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LEGAL COUNSEL
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CODE REVIEW COMMITTEE



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, Deschutes County *
Zoning Ordinance, of the Deschutes County Code. * ORDINANCE NO. 2002-028

WHEREAS, The Board of County Commissioners has determined that to comply with Periodic Review and OAR 660-022, amendments to Title 18 of the Deschutes County Code required; and

WHEREAS, to comply with Periodic Review and OAR 660-022, File No. TA-02-6 was initiated by Deschutes County to amend Title 18 regarding Rural Service Centers; and

WHEREAS, after notice and hearing as required by law, the Board of County Commissioners has considered the recommendation of the Planning Commission; now, therefore,

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

Section 1. AMENDMENT. DCC 18.65, Rural Service Centers – Unincorporated Community Zone, is amended 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. REPEAL AND REPLACE ZONING MAPS. Pursuant to DCC 18.12.030, the zoning maps for the communities of Whistlestop and Wildhunt, shown in Exhibits “B” and “D,” are hereby repealed and replaced in DCC 18.65.040, Maps, with new zoning maps for each community, as shown in Exhibits “C” and “E,” attached hereto and by this reference incorporated herein.


Section 3. FINDINGS. The Board adopts the staff report attached as Exhibit "F" to Ordinance No. 2002-027, incorporated herein by this reference, as its findings in support of this Ordinance.

DATED this 24th day of July, 2002.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


TOM DEWOLF, Chair


DENNIS R. LUKE, Commissioner


MICHAEL M. DALY, Commissioner

Date of 1st Reading: 3rd day of July, 2002.

Date of 2nd Reading: 24th day of July, 2002.

Record of Adoption Vote

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

Effective date: 22nd day of October, 2002.

ATTEST:



Recording Secretary

EXHIBIT "A"

Chapter 18.65. RURAL SERVICE CENTER - UNINCORPORATED COMMUNITY ZONE

18.65.010. Purpose.

18.65.020. Commercial/Mixed Use District (Brothers, Hampton, and Millican, Whistlestop and Wildhunt).

18.65.021. Commercial/Mixed Use District (Alfalfa).

18.65.022. Residential District (Alfalfa).

18.65.023. Open Space District (Brothers).

18.65.030 Standards in all Districts.

18.65.010. Purpose.

The purpose of the Rural Service Center - Unincorporated Community (RSC-UC) Zone is to provide standards and review procedures for the development of the rural service centers of Alfalfa, Brothers, Hampton and Millican. The provisions of this chapter shall apply to Rural Service Centers that have been planned pursuant to OAR 660 Division 22.

(Ord. 2002-002 § 2, 2002)

18.65.020. RSC – Commercial/Mixed Use District (Brothers, Hampton, and Millican, Whistlestop and Wildhunt).

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of this chapter:

1. Single-family dwelling.
2. Manufactured home, subject to DCC 18.116.070.
3. Home occupation, limited in scope to an activity that:
 - a. is carried on within a dwelling only by members of the family who reside in the dwelling;
 - b. does not produce odor, dust, glare flashing lights or noise;
 - c. does not occupy more than 25 percent of the floor area of the

d. does not include the on-premise dwelling; and
display or sale of stock in trade.

4. Residential home and residential facility.
5. Two-family dwelling or duplex.
6. Agricultural uses, as defined in Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.
7. 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.
8. Class III road and street project.
9. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review, of this title:

1. Retail store, business office and/or commercial establishment in a building or buildings each not exceeding 4,000 square feet of floor space. The aggregate area for any one type of use that takes place in multiple buildings may not exceed 4,000 square feet.
2. Residential use in conjunction with a permitted commercial use.
3. Park or playground.
4. Community building.
5. Public or semipublic building or use.
6. Highway maintenance facility.

C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:

1. Multi-family dwelling with three or more units.

EXHIBIT "A"

2. Church.
3. School.
4. Cemetery.
5. Home occupation that does not otherwise meet the provisions in DCC 18.65.020(A)(3).
6. Medical clinic or veterinary clinic.
7. Community Center.
8. Manufactured home park.
9. Recreational vehicle or trailer park.
10. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).

D. Yard and Setback Requirements.

1. The front yard setback shall be a minimum of 20 feet from a property line fronting on a local street right of way and 50 feet from an arterial right of way.
2. The minimum side yard setback shall be 10 feet.
3. The minimum rear yard setback shall be 20 feet.
4. The minimum side and rear yard setbacks for property that is adjacent to land zoned exclusive farm use shall be 50 feet.

E. Lot Requirements.

1. Residential Uses:
 - a. The minimum lot size for residential uses in Brothers, Hampton and Millican is 2.5 acres.
 - b. Each lot shall have a minimum width of 200 feet.
 - c. Each lot must be served by an on-site well.
 - d. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
 - e. Lot coverage for a dwelling and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area. Lot coverage for

buildings used primarily for commercial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.

2. Commercial and Public Uses.

- a. The minimum lot size in Brothers, Hampton, and Millican, Whistlestop and Wildhunt for a commercial use served by an on-site septic system and individual well shall be the size necessary to accommodate the use.
- b. In Alfalfa, the minimum lot size shall be the size necessary to accommodate the use, but not less than one acre.
- bc. Each lot shall have a minimum width of 150 feet.
- ed. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.

(Ord. 2002-027 § 1, 2002; Ord. 2002-002 § 2, 2002)

18.65.21. Alfalfa RSC - Commercial/Mixed Use District.

In Alfalfa, the following uses and their accessory uses are permitted:

- A. Uses Permitted Outright are those allowed in DCC 18.65.020 (A).
- B. Uses Permitted Subject to Site Plan Review are those allowed in DCC 18.65.020(B), with the exception of Highway maintenance facilities.
- C. Conditional Uses Permitted are those allowed in DCC 18.65.020(C), with the exception of Multi-family dwellings and manufactured home parks.

18.65.022. Alfalfa RSC - Residential District

- A. Uses Permitted Outright. The following uses

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and their accessory uses are permitted outright, subject to the applicable provisions of this chapter:

1. Agricultural uses, as defined in Title 18, subject to the restrictions in DCC 18.65.021(D), and excluding livestock feed lot or sales yard, and hog or mink farms.
 2. Single-family dwelling, or a manufactured home subject to DCC 18.116.070.
 3. Two-family dwelling or duplex.
 4. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
 5. 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.
 6. Class III road or street project.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:
1. Park or playground.
 2. Community building.
 3. Utility facility.
- C. Conditional Uses Permitted. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:
1. Schools.
 2. Medical clinic or veterinary clinic.
 3. Daycare facility.
 4. Church.
 5. Home occupations.
 6. Bed and breakfast inn.
 7. Public use.

8. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

D. Yard and Setback Requirements.

1. The front yard setback shall be a minimum of 20 feet from a property line fronting on a local street right of way and 50 feet from an arterial right of way.
2. The minimum side yard setback shall be 10 feet.
3. The minimum rear yard setback shall be 20 feet.

E. Lot Requirements.

1. The minimum lot size is 5 acres.
2. The minimum average width of lots shall be 200 feet.
3. Each lot must be served by an on-site well.
4. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
5. Lot coverage for a dwelling and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area. Lot coverage for buildings used primarily for commercial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.

F. Limitations on uses – RSC-Residential District. The following limitation shall apply to uses permitted in the RSC – Residential District:

1. Cows, horses, goats or sheep cannot be kept on lots having an area of less than 20,000 square feet. The total number of all such animals (other than their young under the age of six months) shall be limited to the square footage of the lot divided by 20,000 square feet, which is

EXHIBIT "A"

- the minimum area per animal.
- 2. The number of chickens, fowl or rabbits over the age of six months shall not exceed one for each 500 square feet of land.
- 3. All livestock shall be located a minimum of 100 feet away from a residential building on an adjacent lot.

- agency or nonprofit community organization.
- 3. Campground.
- 4. Utility facility except landfills.
- 5. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

18.65.023. RSC – Open Space District

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of this chapter:
 - 1. Agricultural uses, as defined in Title 18, and excluding livestock feed lot sales yard, and hog or mink farms.
 - 2. Public and nonprofit agencies, museums And exhibits on lands where an exception has been granted in accordance with Oregon Administrative Rules chapter 660, Division 022.
 - 3. Public wildlife reserve or management area, not including structures.
 - 4. 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.
 - 5. Class III road or street project.
 - 6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

- C. Yard and Setback Requirements.
 - 1. The front yard setback shall be a minimum of 20 feet from a property line fronting on a local street right of way and 50 feet from an arterial right of way.
 - 2. The minimum side yard setback shall be 10 feet.
 - 3. The minimum rear yard setback shall be 20 feet.
 - 4. The minimum side and rear yard setbacks for property that is adjacent to land zoned exclusive farm use shall be 50 feet.
- D. Lot Requirements.

The minimum lot size shall be determined by the site plan requirements for a proposed public use.

- B. Conditional Uses Permitted.

The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:

 - 1. Private parks, picnic areas or hunting and fishing preserves.
 - 2. Public parks and recreational areas owned and operated by a governmental

- 18.65.030 Standards for all districts**
- A. Building Height. In Alfalfa, no building or structure shall be erected or enlarged to exceed thirty (30) feet in height. In Brothers, Hampton and Millican, no building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as provided by DCC 18.120.040.
 - B. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the provisions of DCC 18.116, Supplementary Provisions.
 - C. Outdoor Lighting. All outdoor lighting on site shall be installed in conformance with DCC 15.10, Outdoor Lighting Control.
 - D. Signs. All signs shall be constructed in accordance with DCC 15.08, Signs.
 - E. Solar Setback. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.

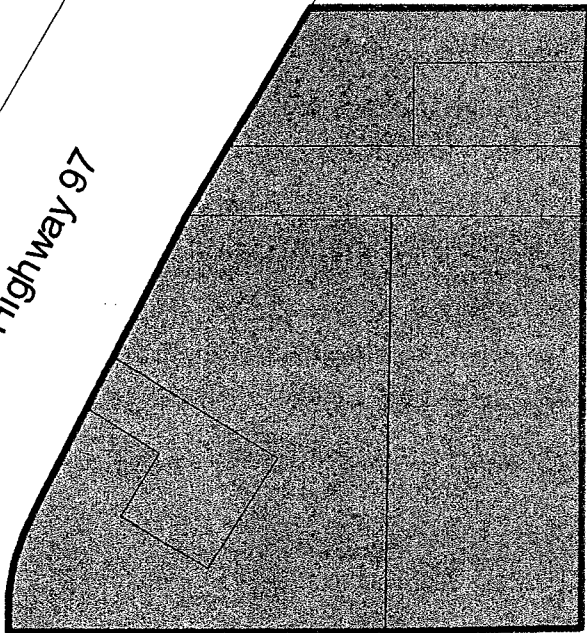
EXHIBIT "A"

- F. Building Code Setbacks. 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.

EXHIBIT "D"

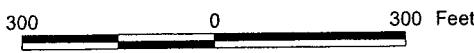
Highway 97

Highway 31



**WILDHUNT RURAL SERVICE CENTER
EXISTING COMPREHENSIVE PLAN MAP**

Exhibit "D" to Ordinance 2002-027



- PARCELS
- WILDHUNT RURAL SERVICE CENTER BOUNDARY
- WILDHUNT RURAL SERVICE CENTER COMPREHENSIVE PLAN DESIGNATION
- COMMERCIAL



DESCHUTES COUNTY COMMUNITY DEVELOPMENT
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BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Tom DeWolf, Chair

