



Mailing Date:
Thursday, September 22, 2022

COMMUNITY DEVELOPMENT

NOTICE OF DECISION

The Deschutes County Planning Division has approved the land use application(s) described below:

FILE NUMBER: 247-22-000682-LR

**SUBJECT PROPERTY/
OWNER:** Mailing Name: DESCHUTES COUNTY
Map and Taxlot: 1914250000600
Account: 108432
Situs Address: 57890 FORT ROCK RD, BEND, OR 97701

APPLICANT: Deschutes County

REQUEST: Lot of Record Verification

STAFF CONTACT: Ben Wilson, Assistant Planner
Phone: 541-385-1713
Email: Ben.Wilson@deschutes.org

RECORD: Record items can be viewed and downloaded from:
www.buildingpermits.oregon.gov

I. APPLICABLE CRITERIA

- Deschutes County Code
 - Title 18, Deschutes County Zoning Ordinance:
 - Chapter 18.04, Title, Purpose and Definitions
 - Title 22, Deschutes County Development Procedures Ordinance
 - Chapter 22.04, Introduction and Definitions
 - Chapter 22.40, Declaratory Ruling
- Oregon Revised Statutes
 - ORS 92, Subdivisions and Partition

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SEP 27 2022
Deschutes County
Property Management

DECISION: Staff finds that the subject property is a legal lot of record.

This decision becomes final twelve (12) days after the date mailed, unless appealed by a party of interest. To appeal, it is necessary to submit a Notice of Appeal, the appeal fee of \$250.00 and a

statement raising any issue relied upon for appeal with sufficient specificity to afford the Hearings Body an adequate opportunity to respond to and resolve each issue.

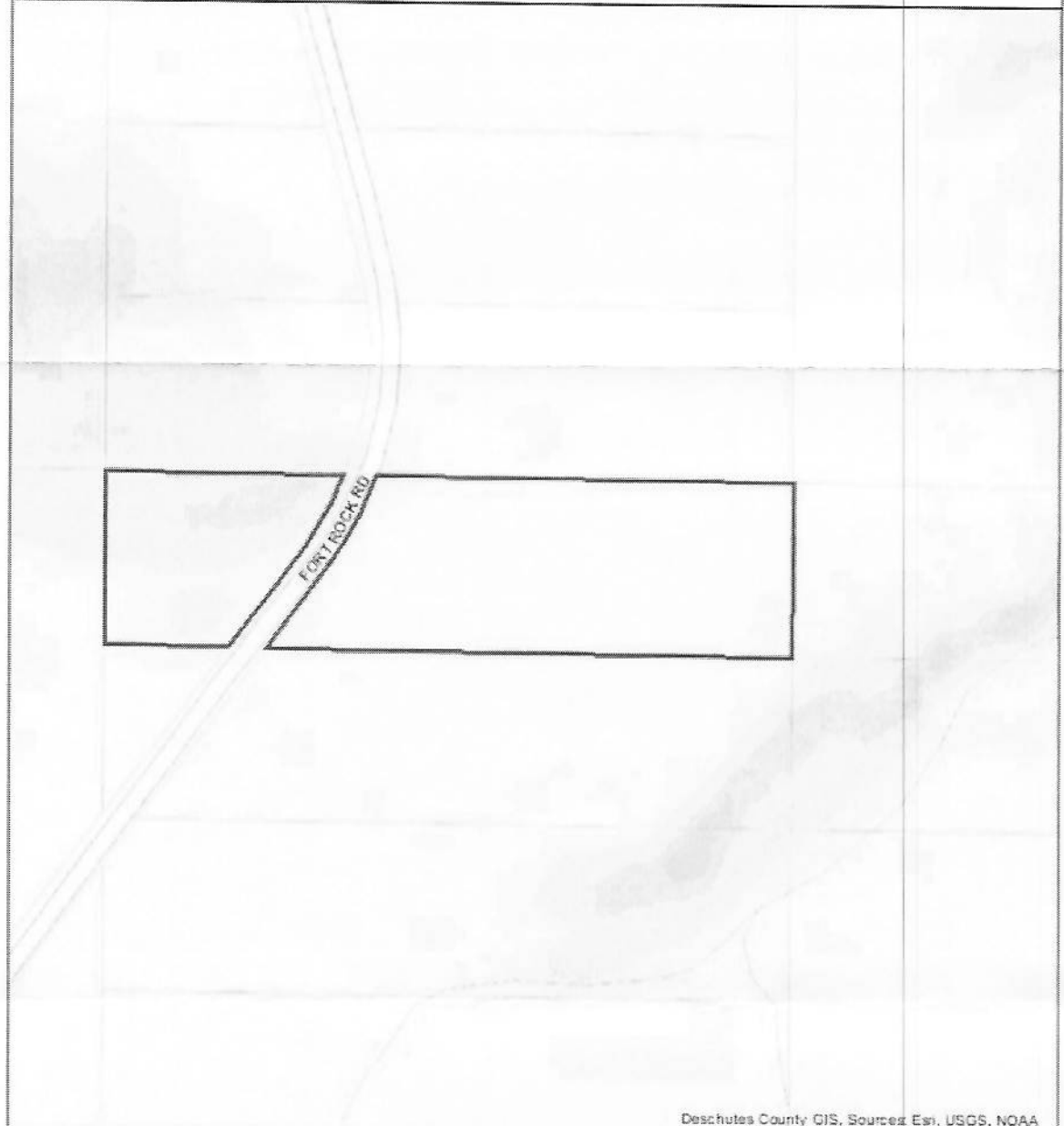
Copies of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost. Copies can be purchased for 25 cents per page.

