



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: December 29, 2015  
Jurisdiction: Deschutes County  
Local file no.: 247-15-000491-TA  
DLCD file no.: 008-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/23/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 008-15 {24023}  
Received: 12/23/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Deschutes County

Local file no.: **247-15-000491-TA**

Date of adoption: 12/21/15

Date sent: 12/23/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 9/16/15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

**22.20.015(C) was modified to eliminate an exemption for outright permitted uses; the County's can now accept, but not process, building permits or land use applications on all properties with existing code violations, regardless if use permitted outright or conditionally.**

Local contact (name and title): Peter Russell

Phone: (541) 383-6718

E-mail: peter.russell@deschutes.org

Street address: 117 NW Lafayette Ave.

City: Bend

Zip: 97708-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- |             |    |        |  |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

DCC 1.16, Code Violations and Enforcement and DCC 22.20, Deschutes County Development Procedures Ordinance

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address):

---

---

List affected state or federal agencies, local governments and special districts: Deschutes County

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

The text amendment defines a code violation and allows the County to accept, but not process, a building permit or land use application on properties with existing code violations. An exception can be made if the building permit or land use application remedies the violation or there is a public health, safety, or welfare emergency.



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code Chapter 22.20, Review of Land Use Applications, to enable the County to not process land use applications or building permits for properties with existing code violations. \*  
\*  
\*  
\*  
\*  
ORDINANCE NO. 2015-019

WHEREAS, the Deschutes County Board of County Commissioners (“Board”) has received public testimony during the 2014 update of the Code Enforcement Manual regarding land use applications for properties with existing code violations; and

WHEREAS, the Deschutes County Community Development Department (“CDD”), at the direction of the Board, formed a stakeholders committee in January 2015 to review the issue and the committee made its recommendations in May 2015; and

WHEREAS, CDD initiated a text amendment (Planning Division File 247-15-000491-TA) to the Deschutes County Code, Chapter 22.20; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on October 22, 2015, and forwarded to the Board a unanimous recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on November 23, 2015, and concluded that the public will benefit from the proposed changes to the Deschutes County Code Chapter 22.20, Review of Land Use Applications, now, therefore,

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

Section 1. AMENDMENT. The Deschutes County Code, Chapter 22.20 is amended to read as described in Exhibit “A,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. AMENDMENT. The Deschutes County Code, Chapter 1.16, is amended to read as described in Exhibit “B,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 3. FINDINGS. The Board adopts as its findings Exhibit “C,” attached and incorporated by reference herein.

Dated this 21<sup>st</sup> of Dec., 2015

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

Anthony DeBone  
ANTHONY DEBONE, Chair

Alan Unger  
ALAN UNGER, Vice Chair

Tammy Baney  
TAMMY BANEY, Commissioner

ATTEST:

Bonnie Baker  
Recording Secretary

Date of 1<sup>st</sup> Reading: 30<sup>th</sup> day of Nov., 2015.

Date of 2<sup>nd</sup> Reading: 21<sup>st</sup> day of Dec., 2015.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Tammy Baney	<u>✓</u>	—	—	—
Anthony DeBone	<u>✓</u>	—	—	—
Alan Unger	<u>✓</u>	—	—	—

Effective date: 2/5<sup>th</sup> day of March, 2016

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2015

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DEBONE, Chair

\_\_\_\_\_  
ALAN UNGER, Vice Chair

\_\_\_\_\_  
TAMMY BANEY, Commissioner

ATTEST:

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

Date of 1<sup>st</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Date of 2<sup>nd</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Commissioner	Record of Adoption Vote:			
	Yes	No	Abstained	Excused
Tammy Baney	___	___	___	___
Anthony DeBone	___	___	___	___
Alan Unger	___	___	___	___

Effective date: \_\_\_\_\_ day of \_\_\_\_\_, 2015.