Dennis R. Luke, Commissioner

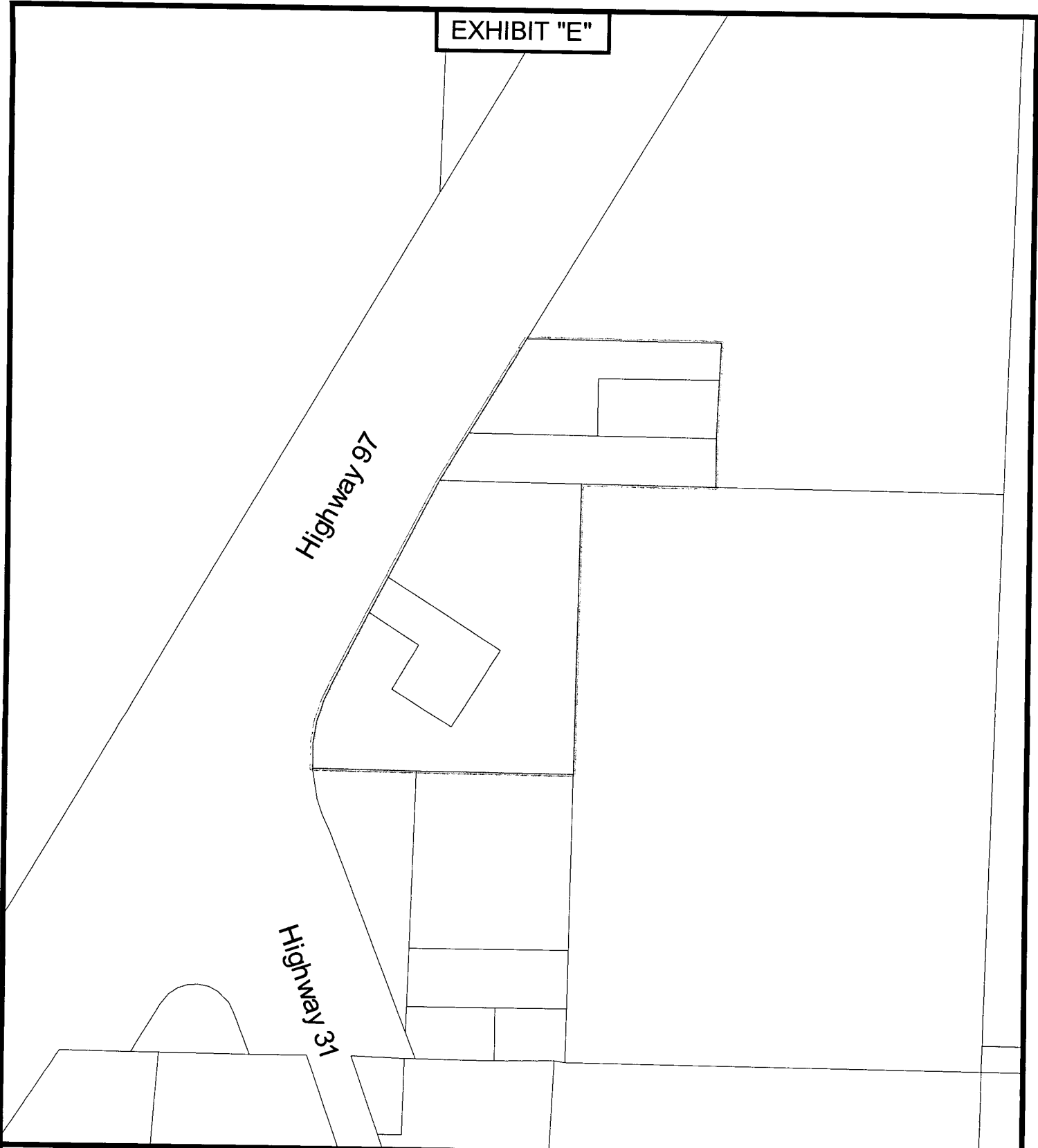
Michael M. Daly, Commissioner

ATTEST: Recording Secretary

Dated this ____ day of July, 2002

Effective Date: October ____, 2002

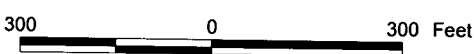
EXHIBIT "E"



- PARCELS
- WILDHUNT UNINCORPORATED COMMUNITY BOUNDARY
- WILDHUNT UNINCORPORATED COMMUNITY COMPREHENSIVE PLAN DESIGNATION
- UNINCORPORATED COMMUNITY

**WILDHUNT UNINCORPORATED COMMUNITY
PROPOSED COMPREHENSIVE PLAN MAP**

Exhibit "E" to Ordinance 2002-027



BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Tom DeWolfe
Tom DeWolfe, Chair

Dennis R. Luke
Dennis R. Luke, Commissioner

Michael M. Daly
Michael M. Daly, Commissioner

Patricia Boyler
ATTEST: Recording Secretary

Dated this 24th day of July, 2002

Effective Date: October 22nd, 2002



THIS MAP: The information on this map was derived from digital data from Deschutes County GIS. The user assumes all responsibility for any errors, omissions, or inaccuracies in the data used for this map. The user also assumes all responsibility for any errors, omissions, or inaccuracies in the data used for this map. The user also assumes all responsibility for any errors, omissions, or inaccuracies in the data used for this map.

EXHIBIT "F"

STAFF REPORT

UNINCORPORATED COMMUNITIES
WHISTLESTOP AND WILDHUNT
RURAL SERVICE CENTERS

FILE NUMBERS
AND ORDINANCE
NUMBERS:

PA-02-3 and TA-02-6

Ordinance 2002-027 amending the Rural Development Section of the Unincorporated Communities chapter of the Deschutes County Comprehensive Plan to add Findings and Polices for the unincorporated communities of Whistlestop and Wildhunt as Rural Service Centers pursuant to Oregon Administrative Rules 660-022.

Ordinance 2002-027 amending the Deschutes County Comprehensive Plan map to adopt new comprehensive plan maps for the unincorporated communities of Whistlestop and Wildhunt.

Ordinance 2002-028 amending Section 18.65 of the Deschutes County Code, Rural Service Centers, to add the communities of Whistlestop and Wildhunt.

Ordinance 2002-028 amending Title 18 of the Deschutes County Code, to adopt new zoning maps for the unincorporated communities of Whistlestop and Wildhunt as Rural Service Centers pursuant to Oregon Administrative Rules 660-022.

DESCHUTES
BOARD OF
COUNTY
COMMISSIONER'S
HEARING DATE:

July 24, 2002

APPLICANT:

Deschutes County

PLANNING STAFF:

Christy Morgan, Assistant Planner

REQUEST:

The County proposes to amend the Deschutes County Comprehensive Plan and implementing land use regulations in the County Code for the unincorporated Rural Service Centers of Whistlestop and Wildhunt.

SUMMARY:

This staff report has two sections. The first section provides findings to support new descriptive text and development policies in the Deschutes County Comprehensive Plan specific to the unincorporated communities of Whistlestop and Wildhunt, as well as an explanation of changes to Title 18 of the County Code, the Deschutes County Zoning Ordinance, to implement the comprehensive plan policies. The second section provides findings for comprehensive plan and zoning amendments to comply with Oregon Administrative Rules (OAR), Chapter 660, Division 22, the state administrative rule for unincorporated communities.

EXHIBIT "F"

PROPOSED AMENDMENTS TO TITLE 23, DESCHUTES COUNTY COMPREHENSIVE PLAN & MAPS.

The following Chapters of the Deschutes County Comprehensive Plan have been added or amended and are attached as exhibits to Ordinance No. 2002-027.

1. Chapter 23.40, Unincorporated Communities (Exhibit "A")
2. Map – Proposed Comprehensive Plan maps for Whistlestop and Wildhunt Rural Service Centers, (Exhibits "C" and "E").
3. Maps – Existing Comprehensive Plan maps for Whistlestop and Wildhunt Rural Service Centers (Exhibits "B" and "D").

