

# Land Use Application

Appeal - BOCC

DESCHUTES COUNTY  
117 NW Lafayette Avenue  
PO Box 6005  
Bend, OR 97708  
541-388-6575  
FAX: 541-385-1764

247-16-000548-A

www.deschutes.org/cd

cdd-webmaster@deschutes.org

## APPLICATION DESCRIPTION

**Type of Application:** Appeal - BOCC

**Description of Work:**

## LOCATION INFORMATION

**Property Address:**

71120 Holmes Rd, Sisters, OR 97759

**Parcel:**

1411000000103 - Primary

**Owner:**

**Address:**

## APPLICANT INFORMATION

Applicant:	Business Name:	Address:	City:	State:	Zip
SHEPHERD, JOHN H & STEPHANIE J		71120 HOLMES RD	SISTERS	OR	97759
Liz Fancher		644 NW Broadway St	Bend	OR	97703

## APPLICATION FEES

<u>Fee Description</u>	<u>Quantity</u>	<u>Amount</u>
Appeals to Board of County Commissioners	1.00 Qty	\$2,600.00
Appeals to Board of County Commissioners Additional Fee (20% of original fee)	945.00 Amount	\$945.00
<b>Total Fees:</b>		<b>\$3,545.00</b>



www.deschutes.org/cd

Address: 71120 HOLMES RD, SISTERS, OR 97759  
Parcel Number: 1411000000103

# Transaction Receipt

Record Number: 247-16-000548-A

Receipt Number: 411233

DESCHUTES COUNTY  
117 NW Lafayette Avenue  
PO Box 6005  
Bend, OR 97708  
Phone: 541-388-6575

cdd-webmaster@deschutes.org

Receipt Date: 9/13/16

## Fee Items Paid

DESCRIPTION	ACCOUNT CODE	AMOUNT PAID
Appeals to Board of County Commissioners	295-3661-341.4301	\$2,600.00
Appeals to Board of County Commissioners Additional Fee (20% of original fee)	295-3661-341.4301	\$945.00
		<b>\$3,545.00</b>

## Payment Summary

PAYMENT METHOD	PAYER	COMMENTS	AMOUNT PAID
Bend Check- Check Nbr: 1549	Central Oregon Landwatch		\$3,545.00
			<b>\$3,545.00</b>

247-16-000548-A



# Community Development Department

Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005  
Phone: (541) 388-6575 Fax: (541) 385-1764  
<http://www.deschutes.org/cd>

## APPEAL APPLICATION

FEE: \$3545

### EVERY NOTICE OF APPEAL SHALL INCLUDE:

1. A statement describing the specific reasons for the appeal.
2. If the Board of County Commissioners is the Hearings Body, a request for review by the Board stating the reasons the Board should review the lower decision.
3. If the Board of County Commissioners is the Hearings Body and *de novo* review is desired, a request for *de novo* review by the Board, stating the reasons the Board should provide the *de novo* review as provided in Section 22.32.027 of Title 22.
4. If color exhibits are submitted, black and white copies with captions or shading delineating the color areas shall also be provided.

It is the responsibility of the appellant to complete a Notice of Appeal as set forth in Chapter 22.32 of the County Code. The Notice of Appeal on the reverse side of this form must include the items listed above. Failure to complete all of the above may render an appeal invalid. Any additional comments should be included on the Notice of Appeal.

Staff cannot advise a potential appellant as to whether the appellant is eligible to file an appeal (DCC Section 22.32.010) or whether an appeal is valid. Appellants should seek their own legal advice concerning those issues.