NOTICE TO MORTGAGEE, LIEN HOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

This Notice was mailed pursuant to Deschutes County Code Chapter 22.24.

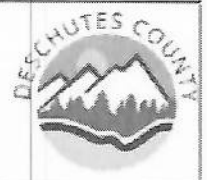
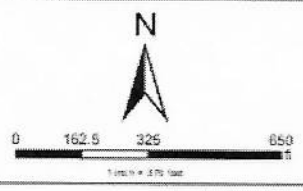
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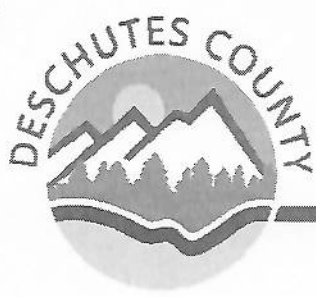
247-22-000682-LR



Deschutes County GIS, Sources: Esri, USGS, NOAA

Date: 9/21/2023





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COMMUNITY DEVELOPMENT

FINDINGS AND DECISION

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Chapter 22.04, Introduction and Definitions

Chapter 22.40, Declaratory Ruling

Oregon Revised Statutes

ORS 92, Subdivisions and Partition

II. BASIC FINDINGS

LOT OF RECORD: As described herein, the subject property contains one (1) legal lot of record.

117 NW Lafayette Avenue, Bend, Oregon 97703 | P.O. Box 6005, Bend, OR 97708-6005

(541) 388-6575 @cdd@deschutes.org www.deschutes.org/cd

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**Deschutes County
Property Management**

SITE DESCRIPTION: The identified legal lot of record is +/- 10 acres in size.

REVIEW PERIOD: Under DCC 22.20.040(D)(3), this Lot of Record verification is exempt from the 150-day time limit established by DCC 22.20.040.

III. FINDINGS & CONCLUSIONS

Title 22, Deschutes County Development Procedures Ordinance

Chapter 22.04, Introduction and Definitions

Section 22.04.040 Verifying Lots of Record.

- D. Findings; Declaratory Ruling ...** *If an applicant is applying for a permit listed in subsection (B)(1) that does not require public notice, or prior to applying for any permit, an applicant may request a declaratory ruling pursuant to DCC Chapter 22.40. If the lot or parcel meets the "lot of record" definition in 18.04.030, the County shall issue the declaratory ruling determining that the lot or parcel qualifies for all permits listed in subsection (B)(1). If the lot or parcel does not meet the "lot of record" definition in 18.04.030, the County shall not issue the declaratory ruling and instead shall provide the applicant information on permit options that do not require verification and information on verification exceptions that may apply pursuant to subsections (B)(2).*

FINDING: The applicant has requested a declaratory ruling pursuant to DCC Chapter 22.40 to confirm the subject property meets the "lot of record" definition in DCC 18.04.030.

Chapter 22.40, Declaratory Ruling

Section 22.40.010, Availability of Declaratory Ruling.