PROPOSED AMENDMENTS TO TITLE 18, DESCHUTES COUNTY ZONING ORDINANCE & MAPS.

The following Chapters of the Deschutes County Zoning Ordinance have been added or amended and are attached as exhibits to Ordinance No. 2002-028.

1. Chapter 18.65, Rural Service Centers (Exhibit "B")
2. Maps – Proposed zoning maps for Whistlestop and Wildhunt Rural Service Centers (Exhibits "C" and "E").
3. Maps – Existing zoning maps for the Rural Service Centers of Whistlestop and Wildhunt (Exhibits "B" and "D").

Chapter 18.65 has been developed specifically for Rural Service Centers to provide land use regulations in accordance with OAR 660-022 and the comprehensive plan policies added to the comprehensive plan for these two unincorporated communities. Chapter 18.64 is the current chapter for Rural Service Centers. Chapter 18.64 is being retained because the existing RSC zoning for Spring River, Deschutes River Woods store and Deschutes Junction is not being amended as part of this proposal. Spring River, Deschutes River Woods and Deschutes Junction do not qualify as Rural Service Centers under OAR 660-22. The county will be rezoning these centers to a new rural commercial zone in 2002. At that time Chapter 18.64 will be deleted and replaced with the new zone.

BACKGROUND

In the fall of 1994, the Oregon Land Conservation and Development Commission adopted a new administrative rule, OAR 660, Division 22, entitled Unincorporated Communities. The rule requires counties to update land use plans and regulations for such communities. As part of Periodic Review, Deschutes County began the unincorporated community planning project for the communities of Whistlestop and Wildhunt in April 1998, to bring their land use mapping and development regulations into conformance with state rules for unincorporated communities. Deschutes County has now updated the Comprehensive Plan and implementing zoning regulations for these communities to comply with the rule. With the adoption of Ordinances 2002-027 and 2002-028, Deschutes County will have comprehensive plan and zoning maps, comprehensive plan policies and zoning standards for these two communities conforming to OAR 660, Division 22.

The Deschutes County Planning Commission held a public work session on May 23, 2002 to discuss the proposed changes with property owners. The Planning Commission held a public hearing on June 13, 2002. The staff report reflects the findings and recommendations of the Planning Commission to the Board of County Commissioners. The Board of County Commissioners will hold a public hearing on July 3, 2002, to take testimony on the full package of amendments recommended by the Planning Commission.

EXHIBIT "F"

SECTION 1: STAFF FINDINGS REGARDING TITLE 23, DESCHUTES COUNTY COMPREHENSIVE PLAN POLICIES

The Deschutes County Comprehensive Plan currently designates the communities of Whistlestop and Wildhunt as Rural Service Centers. The proposed amendment will designate these areas as "Unincorporated Communities" and adopt plan policies and zoning regulations to keep them rural.

The recommended comprehensive plan policies for the "Unincorporated Communities" designation under the Incorporated Communities rule are as follows:

WHISTLESTOP AND WILDHUNT POLICIES

Policies

The Deschutes County Comprehensive Plan currently designates the communities of Whistlestop and Wildhunt as Rural Service Centers and describes them as rural agricultural or forest communities with plan policies and zoning regulations to keep them rural. Each of these communities has been identified as an "unincorporated community" under the Unincorporated Communities Rule, OAR 660-022-010(10) a-e. To comply with the Rule and ensure that each of these communities remains rural in nature, each will be designated an "Unincorporated Community" in the Comprehensive Plan, and a "Rural Service Center" in the zoning regulations.

The adopted comprehensive plan policies for the "Unincorporated Communities" Rural Service Center designation applicable to Whistlestop and wildhunt under the Incorporated Communities rule are:

1. Land use regulations shall conform to the requirements of OAR 660, Division 22 or any successor.
2. Rural Service Center zoning shall be applied to Alfalfa and Brothers and shall consist of three districts: Commercial/Mixed Use; Residential; and Open Space.
3. Rural Service Center zoning shall be applied to Hampton, Whistlestop and Wildhunt and shall consist of a single Commercial/Mixed Use District.
4. The area in the Brothers Rural Service Center Boundary that is north of Highway 20 and east of Camp Creek Road shall be zoned as Rural Service Center - Open Space District (RSC-OS).
5. In April 2002, Alfalfa area residents expressed a desire to keep the community "the way it is" and to limit commercial activity to 2-acres south of Willard Road that is the site of the Alfalfa Community Store and the community water system. These two acres are designated as a mixed used commercial district in the Comprehensive Plan and shall be zoned mixed use commercial. The remaining 20 acres of the Rural Service Center will continue to be zoned Rural Service Center - Residential District, with a 5-acre minimum lot size.

Since the Board of County Commissioners finds it may be necessary to accommodate the need for future commercial expansion 2 acres north of Willard Road are being designated on the Comprehensive Plan for future commercial uses. A zone change to mixed use commercial can be considered only for a specific use and upon findings that the existing commercial area is fully developed.

6. County Comprehensive Plan policies and land use regulations shall ensure that new uses authorized within the Alfalfa, Brothers, Hampton, Millican, Whistlestop and Wildhunt Rural Service Centers do not adversely affect agricultural and forest uses in the surrounding areas.
7. Zoning in the area shall promote the maintenance of the area's rural character. New commercial uses shall be limited to small-scale, low impact uses that are intended to serve the community and surrounding rural area or the travel needs of people passing through the area. The Commercial/Mixed use zoning regulations shall allow a mixed use of residential or small-scale commercial uses.

EXHIBIT "F"

8. Residential and commercial uses shall be served by DEQ approved on-site sewage disposal systems.
9. Residential and commercial uses shall be served by on site wells or public water systems.
10. Community water systems, motels, hotels and industrial uses shall not be allowed.
11. Recreational vehicle or trailer parks and other uses catering to travelers shall be permitted.

**SECTION 2: STAFF FINDINGS REGARDING OAR 660, DIVISION 22,
UNINCORPORATED COMMUNITIES**

The following language in bold is quoted directly from OAR Chapter 660, Division 22, Unincorporated Communities.

OAR 660-022-0000 Purpose

The purpose of OAR 660-022 is to establish a statewide policy for the planning and zoning of unincorporated communities that recognizes the importance of communities in rural Oregon. It is intended to expedite the planning process for counties by reducing their need to take exceptions to statewide planning goals when planning and zoning unincorporated communities.

