allow Use	X
Limit Use	
Prohibit Use	

N. Automotive wrecking yard totally enclosed by a sight obscuring fence.

Comments: An automotive wrecking yard is a business that dismantles wrecked or decommissioned vehicles. The yard's purpose is to recycle and repurpose the materials from these vehicle and typically requires stacking of vehicles within the yard to height that it would be difficult to fence out of view from the highway. For this reason, it is unlikely that this use would ever occur.

Economic Impact: A positive economic impact is on the jobs created by this business. Customers would also benefit by being able to save money on used vehicle parts they need to repair their vehicle.

Social Impact: This business will be nearly impossible to fence or screen to prevent a view into the wrecking yard located four feet below the highway. To prevent an eyesore to the traveling public, it must be located on the upper level near the Pilot Butte Canal so it will not be visible to the people on the highway or roadway. However, there is not likely to be enough acreage up there.

Environmental Impact: State and County regulations will prevent any adverse environmental impacts.

Energy Impact: Having the wrecking yard between Redmond and Bend will allow county residents to obtain the car parts without going to Salem or Portland, saving much gasoline or diesel fuel and carbon emissions.

Allow Use	
Limit Use	
Prohibit Use	X The use will not be able to be screened.

O. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 19.116.250(A) or (B).¹

Comment: The visual impact of a cell tower would be different from many of the other uses because it could be 50 feet tall rather than the 30-foot height limit applicable to structures. At these taller heights, this use would be more visible. That said, this use is also conditionally allowed today in the EFU-TRB zone so it would have no greater visual impact within the RI zone than it does today.

¹ The limitation imposed by this reference is not clear as it does not appear to exist in the DCC. The reference may be to the wireless communication siting standards in DCC 20.12.090.

Economic Impact: Good cellphone coverage is essential for any populated area. This will enhance the ability of users to communicate in their personal lives and in business for a positive economic impact. The use is a conditional use in the EFU-TRB zone and would have no different impacts in the RI zone.

Social Impact: The motorists and passengers on US 97 will benefit from better cell phone coverage. The use is a conditional use in the EFU-TRB zone and would have no different impacts in the RI zone.

Environmental Impact: There should be no adverse environmental concerns. The use is a conditional use in the EFU-TRB zone and would have no different impacts in the RI zone.

Energy Impact: Other than employees to service and maintain the facility, there should be very few trips to the facility. The use is a conditional use in the EFU-TRB zone and would have no different impacts in the RI zone.

Allow Use	X
Limit Use	
Prohibit Use	

P. Utility facility.

Comment: The visual impact of a utility facility, like so many of the other uses discussed above, would include a structure of some kind and perhaps some above-ground utility generation element like solar panels. Depending on the height of the various use element, this use might be somewhat visible from the highway. However, this same use is currently allowed in the EFU-TRB zone so it will have no greater visual impact within an RI zone than it could under current zoning. There is no potential for greater any greater conflict.

Economic Impact: The use is a conditional use in the EFU-TRB zone and would have no different impacts in the RI zone. It would have a positive economic impact.

Social Impact: The use is a conditional use in the EFU-TRB zone and would have no different impacts in the RI zone.

Environmental Impact: The use is a conditional use in the EFU-TRB zone and would have no different impacts in the RI zone.

Energy Impact: The use is a conditional use in the EFU-TRB zone and would have no different impacts in the RI zone.

Allow Use	X
Limit Use	
Prohibit Use	

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.

Comment: The visual impact of farm or forest equipment sales or repair yard would be a structure with its concomitant visual impacts as well as the outdoor storage of farm / forest equipment. To the extent that this equipment storage can be viewed from the highway, it would have the same visual impact as if it were a farm or forest, road maintenance, mineral extraction

or construction use. Since this equipment is not a significant distraction when it is in use, it would similarly not be a distraction when it is parked awaiting repair or service.

Economic Impact: This use is already occurring on RC and MUA-10 land with a conditional use permit at Deschutes Junction on the Fagen property at the northwest corner of the intersection of US 97 and Tumalo Place. Its use began in 1937 and the owners report that there are more customers than they can serve. Tony Aceti invented the Hay Squeeze in his barn. The Deschutes County Planning Commission took testimony on the need for space to invent and produce items and vehicles for farm and forest use and to service them. The impact of this use will be to create jobs and produce a necessary service for members of the rural area. It would have a positive economic impact.

Social Impact: While any development on the subject property could impact the scenic quality from US 97, the unattractive sight of dry weeds now is not an improvement. All the codes and the LM zoning code will limit any adverse appearances from buildings necessary for this use. If the uses do not need buildings, they will be related to natural farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities that are expected along the highway.