- A. Subject to the other provisions of DCC 22.40.010, there shall be available for the County's comprehensive plans, zoning ordinances, the subdivision and partition ordinance and DCC Title 22 a process for:**
- ...
- 6. Verifying that a lot of parcel meets the "lot of record" definition in 18.040.030 pursuant to DCC 22.04.040(D).**

FINDING: The applicant has requested a declaratory ruling pursuant to DCC Chapter 22.40 to confirm that the subject property meets the "lot of record" definition in DCC 18.04.030.

Title 18 of the Deschutes County Code, County Zoning

Chapter 18.04, Title, Purpose and Definitions

Section 18.04.030, Definitions.

"Lot of Record" means:

- A. A lot or parcel at least 5,000 square feet in area and at least 50 feet wide, which conformed to all zoning and subdivision or partition requirements, if any, in effect on the date the lot or parcel was created, and which was created by any of the following means:**

FINDING: Any lot(s) of record identified in this decision are at least 5,000 square feet in area and at least 50 feet wide. Major historical changes in the County's subdivision, partition, and zoning requirements are outlined below.

PL-2 – Subdivision Ordinance – September 9, 1970

Required the approval of and recording of a subdivision plat to "Subdivide land", which was defined to mean "to partition a parcel of land into four or more parcels, any one of which, is less than ten (10) acres each for the purpose of transfer of ownership or building development, whether immediate or future, pursuant to O.R.S. 92.010."

PL-5 – Deschutes County Zoning – November 11, 1972

Provided zoning and minimum lot sizes for parcels created by subdivision. Because no zoning maps were adopted contemporaneously with PL-5's "approval", zoning became effective in a piecemeal fashion in the County, as maps were adopted for various geographic regions of the County.

ZM-1 – Zoning Map – November 15, 1972

Applied A-1 countywide agricultural zoning outside the urban areas of Redmond and Sisters, the Bend UGB, the rural service centers of Terrebonne and Tumalo, but not including certain land to the west of Bend, as well as applying PD zoning to Sunriver and Black Butte.

ZM-2 through ZM-11 – Zoning Maps (November 15, 1972 – June 30, 1973)

Various zoning maps were adopted for specific areas throughout the County.

PL-7 - Deschutes County Land Partition Ordinance No. PL-7 – April 5, 1977

Required that "no person shall partition an area or tract of land without compliance with the provisions of this ordinance".

PL-14 Deschutes County Subdivision/Partition Ordinance–November 1, 1979

All land division regulated.

PL-15 – Deschutes County Zoning Ordinance of 1979 – November 1, 1979

Updated zoning throughout the County.

Any lot(s) of record identified in this decision conformed to all zoning and subdivision or partition requirements, if any, in effect on the date the lot or parcel was created.

1. *By partitioning land as defined in ORS 92;*

FINDING: The subject property was not created by partitioning land as defined in ORS 92.

2. *By a subdivision plat, as defined in ORS 92, filed with the Deschutes County Surveyor and recorded with the Deschutes County Clerk;*

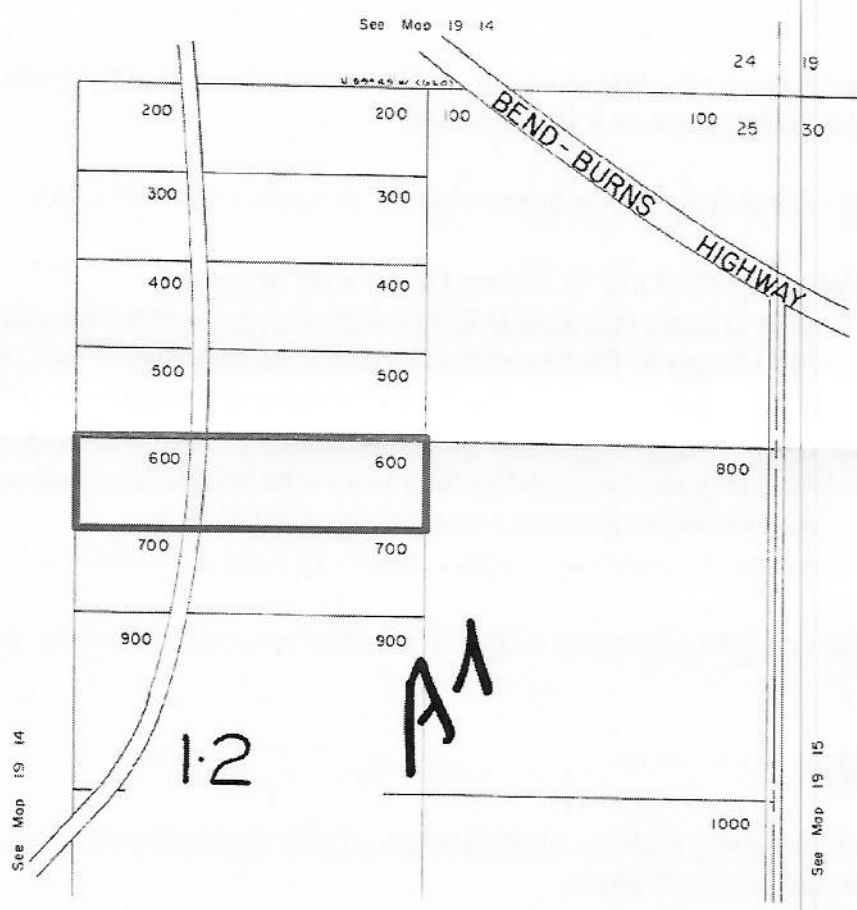
FINDING: The subject property was not created by a subdivision plat, as defined in ORS 92, filed with the Deschutes County Surveyor and recorded with the Deschutes County Clerk.