This division interprets Goals 11 (Public Facilities and Services) and 14 (Urbanization) concerning urban and rural development outside urban growth boundaries and applies only to unincorporated communities defined in OAR 660-022-0010, as noted below.

**OAR 660-022-0020 DESIGNATION OF COMMUNITY AREAS - BOUNDARIES OF UNINCORPORATED
COMMUNITIES**

(1) Except as provided in OAR 660-22-070, county comprehensive plans shall designate and identify unincorporated communities in accordance with the definitions in OAR 660-22-010. Counties may amend these designations as circumstances change over time.

OAR 660-022-010(10) defines "Unincorporated Community" as a settlement with all of the following characteristics:

- (a) It is made up primarily of lands subject to an exception to Statewide Planning Goal 3, Goal 4 or both;**
- (b) It was either identified in a county's acknowledged comprehensive plan as a "rural community", "service center", "rural center", "resort community", or similar term before this division was adopted (October 28, 1994), or it is listed in the Department of Land Conservation and Development's January 30, 1997 "Survey of Oregon's Unincorporated Communities";**
- (c) It lies outside the urban growth boundary of any city;**
- (d) It is not incorporated as a city; and**
- (e) It met the definition of one of the four types of unincorporated communities in sections (6) through (9) of this rule, and included the uses described in those definitions, prior to the adoption of this division (October 28, 1994).**

EXHIBIT "F"

OAR 660-22-010 contains the following four types of community designations for unincorporated communities: "Resort Community", "Rural Community", "Rural Service Center" and "Urban Unincorporated Community." A "Rural Service Center" is defined in section (8) as:

"an unincorporated community consisting primarily of commercial or industrial uses providing goods and services to the surrounding rural area or to persons traveling through the area, but which also includes some permanent residential dwellings."

Section (5) defines "permanent residential dwellings" to include:

"manufactured homes, but does not include dwellings primarily intended for a caretaker of an industrial use, commercial use, recreational vehicle park or campground."

FINDINGS: The communities of Whistlestop and Wildhunt are comprised of lands that have previously received an exception to Goal 3 or 4. Both communities lie outside of an urban growth boundary and neither is incorporated as a city. Each of the communities was included on the Department of Land Conservation and Development's January 30, 1997, "Survey of Oregon's Unincorporated Communities." Each of these communities qualifies under the definition of a "Rural Service Center" contained in OAR 660-22-010(8) and contains the minimum number of permanent residential dwellings (two or more dwellings). Amendments to the Deschutes County Comprehensive Plan, zoning ordinance text and corresponding maps designate Whistlestop and Wildhunt as Rural Service Centers, as unincorporated communities (comprehensive plan) and provide for their future development accordingly.

(2) Counties shall establish boundaries of unincorporated communities in order to distinguish lands within the community from exception areas, resource lands and other rural lands. The boundaries of unincorporated communities shall be shown on the county comprehensive plan map at a scale sufficient to determine accurately which properties are included.

(3) Only land meeting the following criteria may be included within an unincorporated community boundary:

(a) Land which has been acknowledged as a Goal 3 or 4 exception area and historically considered to be part of the community provided the land only includes existing, contiguous concentrations of:

(A) Commercial, industrial, or public uses; and/or

(B) Dwelling units and associated residential lots at a greater density than exception lands outside rural communities.

(b) Land planned and zoned for farm or forest use provided such land meets the criteria in section (4) of this rule.

FINDINGS: The rural service center community boundaries for the Whistlestop and Wildhunt were determined using the following map sources:

1. 1992 Deschutes County Comprehensive Plan map – digitized parcel base map.
2. 1979 Deschutes County Zoning map.

The proposed comprehensive plan map shows the boundaries of Whistlestop and Wildhunt at a scale that identifies individual parcel boundaries. Both are currently designated "rural service centers" on the Deschutes County Comprehensive Plan Map and will be changed to an "Unincorporated Community" designation on the proposed plan maps.

EXHIBIT "F"

OAR 660-22-010 contains the following four types of community designations for unincorporated communities: "Resort Community", "Rural Community", "Rural Service Center" and "Urban Unincorporated Community." A "Rural Service Center" is defined in section (8) as:

"an unincorporated community consisting primarily of commercial or industrial uses providing goods and services to the surrounding rural area or to persons traveling through the area, but which also includes some permanent residential dwellings."

Section (5) defines "permanent residential dwellings" to include:

"manufactured homes, but does not include dwellings primarily intended for a caretaker of an industrial use, commercial use, recreational vehicle park or campground."

FINDINGS: The communities of Whistlestop and Wildhunt are comprised of lands that have previously received an exception to Goal 3 or 4. Both communities lie outside of an urban growth boundary and neither is incorporated as a city. Each of the communities was included on the Department of Land Conservation and Development's January 30, 1997, "Survey of Oregon's Unincorporated Communities." Each of these communities qualifies under the definition of a "Rural Service Center" contained in OAR 660-22-010(8) and contains the minimum number of permanent residential dwellings (two or more dwellings). Amendments to the Deschutes County Comprehensive Plan, zoning ordinance text and corresponding maps designate Whistlestop and Wildhunt as Rural Service Centers, as unincorporated communities (comprehensive plan) and provide for their future development accordingly.

(2) Counties shall establish boundaries of unincorporated communities in order to distinguish lands within the community from exception areas, resource lands and other rural lands. The boundaries of unincorporated communities shall be shown on the county comprehensive plan map at a scale sufficient to determine accurately which properties are included.

(3) Only land meeting the following criteria may be included within an unincorporated community boundary:

(a) Land which has been acknowledged as a Goal 3 or 4 exception area and historically considered to be part of the community provided the land only includes existing, contiguous concentrations of:

(A) Commercial, industrial, or public uses; and/or

(B) Dwelling units and associated residential lots at a greater density than exception lands outside rural communities.

(b) Land planned and zoned for farm or forest use provided such land meets the criteria in section (4) of this rule.

FINDINGS: The rural service center community boundaries for the Whistlestop and Wildhunt were determined using the following map sources:

1. 1992 Deschutes County Comprehensive Plan map – digitized parcel base map.
2. 1979 Deschutes County Zoning map.

The proposed comprehensive plan map shows the boundaries of Whistlestop and Wildhunt at a scale that identifies individual parcel boundaries. Both are currently designated "rural service centers" on the Deschutes County Comprehensive Plan Map and will be changed to an "Unincorporated Community" designation on the proposed plan maps.