## **Chapter 22.20.015 Code Enforcement and Land Use**

(A) Except as described in (D) below, if any property is in violation of applicable land use regulations, and/or the conditions of approval of any previous land use decisions or building permits previously issued by the County, the County shall not:

1. Approve any application for land use development;
2. Make any other land use decision, including land divisions and/or property line adjustments;
3. Issue a building permit

(B) As part of the application process, the applicant shall certify:

1. That to the best of the applicant's knowledge, the property in question, including any prior development phases of the property, is currently in compliance with both the Deschutes County Code and any prior land use approvals for the development of the property; or
2. That the application is for the purpose of bringing the property into compliance with the Deschutes County land use regulations and/or prior land use approvals.

(C) A violation means the property has been determined to not be in compliance either through a prior decision by the County or other tribunal, or through the review process of the current application, or through an acknowledgement by the alleged violator in a signed voluntary compliance agreement ("VCA").

(D) A permit or other approval, including building permit applications, may be authorized if:

1. It results in the property coming into full compliance with all applicable provisions of the federal, state, or local laws, and Deschutes County Code, including sequencing of permits or other approvals as part of a voluntary compliance agreement;
2. It is necessary to protect the public health or safety;
3. It is for work related to and within a valid easement over, on, or under the affected property; or
4. It is for emergency repairs to make a structure habitable or a road or bridge to bear traffic

(E) Public Health and Safety.

1. For the purposes of this section, public health and safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger life, health, personal property, or safety of the residents of the property or the public.

2. Examples of that situation include, but are not limited to issuance of permits to replace faulty electrical wiring, repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel or power; and actions necessary to stop earth slope failure.



## Chapter 1.16.010 Violations Deemed Class A or B Classification-Penalties

- (A) Violation of a county ordinance shall be punishable, upon conviction, by fine or by the specific remedies specified within the County Code.
- (B) Each county ordinance specifying a county offense shall classify the ordinance violation a Class A or Class B violation.
- (C) A sentence to pay a fine for violation of a county ordinance shall be a sentence to pay an amount not exceeding the Maximum Fines provided by ORS 153.018.
- (D) Notwithstanding this section and DCC 1.16.030, for violations of Chapters 13.04, 13.08, 13.36, 15.04 and 15.10 and Titles 17, 18, and 19, the Presumptive and Minimum fine amount shall be the Maximum Fine amount described in DCC 1.16.010(D).
- (E) For violations of County Code provisions not listed in DCC 1.16.010(D), the Presumptive and Minimum Fine amounts shall be as provided in OR Chapter 153.
- ~~(F) Notwithstanding DCC 1.16.010(D), the court or the hearings officer may impose a fine lower than the fine provided in those two sections, upon a finding of mitigating factors including, but not limited to, indigence of the defendant, severity of the violation, number of times the defendant has been previously cited for Deschutes County Code violations; length of time the violation has existed; and reason(s) the violation has not been cured.~~
- (F) A land use application for a property with an existing code violations will be accepted, but not processed by the County based on DCC 22.20.015.
- (G) Notwithstanding DCC 1.16.010(D), the court or the hearings officer may impose a fine lower than the fine provided in those two sections, upon a finding of mitigating factors including, but not limited to, indigence of the defendant, severity of the violation, number of times the defendant has been previously cited for Deschutes County Code violations; length of time the violation has existed; and reason(s) the violation has not been cured.



## Community Development Department

Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005  
(541)388-6575 FAX (541)385-1764  
<http://www.co.deschutes.or.us/cdd/>

### PROPOSED FINDINGS

**FILE NUMBER:** Ordinance 2015-019 (File 247-15-000491-TA)

**APPLICANT:** Peter Russell  
Deschutes County Community Development Department  
P.O. Box 6005  
117 NW Lafayette  
Bend, OR 97708-6005

**PROPERTY OWNERS:** N/A

**REQUEST:** Amend Deschutes County Code (DCC) Chapter 22.20, Review of Land Use Applications, to enable the County to not process land use applications or building permits for properties with existing code violations by creation of DCC 22.20.015, Code Violations and Land Use, and amend DCC 1.16, Code Violations, to include a reference to newly created DCC 22.20.015.