Environmental Impact: There should not be any adverse environmental impacts from this business.

Energy Impact: The energy impact of this business will be low. It should not have any adverse impacts. Locating these businesses in a central location will make it easier for rural people to have their equipment and materials manufactured, stored, repaired and serviced along with allowing rentals. It will reduce vehicle miles traveled to Madras and Prineville, as well as to Redmond and Bend.

Allow Use	X
Limit Use	
Prohibit Use	

R. Electrical substation.

Comment: Like a utility facility, the visual impact of an electrical substation would be the location of transformers and transmission towers. Depending on the height of the various use element, this use might be somewhat visible from the highway. However, this same use is currently allowed in the EFU-TRB zone so it will have no greater visual impact within an RI zone than it could under current zoning. There is no potential for greater any greater conflict.

Economic Impact: The use is a conditional use in the EFU-TRB zone and would have no different impacts in the RI zone.

Social Impact: The use is a conditional use in the EFU-TRB zone and would have no different impacts in the RI zone.

Environmental Impact: The use is a conditional use in the EFU-TRB zone and would have no different impacts in the RI zone.

Energy Impact: The use is a conditional use in the EFU-TRB zone and would have no different impacts in the RI zone.

Allow Use	X
Limit Use	
Prohibit Use	

S. Marijuana retailing, subject to the provisions of DCC 18.116.330.

Comments: DCC 18.116.330 provides specific standards for the siting of marijuana retail facilities including school spacing standards. Since this is a conditional use, and the Three Sisters Adventist Christian School testified loudly against the pending permit when a marijuana retail business was considering locating on the parcel located at the northwest corner of Tumalo Place and US 97, just across the highway, it is likely that the school would complain again if a marijuana store was to be in this location. It is unclear if it would be allowed as a conditional use, even though the distance of 1,000 feet away from schools is met. In any event, the visual impact of such a store would be similar to other uses that would be housed within a building. It is likely that any such store would be one story and much less than 7,500 square feet. The visual impact of such development from the travelling public would be seeing some portion of a structure that is could be screened through the LM standards.

Economic Impact: These types of retail businesses are open long hours, 7am to 10 pm, requiring several shifts of employees per day. Retail jobs will be created. The economic impact will be positive.

Social Impact: The traveling public may not know about this store and will have no opinion of it. The store is likely to be small and may not be visible from the highway because signs are limited by the codes.

Environmental Impact: The restrictions in DCC 18.116.330 will ensure there are no negative environmental impacts, including odor.

Energy Impact: There should not be any unusual energy needs for this business. Customers in Deschutes and Redmond will save money and gasoline as the distance to marijuana stores in Bend is farther away and this site is closer to them.

Allow Use	X
Limit Use	
Prohibit Use	

T. Psilocybin testing laboratories.

Comments: The visual impact of a psilocybin lab, like so many of the other uses discussed above, would include a one to two story structure of some kind that would be used to house testing facilities. The visual impact of such development from the travelling public would be seeing some portion of a structure that can be screened through the LM standards.

Economic Impact: Varied technical jobs would be created. The use would have a positive economic impact.

Social Impact: The traveling public would not be bothered by a small building with this use in it. The laboratory is likely to be small and may not be visible from the highway.

Environmental Impact: The business will likely not have any unusual environmental impacts.

Energy Impact: There should not be any unusual energy needs for this business. Customers in Deschutes and Redmond will save money and gasoline as the distance to work or to be a customer of the business will be closer to them.

Allow Use	X
Limit Use	
Prohibit Use	

5. CONCLUSION AND PROGRAM TO ACHIEVE GOAL 5

Based upon this ESEE analysis, the County allows most of the RI permitted and conditional uses that could result from the rezone, and that would fit on the site, be placed apart from one another, and designed to be visually compatible, as discussed above. Because of the two residences that are on the west side of the highway, all of the uses, including outright permitted uses, will be conditional uses. The county will have much discretion to ensure all the resulting development will be compatible with the scenic corridor and with the nearby residences.

According to the State rules, in order to protect Goal 5 resources, local governments shall determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision shall be based upon and supported by the ESEE analysis. A decision to prohibit or limit conflicting uses protects a resource site. A decision to allow some or all conflicting uses for a particular site may also be consistent with Goal 5, provided it is supported by the ESEE analysis. One of the following determinations shall be reached regarding conflicting uses for a significant resource site:

“(a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.

(b) A local government may decide that both the resource site and the conflicting uses are important compared to each other, and based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.

(c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.” OAR 660-023-0040(5).