EXHIBIT "F"

Currently, the zoning and comprehensive plan map boundaries do not coincide with one another for Whistlestop and Wildhunt. The zoning and Comprehensive Plan boundaries will be made consistent with each other with the adoption of these amendments and will not result in any additional land that is zoned for commercial uses. The boundaries for both communities are comprised of lands that were previously acknowledged and planned as Rural Service Centers, have historically been part of the community and include only contiguous concentrations of commercial and residential uses.

The boundaries for these communities were also amended to comply with the requirements of the administrative rule and to reconcile historic mapping inconsistencies between the plan designation and the zoning, and inconsistencies between community boundaries and historic development patterns. The boundaries now reflect parcel-based GIS mapping. Previous maps were prepared by manual application of tape on mylar base maps that did not include parcel identification and were not very precise. This resulted in discrepancies for each of the communities where the community boundaries on the comprehensive maps did not match the boundaries on the zoning maps.

Plan Map changes:

from: Whistlestop	Rural Service Center	to: Unincorporated Community
from: Wildhunt	Rural Service Center	to: Unincorporated Community

Zone Map changed from:

Whistlestop:	Rural Service Center	to: Rural Service Center
Wildhunt:	Rural Service Center	to: Rural Service Center

The acreage for the existing and proposed zoning and comprehensive plan community boundaries for each the rural service centers is reflected on the following table.

COMMUNITY	COMPREHENSIVE PLAN ACRES		ZONING ACRES	
	Existing	Proposed	Existing	Proposed
Whistlestop	5.15	7.93	7.93	7.93
Wildhunt	15.91	11.29	11.29	11.29

(4) Community boundaries may include land that is designated for farm or forest use pursuant to Goals 3 and 4 if all the following criteria is met:

- (a) The land is contiguous to Goal 3 or 4 exception lands included in the community boundary;**
- (b) The land was occupied on the date of this division (October 28, 1994) by one or more of the following uses considered to be part of the community: Church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility;**
- (c) Only the portion of the lot or parcel that is occupied by the use(s) in subsection (b) of this section is included within the boundary; and**
- (d) The land remains planned and zoned under Goals 3 or 4.**

FINDINGS: None of the land included within the community boundaries for Whistlestop and Wildhunt is designated for farm or forest uses.

EXHIBIT "F"

OAR 660-022-030 **PLANNING AND ZONING OF UNINCORPORATED COMMUNITIES (RURAL SERVICE CENTERS)**

(2) County plans and land use regulations may authorize any residential use and density in unincorporated communities, subject to the requirements of this division.

FINDINGS: Each of the communities currently has a Rural Service Center zoning designation which allows for minimum lot sizes of 6,000 square feet up to five acres depending on whether the lot is served by one, both or no community/public water or sewage systems.

The proposed zoning for Whistlestop and Wildhunt "Rural Service Center – Commercial/Mixed Use District" will allow for both residential and commercial uses anywhere within the community. Residential density was determined by looking at each community's ability to provide sewer and water in addition to considering the rural nature of these areas. Since neither of the communities has a community sewer system and none are allowed under the proposed zoning, on-site sewage disposal systems are required for new lots. Each proposed new lot or parcel must be proven to be able to support an on-site sewage disposal and water supply before it is platted as a new legal lot. Although a minimum one-acre lot size would probably support most sewage disposal/water supply systems, the zoning requires a larger lot size of 2.5 acres to provide additional flexibility in locating a house, out buildings and driveways with a septic system and water supply on the property. Residential density was therefore determined based on the minimum lot size needed for adequate sewage.

(3) County plans and land use regulations may authorize only the following new industrial uses in unincorporated communities...

FINDINGS: Industrial uses will not be allowed within the Rural Service Centers approved through this unincorporated community process.

(4) County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities:

(a) Uses authorized under Goals 3 and 4;

(b) Small-scale, low impact uses;

(c) Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

Findings: The proposed plan policies limit new commercial uses to those that are small-scale, low impact uses that are intended to service the community and surrounding rural area or the travel needs of people passing through the area. The proposed zoning regulations limits new commercial uses to retail stores, business offices and/or commercial establishments in a building or buildings each not exceeding 4,000 square feet of floor space, all subject to site plan review. These policies and land use regulations comply with OAR 660-022-0010(1) and OAR 660-022-0030(10) regarding new commercial uses in an unincorporated community.

(5) County plans and land use regulations may authorize hotels and motels in unincorporated communities only if served by a community sewer system and only as provided in subsections (a) through (c) of this section:

FINDING: A community sewer system does not currently exist in Whistlestop or Wildhunt, and they are not an allowed use under the proposed zoning. Hotels and motels are therefore, not allowed uses since they would need to be served by a community sewer system.

EXHIBIT "F"

(6) County plans and land use regulations shall ensure that new uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses.

FINDINGS: The surrounding land use for each of the communities is agriculture and forest. The proposed comprehensive plan states that new uses authorized within these rural service centers will not adversely affect agricultural or forest uses in the surrounding areas. Additionally, the Deschutes County Right to Farm Ordinance (Title 9.12) serves to further ensure adequate protection of the surrounding farm uses. This ordinance states in part that "Farm and forest uses sometimes offend, annoy, interfere with or otherwise affect others located on or near farm and forest lands...(however)...Deschutes County has concluded (in conformance with ORS chapter 30) that persons located on or near farm and forest lands must accept resource uses and management practices".

(7) County plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community, pursuant to OAR 660-012-0060(1)(a) through (c).

FINDINGS: The county land use regulations for conditional uses and site plan approval require new development proposals to include facts documenting that the function, capacity and level of service of the affected transportation facility are adequate to serve the proposed use. Single-family residences at the density allowed by the proposed zoning will not significantly impact the function of the highway or county arterials. Wildhunt is served by Highway 97 and Highway 31. Whistlestop is serviced by Burgess Road, a collector road. All of these roads are identified on the County Transportation Plan. There will be no significant impact on any of the roads as these areas will remain rural in nature with very low growth expected. The Rural Service Center designation will not allow any new types of uses to be developed other than those intended to serve the surrounding communities and travelers passing through the area. The Oregon Department of Transportation is the service provider for Highway 97 and Highway 31, and the Deschutes County Road Department is the service provider for the arterials and collector.

(8) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:

(A) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and

(B) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

FINDINGS: Water for both rural service centers comes from domestic wells. Neither community is in a groundwater-limited area. There is no history of failing wells and there is an adequate water supply. The conformance with state and federal water quality regulations is also implemented through provisions in the Deschutes County Code, Title 15.