3. *By deed or contract, dated and signed by the parties to the transaction, containing a separate legal description of the lot or parcel, and recorded in Deschutes County if recording of the instrument was required on the date of the conveyance. If such instrument contains more than one legal description, only one lot of record shall be recognized unless the legal descriptions describe lots subject to a recorded subdivision or town plat;*

FINDING: The subject lot of record was created by deed or contract in accordance with this criterion and conformed to all zoning and subdivision or partition requirements, if any, in effect on the date the lot or parcel was created.

The subject property was created by a Warranty Deed dated July 10, 1973, recorded in Volume 197, Page 33, Deschutes County Book of Records. This lot of record is shown in Figure 1 below.

Figure 1 - Configuration (July 10, 1973)



At this time, Deschutes County did not have any zoning or land division requirements for the creation of lot(s)/parcel(s) by deed or contract, as outlined in the findings above. Therefore, staff finds the conveyance of this property conformed to all applicable requirements and the subject property is recognized as one (1) legal lot of record under DCC 18.04.030 Lot of Record (A)(3).

In addition, staff finds the identified lot of record is a "parcel", as defined in ORS 215.010(1).

- 4. ***By a town plat filed with the Deschutes County Clerk and recorded in the Deschutes County Record of Plats; or***

FINDING: The subject property was not created by a town plat filed with the Deschutes County Clerk and recorded in the Deschutes County Record of Plats.

- 5. ***By the subdividing or partitioning of adjacent or surrounding land, leaving a remainder lot or parcel.***

FINDING: The subject property was not created by the subdividing or partitioning of adjacent or surrounding land, leaving a remainder lot or parcel.

Choose a building block.

- B. *Notwithstanding subsection (A), a lot or parcel validated pursuant to ORS 92.176 shall be recognized as a lot of record.***

FINDING: The subject property has not been validated pursuant to ORS 92.176.

- C. *The following shall not be deemed to be a lot of record:***
- 1. *A lot or parcel created solely by a tax lot segregation because of an assessor's roll change or for the convenience of the assessor.***
 - 2. *A lot or parcel created by an intervening section or township line or right of way.***
 - 3. *A lot or parcel created by an unrecorded subdivision, unless the lot or parcel was conveyed pursuant to subsection (A)(3) above.***
 - 4. *A parcel created by the foreclosure of a security interest.***

FINDING: The subject property does not include a lot of record created by any of these means.

IV. CONCLUSION

Based on the foregoing findings, staff concludes the subject property consists of the lot(s) of record identified herein, if any.

Other permits may be required for development of the property. The applicants are responsible for obtaining any necessary permits from the Deschutes County Building Division and Deschutes County Environmental Soils Division as well as any required local, state, and federal permits.

This decision becomes final twelve (12) days after the date mailed, unless appealed by a party of interest. To appeal, it is necessary to submit a Notice of Appeal, the appeal fee of \$250.00 and a statement raising any issue relied upon for appeal with sufficient specificity to afford the Hearings Body an adequate opportunity to respond to and resolve each issue.

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DESCHUTES COUNTY PLANNING DIVISION

Written by: Ben Wilson, Assistant Planner

Reviewed by: Will Groves, Planning Manager