As shown in this analysis, both the subject parcel and the view corridor are important. The resource site and the conflicting uses are important compared to each other. Based on the ESEE analysis, most of the possible conflicting uses permitted within the RI zone should be permitted in a way that protects the resource site to the desired extent. This approach would echo the methodology that guided the County in 1992 to create the Landscape Management Roads scenic area and the LM zone to protect it.

The property is not visually prominent. The ESEE analysis shows that allowing all of the RI Uses Permitted Outright and most of the RI Conditional Uses as developed under the RI and LM codes listed above will not significantly diminish the Goal 5 resource. Approving the application will not result in further impact to the scenic corridor. Low density development will not be in conflict and will not significantly adversely affect the Landscape Management Roads scenic area. To the low extent that there may be any conflicts for those uses, the extensive County’s existing RI Zoning Code, LM zoning code, and the Conditional Use Code protections will continue to protect the inventoried resource after the plan amendment and zoning are changed to RI. Also, the economic benefits of allowing rural industrial development will outweigh any development impacts.

No conflicting uses will be limited or prohibited to protect the landscape management corridor.

Four conflicting uses from the Conditional Use list will be prohibited to clearly protect the landscape management corridor.

- a. **Automotive wrecking yard totally enclosed by a sight obscuring fence.**
- b. **Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.**
- c. **Pulp and paper manufacturing.**
- d. **Any use permitted by DCC 18.100.010, which is expected to exceed the following standards: Lot coverage in excess of 70 percent. 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.**

In conclusion, the county should ensure the motorists in this constrained area have an attractive view while driving on the highway. The subject site can be developed in an attractive low-density way by following the RI Zoning Code, LM zoning codes and the Conditional Use Code. The ESEEs show that it is beneficial to all concerned to rezone the property to RI.

The Comprehensive Plan Map should be amended from Agriculture to Rural Industrial and the zoning should be reassigned from EFU-TRB to RI subject to the use restrictions identified above.

APPENDIX

- A. OAR 660-023-00250 and (3)", page 41
- B. CHAPTER 18. Conditional Uses, page 43
- C. CHAPTER 18.84 Landscape Management Combining Zone: LM, page 44
- D. CHAPTER 18.100 Rural Industrial Zone; RI, page 51

A. OAR 660-023-00250 and (3)”:

Land Conservation and Development Department

Division 23

PROCEDURES AND REQUIREMENTS FOR COMPLYING WITH GOAL 5

660-023-0250

Applicability

(1) This division replaces OAR 660, division 16, except with regard to cultural resources, and certain PAPAs and periodic review work tasks described in sections (2) and (4) of this rule. Local governments shall follow the procedures and requirements of this division or OAR 660, division 16, whichever is applicable, in the adoption or amendment of all plan or land use regulations pertaining to Goal 5 resources. The requirements of Goal 5 do not apply to land use decisions made pursuant to acknowledged comprehensive plans and land use regulations.

(2) The requirements of this division are applicable to PAPAs initiated on or after September 1, 1996. OAR 660, division 16 applies to PAPAs initiated prior to September 1, 1996. For purposes of this section “initiated” means that the local government has deemed the PAPA application to be complete.

(3) Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

(a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;

(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or

(c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

(4) Consideration of a PAPA regarding a specific resource site, or regarding a specific provision of a Goal 5 implementing measure, does not require a local government to revise acknowledged inventories or other implementing measures, for the resource site or for other Goal 5 sites, that are not affected by the PAPA, regardless of whether such inventories or provisions were acknowledged under this rule or under OAR 660, division 16.

(5) Local governments are required to amend acknowledged plan or land use regulations at periodic review to address Goal 5 and the requirements of this division only if one or more of the following conditions apply, unless exempted by the director under section (7) of this rule:

(a) The plan was acknowledged to comply with Goal 5 prior to the applicability of OAR 660, division 16, and has not subsequently been amended in order to comply with that division;

(b) The jurisdiction includes riparian corridors, wetlands, or wildlife habitat as provided under OAR 660-023-0090 through 660-023-0110, or aggregate resources as provided under OAR 660-023-0180; or

(c) New information is submitted at the time of periodic review concerning resource sites not addressed by the plan at the time of acknowledgement or in previous periodic reviews, except for historic, open space, or scenic resources.

(6) If a local government undertakes a Goal 5 periodic review task that concerns specific resource sites or specific Goal 5 plan or implementing measures, this action shall not by itself require a local government to conduct a new inventory of the affected Goal 5 resource category, or revise acknowledged plans or implementing measures for resource categories or sites that are not affected by the work task.