Since neither of the communities has a community sewer system and none is allowed under the proposed zoning, on-site sewage disposal systems are required for new lots. Further, because the soils in these areas are highly variable with limiting features for on-site sewage disposal appearing at shallow depths, each proposed new lot or parcel must demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules and proven to be able to support an on-site sewage disposal and water supply before it is platted as a new legal lot. Existing lots must also demonstrate that they can meet the same DEQ standards and proven to be able to support an on-site sewage disposal and water supply before final approval for a site plan or conditional use permit (Section 18.74.030 of the zoning regulations).

EXHIBIT "F"

(9) County plans and land use regulations for lands within unincorporated communities shall be consistent with acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts.

FINDING: This criterion is not applicable because a metropolitan service district does not currently exist within Deschutes County.

OAR 660-022-0050 Community Public Facility Plans

A public facility plan is required for all communities over 2,500 in population. For all communities a plan addressing sewer and water facilities is required if:

- 1) The existing facilities are insufficient or are projected to become insufficient (due to physical conditions, financial circumstances, changing state or federal standards, or additional growth or build out);**
- 2) The community is served by groundwater and is in a groundwater limited area; or**
- 3) The community has been declared a health hazard or has a history of failing wells.**

FINDING: This criterion is not applicable to the communities of Whistlestop and Wildhunt since neither has a population of over 2,500. Both communities use wells and all have a water supply that is adequate, and neither is in a groundwater limited area or has a history of failing wells. As previously stated, all lots and parcels must demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules and proven to be able to support an on-site sewage disposal and water supply before it is platted as a new legal lot and/or before final approval of a site plan or conditional use permit.

OAR 660-022-0060 COORDINATION AND CITIZEN INVOLVEMENT

- (1) Counties shall ensure that residents of unincorporated communities have adequate opportunities to participate in all phases of the planning process in accordance with their acknowledged citizen involvement programs.**
- (2) When a county proposes to designate an unincorporated community or to amend plan provisions or land use regulations that apply to such a community, the county shall specify the following:**
 - (a) How residents of the community and surrounding area will be informed about the proposal;**
 - (b) How far in advance of the final decision residents of the community and the surrounding area will be informed about the proposal;**
 - (c) Which citizen advisory committees will be notified of the proposal.**
- (3) The information on these three points shall be included in the appropriate plan amendment proposals or periodic review work task.**
- (5) Proposals to designate, plan or zone unincorporated communities shall be coordinated with special districts...likely to be affected by such actions...and include a minimum of 45-day mailed notice to all cities and special districts located within the distance described in OAR 660-22-040(2).**

EXHIBIT "F"

FINDINGS: The following citizen involvement program was used for Whistlestop and Wildhunt.

The Rural Service Center comprehensive plan policies and zoning ordinance are the product of meetings and phone calls with individual property owners and surrounding property owners, in addition to a work session and public hearing with the Deschutes County Planning Commission.

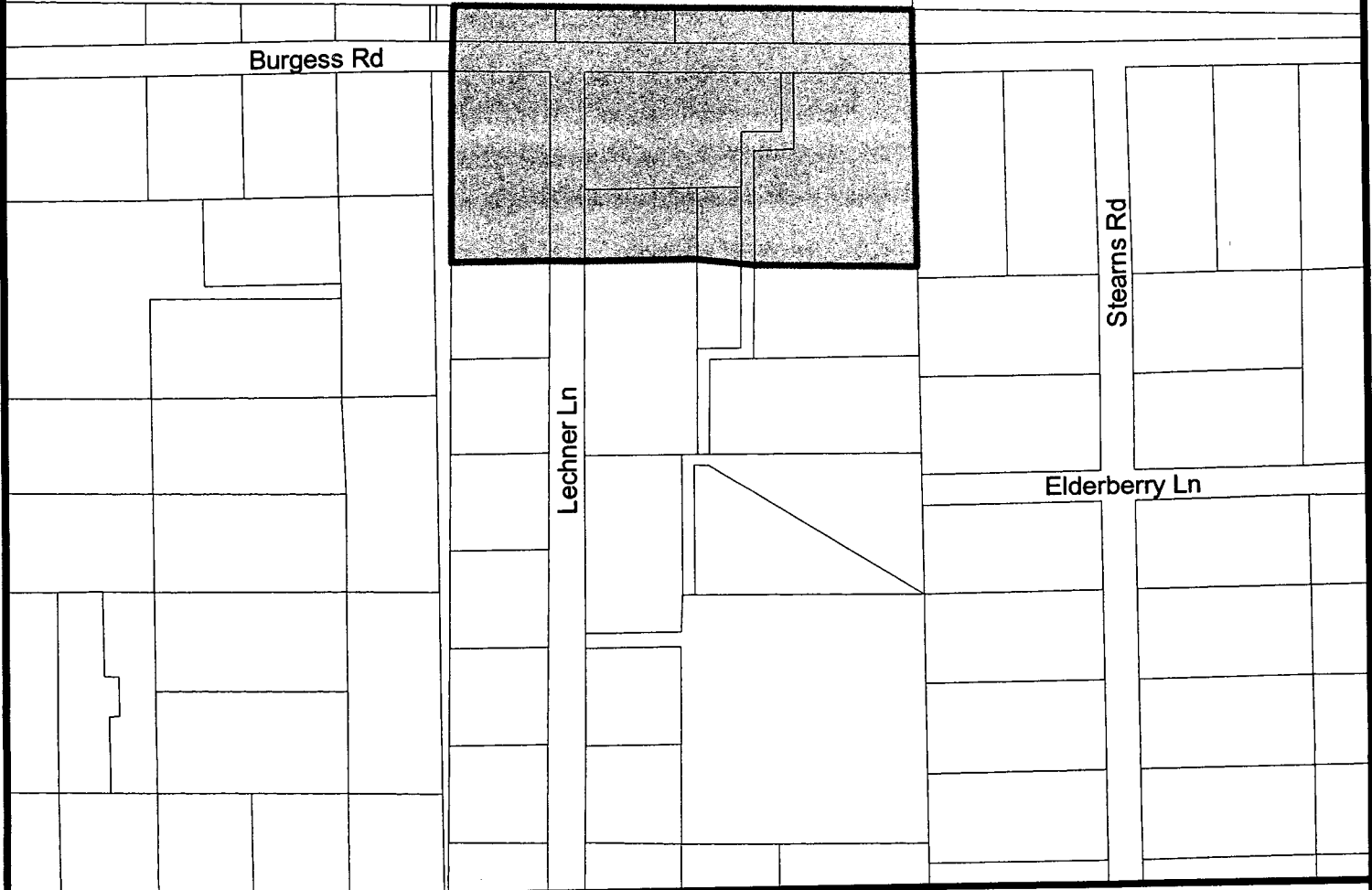
Prior to the Planning Commission work session, notice was sent to all property owners within the Rural Service Center boundaries regarding the work session. The County initially provided notice to property owners to zone Whistlestop and Wildhunt as Rural Commercial based on an initial determination that the communities of Whistlestop and Wildhunt did not have the necessary two permanent residential dwellings and therefore could not remain Rural Service Centers under OAR 660-022. However, several residents notified staff that both communities contain at least two permanent residences. Staff confirmed the existence of these residences on a site visit.

