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LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

JUN 30 PM 4:18

An Ordinance Amending Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as Amended, To Define Conservation Easement, Require Conservation Easement As Condition of Approval For Land Use Actions on Property Adjacent to Certain Rivers and Streams, Adopting Findings and Conclusions, and Declaring an Emergency. \*

MARY SHELDON GILLOW  
COUNTY CLERK

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KEYPUNCHED  
JUL 2 1986

ORDINANCE NO. 86-054

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

Section 1. Section 1.030, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following definition:

"(25B) Conservation Easement. A non-possessory interest in real property conveyed by the property owner to the County, imposing limitations or affirmative obligations concerning the use of the property. The purposes of a conservation easement include, but are not limited to, retaining or protecting natural, scenic or open space values, public access, protecting natural resources, maintaining or enhancing air and water quality, and preserving the historical, archaeological or cultural aspects of the property."

Section 2. Article 5, Supplementary Provisions, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"Section 5.500. Conservation Easements On Property Adjacent To Rivers And Streams; Prohibitions.

(A) As a condition of approval of all land use actions involving property adjacent to the Deschutes River, Crooked River, Fall River, Little Deschutes River, Spring River, Paulina Creek, Squaw Creek and Tumalo

Creek, the property owner shall convey to the County a conservation easement, as defined in Section 1.030(25B) of this Ordinance, affecting all property on the subject lot which is within 10 feet of the mean high water mark of the river or stream.

- (B) The form of the conservation easement shall be as prescribed by the County and may contain such conditions as the County deems necessary to carry out the purposes described in Section 1.030(25B) of this Ordinance.
- (C) Any public access required as part of a conservation easement shall be subject to the following conditions:
  - (1) Public access shall be limited to foot traffic for recreational purposes and the putting in or taking out of boats.
  - (2) Unless otherwise permitted by the affected property owner, public access does not allow public passage through other private property to gain access to the property subject to the conservation easement.
  - (3) Unless otherwise permitted by state law, county ordinance or the property owner, no person on the subject property as a result of a public access requirement of a conservation easement shall deposit solid waste, damage or remove any property (including wildlife and vegetation) maintain or ignite fires or fireworks, discharge firearms, or camp."

Section 3. The Board of County Commissioners adopts as its findings and conclusions supporting the amendments in Sections 1 and 2 of this Ordinance the Staff Report, dated May 21, 1986, relating to the Deschutes River Corridor.

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

DATED this 30<sup>th</sup> day of June, 1986.

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

*Lois Bristow Prante*  
LOIS BRISTOW PRANTE, Chair

ATTEST:

*Laurence A. Tuttle*  
LAURENCE A. TUTTLE, Commissioner

*Susan Stone*  
Recording Secretary

*Dick Maudlin*  
DICK MAUDLIN, Commissioner