(7) The director may exempt a local government from a work task for a resource category required under section (5) of this rule. The director shall consider the following factors in this decision:

(a) Whether the plan and implementing ordinances for the resource category substantially comply with the requirements of this division; and

(b) The resources of the local government or state agencies available for periodic review, as set forth in ORS 197.633(3)(g).

(8) Local governments shall apply the requirements of this division to work tasks in periodic review work programs approved or amended under ORS 197.633(3)(g) after September 1, 1996. Local governments shall apply OAR 660, division 16, to work tasks in periodic review work programs approved before September 1, 1996, unless the local government chooses to apply this division to one or more resource categories, and provided:

(a) The same division is applied to all work tasks concerning any particular resource category;

(b) All the participating local governments agree to apply this division for work tasks under the jurisdiction of more than one local government; and

(c) The local government provides written notice to the department. If application of this division will extend the time necessary to complete a work task, the director or the commission may consider extending the time for completing the work task as provided in OAR 660-025-0170.

Statutory/Other Authority: ORS 183 & 197

Statutes/Other Implemented: ORS 197.040 & 197.225 - 197.245

History:

LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

B. Conditional Uses

Because two residences are within 600 feet of the property, all uses, including permitted uses, will be conditional uses.

Section 18.128 of the County Code, Conditional Uses, will apply to each use.

Section 18.128 of the County Code regulates Conditional Uses. One section of 18.128 follows. The section will allow the Planning Director or Hearings Body to ensure that any RI development on this property is compatible.

18.128.020 Conditions

In addition to the standards and conditions set forth in a specific zone or in DCC 18.124, the Planning Director or the Hearings Body may impose the following conditions upon a finding that additional restrictions are warranted.

1. **Require a limitation on manner in which the use is conducted, including restriction of hours of operation and restraints to minimize environmental effects such as noise, vibrations, air pollution, glare or odor.**
2. **Require a special yard or other open space or a change in lot area or lot dimension.**
3. **Require a limitation on the height, size or location of a structure.**
4. **Specify the size, number, location and nature of vehicle access points.**
5. **Increase the required street dedication, roadway width or require additional improvements within the street right of way.**
6. **Designate the size, location, screening, drainage, surfacing or other improvement of a parking or loading area.**
7. **Limit or specify the number, size, location, height and lighting of signs.**
8. **Limit the location and intensity of outdoor lighting and require shielding.**
9. **Specify requirements for diking, screening, landscaping or other methods to protect adjacent or nearby property and specify standards for installation and maintenance.**
10. **Specify the size, height and location of any materials to be used for fencing.**
11. **Require protection and preservation of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.**
12. **Require that a site plan be prepared in conformance with DCC 18.124.**

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Amended by Ord. 83-037 §24 on 6/1/1983

Amended by Ord. 91-020 §1 on 5/29/1991

Amended by Ord. 91-038 §3 on 9/30/1991

C. The Landscape Management Combining Zoning Code

The ESEE analysis evaluated each of the 18.100.010 RI Uses Permitted Outright and 18.100.020 RI Conditional Uses and considered the possible appearance of each use on the subject property, at Long Butte, on the east side of the Landscape Management Corridor. In addition to using the RI Zoning Code, the County implements its Landscape Management Corridor by applying Chapter 18.84 Landscape Management Combining Zone. Using the code will affect the ESEEs. The code follows:

CHAPTER 18.84 LANDSCAPE MANAGEMENT COMBINING ZONE; LM

18.84.010 Purpose

18.84.020 Application Of Provisions

18.84.030 Uses Permitted Outright

18.84.040 Uses Permitted Conditionally

18.84.050 Use Limitations

18.84.060 Dimensional Standards

18.84.070 Application

18.84.080 Design Review Standards

18.84.085 Imposition Of Conditions

18.84.090 Setbacks

18.84.010 Purpose

The purposes of the Landscape Management Combining Zone are to maintain scenic and natural resources of the designated areas and to maintain and enhance scenic vistas and natural landscapes as seen from designated roads, rivers, or streams.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [90-020](#) §1 on 6/6/1990

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [95-075](#) §3 on 11/29/1995

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2021-013](#) §11 on 4/5/2022

18.84.020 Application Of Provisions

The provisions of DCC 18.84 shall apply to all areas within one-fourth mile of roads identified as landscape management corridors in the Comprehensive Plan and the County Zoning Map. The provisions of DCC 18.84 shall also apply to all areas within the boundaries of a State scenic waterway or Federal wild and scenic river corridor and all areas within 660 feet of rivers and streams otherwise identified as landscape management corridors in the comprehensive plan and the County Zoning Map. The distance specified above shall be measured horizontally from the center line of designated landscape management roadways or from the nearest ordinary high water mark of a designated landscape management river or stream. The limitations in DCC 18.84.20 shall not unduly restrict accepted agricultural practices.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [90-020](#) §1 on 6/6/1990