Notice of the first public hearing before the Planning Commission, as well as notice of the public hearing before the Board of County Commissioners, was sent to property owners within the Rural Service Center boundary, as well as surrounding property owners and agencies that might be affected by or interested in the outcome of this project. The notices included the County Web Page address as well as a staff contact phone number and invited interested individuals to get more information and be involved in the process.

Agencies informed about project work for the communities of Whistlestop and Wildhunt include: Bureau of Land Management; Forest Service, State of Oregon; Department of Transportation, Department of Land Conservation and Development, Watermaster - District 11, Department of Forestry; County Sheriff and Road Department.

All future amendments to the plan designations and policies or zoning for these rural service centers must be made in accordance with the procedures in Deschutes County Code, Title 22 and applicable provisions of the Oregon Administration Rules and state statute(s).

EXHIBIT "C"



PARCELS
 WHISTLE STOP UNINCORPORATED COMMUNITY BOUNDARY
 WHISTLE STOP UNINCORPORATED COMMUNITY COMPREHENSIVE PLAN DESIGNATION
 UNINCORPORATED COMMUNITY

**WHISTLE STOP RURAL SERVICE CENTER
PROPOSED COMPREHENSIVE PLAN MAP**

Exhibit "C" to Ordinance 2002-027



300 0 300 Feet

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Tom DeWolf, Chair

Dennis R. Luke, Commissioner

Michael M. Daly, Commissioner

ATTEST: Recording Secretary

Dated this ____ day of July, 2002

Effective Date: October ____, 2002

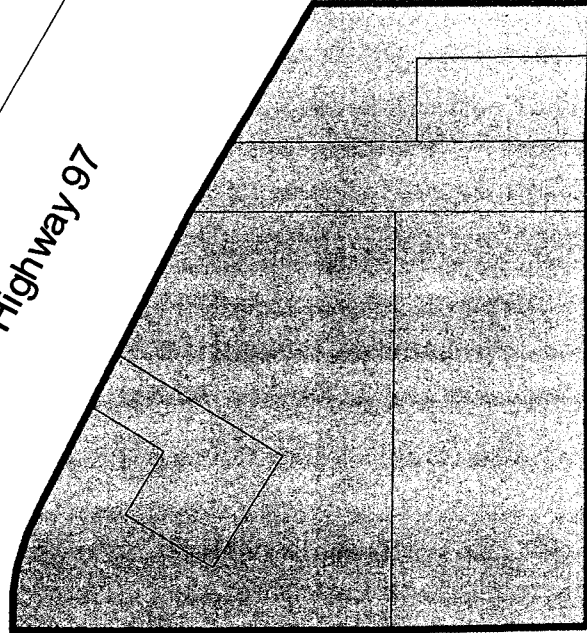
Deschutes County
Community Development
Empowering Communities

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EXHIBIT "D"

Highway 97

Highway 31



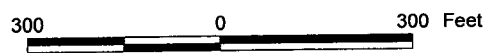
PARCELS
 WILDHUNT RURAL SERVICE CENTER BOUNDARY
 WILDHUNT RURAL SERVICE CENTER
 COMPREHENSIVE PLAN DESIGNATION
 COMMERCIAL



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**WILDHUNT RURAL SERVICE CENTER
 EXISTING COMPREHENSIVE PLAN MAP**

Exhibit "D" to Ordinance 2002-027



BOARD OF COUNTY COMMISSIONERS
 OF DESCHUTES COUNTY, OREGON

Tom DeWolf, Chair

Dennis R. Luke, Commissioner

Michael M. Daly, Commissioner

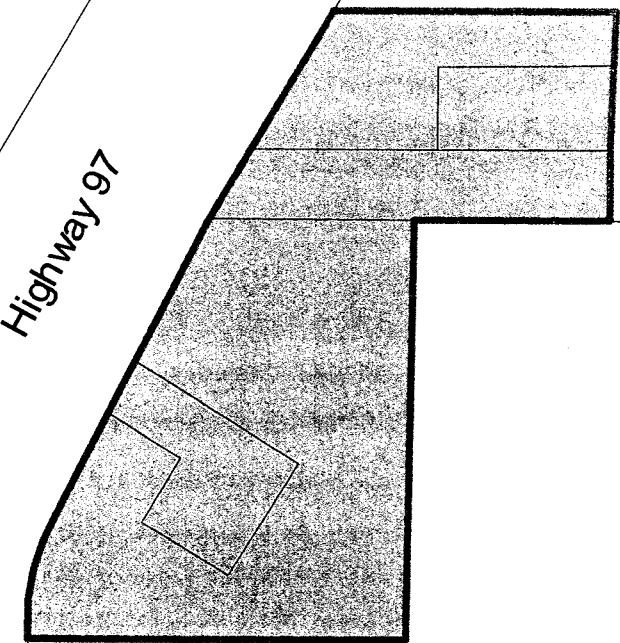
ATTEST: Recording Secretary

Dated this ____ day of July, 2002

Effective Date: October ____, 2002

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EXHIBIT "E"



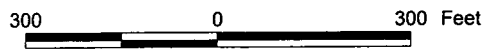
Highway 97

Highway 31

PARCELS
 WILDHUNT UNINCORPORATED COMMUNITY BOUNDARY
 WILDHUNT UNINCORPORATED COMMUNITY COMPREHENSIVE PLAN DESIGNATION
 UNINCORPORATED COMMUNITY

**WILDHUNT RURAL SERVICE CENTER
PROPOSED COMPREHENSIVE PLAN MAP**

Exhibit "E" to Ordinance 2002-027



BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Tom DeWolf, Chair _____

Dennis R. Luks, Commissioner _____

Michael M. Daly, Commissioner _____

ATTEST: Recording Secretary _____

Dated this ____ day of July, 2002

Effective Date: October ____, 2002



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