**STAFF CONTACT:** Peter Russell, Senior Transportation Planner

#### I. APPLICABLE CRITERIA:

Title 22, Deschutes County Development Procedures Ordinance  
Title 23, Deschutes County Comprehensive Plan  
Statewide Planning Goals

#### II. BASIC FINDINGS:

- A. **PROPOSAL:** The applicant requests approval of a new section of County code (DCC 22.20.015) that would enable the County to not process land use applications and/or building permits for properties with existing code violations. The County would only process the land use application or building permit if the application or permit would remedy the existing violation. An exception could be made in emergency situations involving public health, safety, or welfare. DCC 1.16.010 would be amended to reference the newly created DCC 22.20.015.

The proposal stems from issues raised by the public during the Board of County Commissioners' (Board) October 2014 review and approval of an update to the County's *Code Enforcement Manual*. After the Board's approval, the Board directed staff to form a stakeholders committee with representatives from the land use activist community, the development community, and interested private citizens to explore potential solutions. The Board included this task on the Planning Division's 2015 approved work plan.

The resulting committee met on Jan. 6 and April 23, 2015, and via e-mail exchanges. The group reviewed language from other Oregon county codes on the topic and discussed issues specific to Deschutes County. The group reached consensus in mid-May on how a code violation would be defined, how language on County land use forms should be modified (this does not require a land use approval), and the text for the proposed code at DCC 22.20.015, Code Enforcement and Land Use, which will be placed in DCC 22.20, Review of Land Use Applications. Finally, 1.16 Code Violations and Enforcement, will be amended by creating a new 1.16.010(F) that references DCC 22.20.015 and relettering the old (F) into (G).

New code language is shown as underlined and deleted language is shown as ~~strikethrough~~.

### III. CONCLUSIONARY FINDINGS:

#### A. CHAPTER 22.12, LEGISLATIVE PROCEDURES

##### 1. Section 22.12.010.

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

**FINDING:** The Board finds this criterion has been met as public hearings were held before the Planning Commission on October 22, 2015, and November 30, 2015, before the Board of County Commissioners.

##### 2. Section 22.12.020, Notice

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

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

***1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.***

***2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.***

**FINDING:** The Board finds this criterion has been met as notice was published in the Bend Bulletin newspaper and described the proposal.

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

**FINDING:** The Board finds this criterion has been met as notice was posted in the bulletin board in the lobby of the Deschutes County Community Development Department, 117 NW Lafayette, Bend.

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

**FINDING:** Given the land use in question does not apply to any specific property, no individual notices were sent. The Board finds this criterion has been met.

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

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

3. Section 22.12.030 Initiation of Legislative Changes.

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

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

4. Section 22.12.040. Hearings Body

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

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

**FINDING:** The Board finds this criterion has been met as the order of public hearings has been followed.

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

**FINDING:** The Board finds this has been met as the Planning Commission public hearing preceded the Board public hearing.

5. Section 22.12.050 Final Decision

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

**FINDING:** Ordinance 2015-019 establishes DCC 22.20.015 and Ordinance 2015-020 amends DCC 1.16.010(F) creating a reference to DCC 22.20.015. Both ordinances implement File 247-15-000419-TA. The Board finds this criterion has been met.

**B. CHAPTER 23, DESCHUTES COUNTY COMPREHENSIVE PLAN**

1. Chapter 1, Comprehensive Planning, Section 1.2 Community Involvement Policies

**Goal 1, Maintain an active and open community involvement program that is accessible to all members of the community and engages the community during development and implementation of land use policies and codes.**

**FINDING:** The Board finds this criterion has been met as the coordination between code enforcement and review of development permits was an item on Planning Division's approved 2015 work plan, which was adopted after public hearings before the Planning Commission and the Board. Additionally, the Board during the October 2014 update of the Code Enforcement Manual, directed staff to form a stakeholders committee to work on this topic. The County recruited stakeholders from the land use activist community, the development community, and interested private citizens to serve on the committee.

The committee met on January 6 and April 23, 2015, and via e-mail. The group reached consensus in mid-May on the topic based on a review of the ordinances of other counties, the proposed code language and the insertion of language on County land use applications that to property owner's best knowledge, the property is currently in compliance with Deschutes County codes and conditions of approval from previous land use decisions. The latter does not require land use approval.