Amended by Ord. [91-020](#) §1 on 5/29/1991
Amended by Ord. [92-034](#) §2 on 4/8/1992
Amended by Ord. [95-075](#) §3 on 11/29/1995
Amended by Ord. [2001-016](#) §2 on 3/28/2001

18.84.030 Uses Permitted Outright

Uses permitted in the underlying zone with which the LM Zone is combined shall be permitted in the LM Zone, subject to the provisions in DCC 18.84.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979
Amended by Ord. [90-020](#) §1 on 6/6/1990
Amended by Ord. [91-020](#) §1 on 5/29/1991
Amended by Ord. [92-034](#) §2 on 4/8/1992
Amended by Ord. [95-075](#) §3 on 11/29/1995
Amended by Ord. [2001-016](#) §2 on 3/28/2001

18.84.040 Uses Permitted Conditionally

Uses permitted conditionally in the underlying zone with which the LM Zone is combined shall be permitted as conditional uses in the LM Zone, subject to the provisions in DCC 18.84.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979
Amended by Ord. [90-020](#) §1 on 6/6/1990
Amended by Ord. [91-020](#) §1 on 5/29/1991
Amended by Ord. [92-034](#) §2 on 4/8/1992
Amended by Ord. [95-075](#) §3 on 11/29/1995
Amended by Ord. [2001-016](#) §2 on 3/28/2001

18.84.050 Use Limitations

1. Any new structure or substantial exterior alteration of a structure requiring a building permit or an agricultural structure within an LM Zone shall obtain site plan approval in accordance with DCC 18.84 prior to construction. As used in DCC 18.84 substantial exterior alteration consists of an alteration which exceeds 25 percent in the size or 25 percent of the assessed value of the structure.
2. Structures which are not visible from the designated roadway, river or stream and which are assured of remaining not visible because of vegetation, topography or existing development are exempt from the provisions of DCC 18.84.080 (Design Review Standards) and DCC 18.84.090 (Setbacks). An applicant for site plan review in the LM Zone shall conform with the provisions of DCC 18.84, or may submit evidence that the proposed structure will not be visible from the designated road, river or stream. Structures not visible from the designated road, river or stream must meet setback standards of the underlying zone.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979
Amended by Ord. [90-020](#) §1 on 6/6/1990
Amended by Ord. [91-020](#) §1 on 5/29/1991
Amended by Ord. [92-034](#) §2 on 4/8/1992
Amended by Ord. [95-075](#) §3 on 11/29/1995

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2015-016](#) §5 on 3/28/2016

18.84.060 Dimensional Standards

In an LM Zone, the minimum lot size shall be as established in the underlying zone with which the LM Zone is combined.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [90-020](#) §1 on 6/6/1990

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [95-075](#) §3 on 11/29/1995

Amended by Ord. [2001-016](#) §2 on 3/28/2001

18.84.070 Application

An application for site plan approval for development in the LM Zone shall be submitted to the Planning Division. The site plan application shall include the following:

1. A plot plan, drawn to scale, showing:
 1. Location and dimensions of existing and proposed structures.
 2. Setbacks from lot lines (and river and rimrock, if present).
 3. Existing and proposed access.
 4. Existing and proposed exterior lighting.
2. A drawing of the proposed structure elevations showing:
 1. Exterior appearance.
 2. Height dimensions.
 3. Siding and roofing material and color.
 4. Location and size of windows, including skylights.
3. A landscape plan drawn to scale, showing:
 1. Location, size and species of existing trees six inches in diameter or greater, or existing shrub vegetation higher than four feet, between the proposed development and the designated landscape management road, river or stream. Where a significant amount of vegetation exists, a landscape plan may be accepted which generalizes and explains how the existing trees and shrubs provide screening.
 2. Proposed location and species of introduced vegetation which will screen the proposed development from the designated landscape management road, river or stream.
4. A minimum of two colored photographs taken from documented locations, oriented between the protected resource (river, stream or road) and the proposed development, showing the extent of existing vegetation or other screening.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [93-043](#) §12 on 8/25/1993

Amended by Ord. [95-075](#) §3 on 11/29/1995

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2003-034](#) §1 on 10/29/2003

18.84.080 Design Review Standards

The following standards will be used to evaluate the proposed site plan:

1. Except as necessary for construction of access roads, building pads, septic drainfields, public utility easements, parking areas, etc., the existing tree and shrub cover screening the development from the designated road, river, or stream shall be retained. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act, or agricultural use of the land.
2. It is recommended that new structures and additions to existing structures be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the building site.
3. 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.
4. Subject to applicable rimrock setback requirements or rimrock setback exception standards in DCC 18. 84.090(E), all structures shall be sited to take advantage of existing vegetation, trees and topographic features in order to reduce visual impact as seen from the designated road, river or stream. When more than one nonagricultural structure is to exist and no vegetation, trees or topographic features exist which can reduce visual impact of the subject structure, such structure shall be clustered in a manner which reduces their visual impact as seen from the designated road, river, or stream.
5. Structures shall not exceed 30 feet in height measured from the natural grade on the side(s) facing the road, river or stream. Within the LM Zone along a state scenic waterway or federal wild and scenic river, the height of a structure shall include chimneys, antennas, flag poles or other projections from the roof of the structure. DCC 18.84.080(E) shall not apply to agricultural structures located at least 50 feet from a rimrock.
6. New residential or commercial driveway access to designated landscape management roads shall be consolidated wherever possible.
7. New exterior lighting, including security lighting, shall be sited and shielded so that it is directed downward and is not directly visible from the designated road, river or stream.
8. The Planning Director or Hearings Body may require the establishment of introduced landscape material to screen the development, assure compatibility with existing vegetation, reduce glare, direct automobile and pedestrian circulation or enhance the overall appearance of the development while not interfering with the views of oncoming traffic at access points, or views of mountains, forests and other open and scenic areas as seen from the designated landscape management road, river or stream. Use of native species shall be encouraged. (Formerly section 18.84.080 (C))
9. No signs or other forms of outdoor advertising that are visible from a designated landscape management river or stream shall be permitted. Property protection signs (No Trespassing, No Hunting, etc.,) are permitted.

10. A conservation easement as defined in DCC 18.04.030 "Conservation Easement" and specified in DCC 18.116.220 shall be required as a condition of approval for all landscape management site plans involving property adjacent to the Deschutes River, Crooked River, Fall River, Little Deschutes River, Spring River, Whychus Creek and Tumalo Creek. Conservation easements required as a condition of landscape management site plans shall not require public access.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [90-020](#) §1 on 6/6/1990

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [93-043](#) §12A and 12B on 8/25/1993

Amended by Ord. [95-075](#) §3 on 11/29/1995

Amended by Ord. [97-068](#) §1 on 11/26/1997

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2015-016](#) §5 on 3/28/2016

Amended by Ord. [2018-006](#) §11 on 11/20/2018

Amended by Ord. [2020-007](#) §13 on 10/27/2020

18.84.085 Imposition Of Conditions

The standards of DCC 18.84 may be met by the imposition of conditions drawn to ensure that the standards will be met.

HISTORY

Adopted by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [95-075](#) §3 on 11/29/1995

Amended by Ord. [2001-016](#) §2 on 3/28/2001

18.84.090 Setbacks

1. Except as provided in DCC 18.84.090, minimum setbacks shall be those established in the underlying zone with which the LM Zone is combined.
2. Road Setbacks. All new structures or additions to existing structures on lots fronting a designated landscape management road shall be set back at least 100 feet from the edge of the designated road right-of-way unless the Planning Director or Hearings Body finds that:
 1. A location closer to the designated road would more effectively screen the building from the road; or protect a distant vista; or
 2. The depth of the lot makes a 100-foot setback not feasible; or
 3. Buildings on both lots abutting the subject lot have front yard setbacks of less than 100 feet and the adjacent buildings are within 100 feet of the lot line of the subject property, and the depth of the front yard is not less than the average depth of the front yards of the abutting lots.

If the above findings are made, the Planning Director or Hearings Body may approve a less restrictive front yard setback which will be appropriate to carry out the purpose of the zone.

3. River and Stream Setbacks. All new structures or additions to existing structures shall be set back 100 feet from the ordinary high water

mark of designated streams and rivers or obtain a setback exception in accordance with DCC 18.120.030. For the purpose of DCC 18.84.090, decks are considered part of a structure and must conform with the setback requirement.