Appellant's Name (print): Central Oregon LandWatch, Carol Macbeth, Staff Atty. Phone: (541) 647-2930

Mailing Address: 50 SW Bond Street Suite 4 City/State/Zip: Bend, OR 97702

Land Use Application Being Appealed: Shepherd, File Numbers: SP-247-16-000-159, 161-AD

Property Description: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot 71120 Holmes Road, Sisters

Appellant's Signature: *Carol Macbeth* OSB 153783

**EXCEPT AS PROVIDED IN SECTION 22.32.024, APPELLANT SHALL PROVIDE A COMPLETE TRANSCRIPT OF ANY HEARING APPEALED, FROM RECORDED MAGNETIC TAPES PROVIDED BY THE PLANNING DIVISION UPON REQUEST (THERE IS A \$5.00 FEE FOR EACH MAGNETIC TAPE RECORD). APPELLANT SHALL SUBMIT THE TRANSCRIPT TO THE PLANNING DIVISION NO LATER THAN THE CLOSE OF THE DAY FIVE (5) DAYS PRIOR TO THE DATE SET FOR THE DE NOVO HEARING OR, FOR ON-THE-RECORD APPEALS, THE DATE SET FOR RECEIPT OF WRITTEN RECORDS.**

(over)





50 SW Bond St., Ste. 4 | Bend, OR 97702

Phone: (541) 647-2930

[www.centraloregonlandwatch.org](http://www.centraloregonlandwatch.org)

September 13, 2016

Deschutes County Board of Commissioners  
117 NW Lafayette Ave.  
Bend, OR 97701

*Delivered by hand*

**re: File Nos: SP-247-16-000-159, 161-AD**

Dear Commissioners,

Appellant Central Oregon LandWatch appeals the Deschutes County Hearings Officer's ("Hearings Officer's") September 1, 2016 approval of applications for an Administrative Determination and Site Plan Review. Given that the primary issues are of state law, we believe it is most appropriate for the County Board not to hear the appeal. LandWatch would then be entitled to a refund of the appeal fee, minus 20%, according to county rules. We request the county to waive the appeal fee in its entirety, and if the county does not hear the appeal, we request a full refund of the appeal fee. There is no justification for the County to charge hundreds of dollars for not granting review of the Hearings Officer's decision. If the County Board decides to hear the appeal, Appellant requests that the hearing be conducted *de novo* under DCC 22.32.027.

This case concerns a farm dwelling in the county's exclusive farm use zone and Metolius Deer Winter Range. The farm dwelling was approved on the condition that the 216 acres of EFU land was to be principally used for farm use and occupied by one principally engaged in farming in accordance with the property's Farm Management Plan. The Farm Management Plan included plans to obtain irrigation water sufficient to restore the native bunch grass on the 216-acre grazing land parcel. The applicant abandoned the property's Farm Management Plan condition of approval fifteen years ago and never used the property for farm use until a few months prior to filing this application, when the applicant bought some cows and poultry. In the current decision the Hearings Officer erroneously approved an application to use the farm dwelling as a residential church.

The Hearings Officer erred in approving this application because the applicant remains in violation of two specific conditions of approval for the farm dwelling under the Deschutes County land use decision MA-10-9 (CU-00-65), issued July 5, 2001.<sup>1</sup> Deschutes County Code prohibits the county from approving any application for land use development where the review process of the application demonstrates the property is in violation of the conditions of approval of any previous land use decisions or building permits previously issued by the county. DCC 22.20.15. Even if the county were not prohibited by its own regulations from approving the current application, the requested use should have been denied. Not only is the use not permissible in deer winter range under DCC 18.88.040, but also the requested use does not qualify under ORS 215.441 which provides for certain uses associated with nonresidential places of worship.

The Hearings Officer erred in ruling on the following issues:

- 1) ***DCC 22.22.15; Deschutes County may not approve any application for land use development on this property that is in violation of two existing conditions of approval***

The record demonstrates the applicant is in direct violation of two specific conditions of approval of the dwelling in conjunction with farm use. Therefore the county Hearings Officer is prohibited from approving the requested use under DCC 22.20.15. First, neither the applicant nor any predecessor in interest ever implemented the Farm Management Plan on which approval of the farm dwelling was conditioned. Second, the applicant substantially altered the Farm Management Plan, by first abandoning it for fifteen years, then never instituting any part of it, then obtaining some cows and poultry a few months prior to the submission of this proposal in November of 2015. To the extent that acquisition of these farm animals is part of a type of farm management plan, that farm management plan is such a substantial alteration that it requires submittal of a new application for a dwelling in conjunction with farm use. The applicant is in violation of these two conditions of approval for the farm dwelling granted on July 5, 2001:

"Approval is based upon the farm management plan and the plot plan. Any substantial alteration of the farm management plan or the plot plan shall require submittal of a new land use permit." Deschutes County MA-10-9 (CU-00-65), July 5, 2001, at 4. See Attachment 1.