2. Chapter 1, Comprehensive Planning, Section 1.3 Land Use Planning Policies

**Goal 1, Maintain an open public land use process in which decisions are based on the objective valuations of facts.**

**FINDING:** The Board finds this criterion has been met as the task was an outgrowth of public hearings before the Board on the Planning Division work program and the update to the *Code Enforcement Manual*. The proposed text amendment will be the subject of public hearings before the Planning Commission and the Board. Finally, in the text for the proposed DCC 22.20.15, code violations are defined as matters that have been adjudicated by either a prior decision by the County or other deliberative body; through the review process of the current application; or through an acknowledgement by the alleged violator in a signed voluntary compliance agreement, (VCA). Thus, the presence/absence of a code violation would be a factual matter and not one of interpretation or discretion. The application to be processed would have to bring the property into compliance with Deschutes County land use regulations and/or prior land use approvals.

**C. STATEWIDE PLANNING GOALS**

1. Goal 1, Citizen Involvement

**FINDING:** The text amendment includes workshops before both Deschutes County Planning Commission (PC) and the Board. The text amendment also includes publically noticed public hearings before the PC and Board. The Board find this criterion has been met.

2. Goal 2, Land Use Planning

**FINDING:** Oregon Revised Statute (ORS) 197.610 allows local governments to initiate post acknowledgement plan amendments or changes to land use regulations. The County on September 17, 2015, provided the Department of Land Conservation and Development (DLCD) with the required notice 35 days prior to the first evidentiary hearing, which was on October 22,

2015. The notice included the proposed changes with additions indicated by underlined text and text to be eliminated indicated by ~~striketrough~~ text. The text amendment was processed via the County's development code procedures set for in Title 22, Chapter 22.12 for legislative amendments. The Board finds this criterion has been met.

3. Goal 3, Agricultural Lands

**FINDING:** The text amendment is not proposing any changes to land use designations, so the Board finds this criterion has been met.

4. Goal 4, Forest Lands

**FINDING:** The text amendment is not proposing any changes to land use designations, so the Board finds this criterion has been met.

5. Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces

**FINDING:** The text amendment is neither proposing any changes to land use designations nor proposing any changes to previously designated Goal 5 resources. Therefore, the Board finds this criterion has been met.

6. Goal 6, Air, Water and Land Resource Quality

**FINDING:** No development or land use changes are being proposed that impact air, water, or land resource qualities. Other areas of the County's code deal with protecting air, water, and land remain in full force and effect. The Board finds this criterion has been met.

7. Goal 7, Natural Hazards

**FINDING:** The text amendment allows for exception in cases of public, health, safety, and welfare. Additionally, the dominant natural hazards in the County are wildfire, winter storms, and flooding. The text amendment leaves County building codes and planning setbacks untouched, which are the planning mechanisms which the County uses to ameliorate natural hazards. The Board finds this criterion has been met.

8. Goal 8, Recreational Needs

**FINDING:** The text amendment will not remove any recreational opportunities and will provide a path to ensure any Goal 8 destination resorts comply with their obligations. The Board finds this criterion has been met.

9. Goal 9, Economic Development

**FINDING:** The text amendment still allows properties to develop and that any violations can be corrected, ensuring continued appropriate use of the property. The Board finds this criterion has been met.

10. Goal 10, Housing

**FINDING:** This goal pertains to urban or urbanizable lands. The proposed text amendment will not result in any changes or elimination of residentially zoned lands in the County. The Board finds this criterion has been met.

11. Goal 11, Public Facilities and Services

**FINDING:** This goal pertains more to water and sewer services. The text amendment will ensure any water or sewer service which first receives or has received a Goal 11 Exception will comply with any conditions of approval for site plans, building permits, or similar County approvals. The Board finds this criterion has been met.

12. Goal 12, Transportation

**FINDING:** The text amendment will not change the functional classification, performance standards, or access management of any highways or roads. The Board finds this criterion has been met.

13. Goal 13, Energy Conservation

**FINDING:** This plan amendment does not affect the County's regulation of solar setbacks, siting of small-scale windmills, land use or density, etc. The text amendment will ensure compliance with any conditions of approval for site plans, building permits, or similar County approvals. The Board finds this criterion has been met.