The placement of on-site sewage disposal systems shall be subject to joint review by the Planning Director or Hearings Body and the Deschutes County Environmental Health Division. The placement of such systems shall minimize the impact on the vegetation along the river and shall allow a dwelling to be constructed on the site as far from the stream or lake as possible. Sand filter systems may be required as replacement systems when this will allow a dwelling to be located further from the stream or to meet the 100-foot setback requirement

4. Rimrock Setback. New structures (including decks or additions to existing structures) shall be set back 50 feet from the rimrock in an LM Zone. An exception to this setback may be granted pursuant to the provisions of DCC 18.84.090(E).
5. Rimrock Setback Exceptions. An exception to the 50-foot rimrock setback may be granted by the Planning Director or Hearings Body, subject to the following standards and criteria.
 1. An exception shall be granted when the Planning Director or Hearings Body finds that:
 1. A lesser setback will make the structure less visible or completely screened from the river or stream; or
 2. The subject lot or parcel was a lot of record prior to the adoption of this ordinance; or
 3. Dwellings (including decks) on both lots or parcels abutting the subject lot within 50 feet of the rimrock and the adjacent buildings are within 100 feet of the lot line of the subject property; or
 4. Adherence to the 50-foot setback would prevent the structure from being sited on the lot.
 2. A dwelling qualifying for a rimrock setback exception under the criteria set forth in the above shall be located as follows:
 1. The structure shall be designed and sited to minimize the visual impact when viewed from the ordinary high water mark on the far side of the river. This shall be determined by viewing the property from the ordinary high water mark immediately across from the center of the river frontage on which the structure is proposed with like evaluations being made 300 feet upstream and downstream on either side of that point over the entire length of river frontage on which the structure is proposed.
 2. Existing trees and shrubs which reduce the visibility of the proposed structure shall be retained.
 3. The height of the structure shall not exceed the setback from the edge of the rimrock, except as described in the exception section (f), below.
 4. No structure (including decks) shall be located closer than 20 feet from the edge of the rimrock unless the Planning Director or Hearings Body finds that the lesser setback will make the structure less visible or the

structure is completely screened from the river or stream except as described in the exception section (f), below.

5. Where multiple nonagricultural structures are proposed on a lot or parcel, the structures shall be grouped or clustered so as to maintain a general appearance of open landscape for the affected area. This shall require a maintenance of at least 65 percent open space along rimrocks within subject lots or parcels.
6. Exception: For vacant lots or parcels less than one-half acre, existing prior to the adoption of Ordinance 92.034, with undulating rimrock, and where there are lawfully established residences within 100 feet of the lot line on the subject property on both of the abutting lots with rimrock setbacks less than the depth required in section (d) above, the residential structure setback shall meet the following criteria:
 1. The setback shall be the average distance between the abutting houses as measured from the subject lot's front yard line to the furthest point of each abutting home facing the river or stream.
 2. The height of the structure shall not exceed the height of the tallest abutting residence and in no case shall exceed 24 feet high, except for chimneys.
 3. The highest ridgeline shall slope up and away from, and run parallel with, the river or stream.
 4. Dormers are prohibited on the riverside or streamside of the residence and allowed on the street-side of the residence with the height not exceeding the height of the ridgeline.
 5. The setback for decks on the rimrock side of the dwelling shall be the average of the decks on the abutting lots or parcels as measured from the front yard line of the subject property and in no case shall extend and protrude over the rimrock.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) on 5/29/1991

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [95-075](#) §3 on 11/29/1995

Amended by Ord. [2000-033](#) §3 on 12/6/2000

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2005-002](#) §1 on 1/5/2005

Amended by Ord. [2007-020](#) §5 on 2/6/2008

D. The Rural Industrial Zoning Code

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.

1. Farming or forest use.
2. 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.
3. Residence for caretaker or night watchman on property.
4. Freight Depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck.
5. 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.
6. Ice or cold storage plant.
7. Wholesale distribution outlet including warehousing, but excluding open outside storage.
8. Welding, sheet metal or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight-obscuring fencing.
9. Kennel or a Veterinary clinic.
10. Lumber manufacturing and wood processing except pulp and paper manufacturing.
11. 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.
12. Class III road or street project.
13. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

HISTORY

Adopted by Ord. PL-15 §4.220(2) on 11/1/1979

Amended by Ord. 91-038 §1 on 9/30/1991

Amended by Ord. 93-043 §16 on 8/25/1993

Amended by Ord. [2001-016](#) §2 on 3/28/2001
Amended by Ord. [2001-039](#) §12 on 12/12/2001
Amended by Ord. [2002-126](#) §1 on 12/11/2002
Amended by Ord. [2015-004](#) §8 on 4/22/2015
Amended by Ord. [2016-015](#) §8 on 7/1/2016
Amended by Ord. [2021-004](#) §5 on 5/27/2021

18.100.020 Conditional Uses

The following uses may be allowed subject to DCC 18.128:

1. 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.
2. Any use permitted by DCC 18.100.010, which involves open storage.
3. Concrete or ready-mix plant.
4. Petroleum products storage and distribution.
5. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete.
6. Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.
7. Railroad trackage and related facilities.
8. Pulp and paper manufacturing.
9. Any use permitted by DCC 18.100.010, 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.
10. 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.
11. Processing, packaging and storage of food and beverages including those requiring distillation and fermentation.
12. Public Land Disposal Site Transfer Station, including recycling and other related activities.
13. Mini-storage facility.
14. Automotive wrecking yard totally enclosed by a sight-obscuring fence.
15. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
16. Utility facility.
17. 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.
18. Electrical substations.
19. Marijuana retailing, subject to the provisions of DCC 18.116.330.
20. Psilocybin testing laboratories.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979
Amended by Ord. [86-018](#) §15 on 6/30/1986
Amended by Ord. [90-014](#) §38 on 7/12/1990

Amended by Ord. [91-020](#) §1 on 5/29/1991
Amended by Ord. [91-038](#) §1 on 9/30/1991
Amended by Ord. [97-063](#) §3 on 11/12/1997
Amended by Ord. [2001-016](#) §2 on 3/28/2001
Amended by Ord. [2001-039](#) §12 on 12/12/2001
Amended by Ord. [2002-126](#) §1 on 12/11/2002
Amended by Ord. [2004-013](#) §10 on 9/21/2004
Amended by Ord. [2016-015](#) §8 on 7/1/2016
Amended by Ord. [2018-006](#) §12 on 11/20/2018
Amended by Ord. [2021-004](#) §5 on 5/27/2021
Amended by Ord. [2022-014](#) §6 on 4/4/2023
Amended by Ord. [2023-001](#) §14 on 5/30/2023

18.100.030 Use Limitations

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

1. Properties subject to a limited use combining zone shall be limited to those uses and conditions specified in the limited use combining zone.
2. 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.
3. 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.
4. 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.
5. All parking demand created by any use permitted by DCC 18.100.010 or 18.100.020 shall be accommodated on the applicant's premises entirely off-street.
6. No use permitted by DCC 18.100.010 or 18.100.020 shall require the backing of traffic onto a public or private street or road right of way.
7. There shall be only one ingress and one egress from properties accommodating uses permitted by DCC 18.100.010 or 18.100.020 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.
8. All uses permitted by DCC 18.100.010 or 18.100.020 shall be screened from adjoining residential uses by a sight-obscuring fence.
9. 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.
10. 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.

11. Residential and industrial uses shall be served by DEQ approved on-site sewage disposal systems.

12. Residential and industrial uses shall be served by on-site wells or public water systems.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [2002-126](#) §1 on 12/11/2002

Amended by Ord. [2004-013](#) §10 on 9/21/2004

Amended by Ord. [2009-008](#) §2 on 4/20/2009

Amended by Ord. [2018-006](#) §12 on 11/20/2018

18.100.040 Dimensional Standards

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

1. The minimum lot size shall be determined subject to the provisions of DCC 18.100.050.
2. No conditional use permitted by DCC 18.100.020 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.
3. The minimum setback between a structure and a street or road shall be 50 feet.
4. The minimum setback between a structure and a property line adjoining a residential lot or use shall be 50 feet.
5. The minimum rear or side yard setback shall be 25 feet unless a greater setback is required by DCC 18.100.070(A).
6. 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.
7. 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.
8. 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 whichever is greater.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [94-008](#) §26 on 6/8/1994

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [2002-126](#) §1 on 12/11/2002

Amended by Ord. [2018-006](#) §12 on 11/20/2018

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.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

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.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [2002-126](#) §1 on 12/11/2002

18.100.070 Additional Requirements

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

1. An increase in required setbacks.
2. Additional off-street parking and loading facilities.
3. Limitations on signs or lighting, hours of operation, and points of ingress and egress.
4. Additional landscaping, screening and other improvements.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [2018-006](#) §12 on 11/20/2018

18.100.080 Solar Setback

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

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [83-037](#) §20 on 6/1/1983

Amended by Ord. [91-020](#) §1 on 5/29/1991

18.100.090 Limited Use Combining Zone; Deschutes Junction

2. 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.
3. For the property at Deschutes Junction that is described in Exhibit "D" identified on Exhibit "E", attached to Ordinance 2010-030 and incorporated by reference herein, the storage, crushing, processing, sale and distribution of minerals are subject to conditional use and site plan approval.

HISTORY

Adopted by Ord. [2009-008](#) §2 on 4/20/2009

Amended by Ord. [2010-031](#) §1 on 2/22/2011