14. Goal 14, Urbanization

**FINDING:** No land use plan designations, zoning designations, or map changes will result from this plan amendment. The Board finds this criterion has been met.

15. Goals 15-19

**FINDING:** These criteria do not apply as the County lacks these lands (Willamette Greenway, estuaries, coasts, beaches, etc.).

REVIEWED  
  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code  
Chapter 1.16, Code Violations and Enforcement, to  
enable the County to not process land use  
applications or building permits for properties with  
existing code violations. \*

ORDINANCE NO. 2015-020

WHEREAS, the Deschutes County Board of County Commissioners (“Board”) has received public testimony during the 2014 update of the Code Enforcement Manual regarding land use applications for properties with existing code violations; and

WHEREAS, the Deschutes County Community Development Department (“CDD”), at the direction of the Board formed a stakeholders committee in January 2015 to review the issue and the committee made its recommendations in May 2015; and

WHEREAS, CDD initiated a text amendment (Planning Division File 247-15-000491-TA) to the Deschutes County Code, Chapter 22.20; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on October 22, 2015, and forwarded to the Board, a unanimous recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on November 23, 2015, and concluded that the public will benefit from the proposed changes to the Deschutes County Code Chapter 22.20, Review of Land Use Applications, now, therefore,

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

Section 1. AMENDMENT. The Deschutes County Code, Chapter 1.16 is amended to read as described in Exhibit A, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. FINDINGS. The Board adopts as its findings Exhibit “C,” for Ordinance 2015-019.

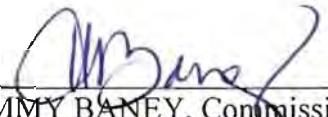


Dated this 21<sup>st</sup> of Dec., 2015

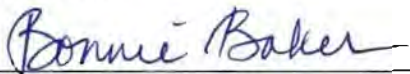
BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

  
ANTHONY DEBONE, Chair

  
ALAN UNGER, Vice Chair

  
TAMMY BANEY, Commissioner

ATTEST:

  
Recording Secretary

Date of 1<sup>st</sup> Reading: 30<sup>th</sup> day of Nov., 2015.

Date of 2<sup>nd</sup> Reading: 21<sup>st</sup> day of Dec., 2015.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Tammy Baney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony DeBone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alan Unger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: 21<sup>st</sup> day of March, 2016

## **Chapter 22.20.015 Code Enforcement and Land Use**

(A) Except as described in (D) below, if any property is in violation of applicable land use regulations, and/or the conditions of approval of any previous land use decisions or building permits previously issued by the County, the County shall not:

1. Approve any application for land use development;
2. Make any other land use decision, including land divisions and/or property line adjustments;
3. Issue a building permit

(B) As part of the application process, the applicant shall certify:

1. That to the best of the applicant's knowledge, the property in question, including any prior development phases of the property, is currently in compliance with both the Deschutes County Code and any prior land use approvals for the development of the property; or
2. That the application is for the purpose of bringing the property into compliance with the Deschutes County land use regulations and/or prior land use approvals.

(C) A violation means the property has been determined to not be in compliance either through a prior decision by the County or other tribunal, or through the review process of the current application, or through an acknowledgement by the alleged violator in a signed voluntary compliance agreement ("VCA").

(D) A permit or other approval, including building permit applications, may be authorized if:

1. It results in the property coming into full compliance with all applicable provisions of the federal, state, or local laws, and Deschutes County Code, including sequencing of permits or other approvals as part of a voluntary compliance agreement;
2. It is necessary to protect the public health or safety;
3. It is for work related to and within a valid easement over, on, or under the affected property; or
4. It is for emergency repairs to make a structure habitable or a road or bridge to bear traffic

(E) Public Health and Safety.

1. For the purposes of this section, public health and safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger life, health, personal property, or safety of the residents of the property or the public.

2. Examples of that situation include, but are not limited to issuance of permits to replace faulty electrical wiring, repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel or power; and actions necessary to stop earth slope failure.