---

<sup>1</sup> See Attachment 1, MA-10-9 (CU-00-65); See Attachment 2, Farm Management Plan and Other Documents associated with MA-10-9, CU-00-65.



Both the Hearings Officer in this case and a past Hearings Officer in MA-13-3 and CU-13-3 (~~Attachment 3~~) found these conditions of approval for the farm dwelling run with the land. The county's approval of the Farm Management Plan, CU-00-65, the Farm Management Plan for the subject property, and associated documents are attached.

"If this property is occupied by others, they have to follow the same criteria and wildlife management requirements as I do. The County and ODFW require this as I do in my Sales Agreement. This is a part of the County's Approval for the CUP."

Because the subject property is in clear violation of two express conditions of approval for the farm dwelling, the county is prohibited under DCC 22.20.15 from either approving any application for land use development on the property or from making any other land use decision about the property.

2) ***ORS 215.130(7)(a); Hearings officer erred by ignoring that a use abandoned for fifteen years may not be resumed unless the resumed use conforms with current ordinances and regulations***

Use of the farm dwelling as the dwelling of one principally engaged in farm use may not be resumed after a decade and a half of interruption or abandonment unless the applicant demonstrates that the use complies with current regulations for farm dwellings. ORS 215.130(7).

**"ORS 215.130(7)(a)** Any use described in subsection (5) of this section may not be resumed after a period of interruption or abandonment unless the resumed use conforms with the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption."

There is unrefuted evidence in the record, including the applicant's own admission, that the applicant abandoned use of the land for farm use for fifteen years. See LandWatch's July 12, 2016 comments (quoting the applicant stating in late 2014 that he did "not believe there had ever been farm uses on the subject property.") *Id.* quoting the Hearings Officer's finding in MA-13-3 and CU-13-3, in which she quoted the applicant's then counsel for the same proposition:

"[T]here is no irrigation on the subject property, and there is no evidence the subject property has been used for farm uses." *Id.*, 16, (quoting October 22, 2013 letter.)



Deschutes County allowed a farm dwelling in the EFU zone based on a detailed "farm management plan" which outlined the series of steps the landowner would take to ensure that the day to day activities would be principally directed to the farm use of the land, and that the landowner would be principally engaged in farm use. The farm management plan was to run with the land.

The original landowner who obtained the approval in 2001, and after her the current applicant as her successor in interest, abandoned the farm management plan immediately, according to the applicant. In late 2014, the applicant stated in proceedings in the Oregon Tax Court that to applicant's knowledge the property had never been in farm use. (see *supra*) In filing its application in 2015, the applicant described the present use of the property as "residential." See Application and Burden of Proof, 1.

Use of the farm dwelling as the dwelling of one principally engaged in farm use may not be resumed after a decade and a half of interruption or abandonment unless the applicant demonstrates that the use complies with current regulations for farm dwellings. ORS 215.230. There is no evidence that the land itself has changed in any way, except for the construction of a 6563-square foot house that is used as a commercial wedding venue. Nor is there evidence the applicant can meet these requirements, including the profit test imposed by the Deschutes County Code and associated rules. (DCC 18.16.050. Standards for Dwellings in the EFU Zones; OAR 660-033-0135(1).)

OAR 660-033-0135(1)

(b) The subject tract is currently employed for farm use, as defined in ORS 215.203.

(c) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.

As LUBA explained in *ONDA v. Harney County*, 42 Or. LUBA 149, 167-168 (2002):

"[T]he county must evaluate the extent to which the occupants of the proposed dwelling will be engaged in farm use of the property, as opposed to nonfarm uses, and allow the dwelling only if the evidence shows at least one occupant will be "principally engaged" in farm use."





The applicant has provided no evidence the applicant is or has been principally engaged in farm use.<sup>2</sup> The question of whether the day-to-day activities on the land will be principally directed to the farm use of the land is dependent on a determination that the planned use of the land is for the primary purpose of obtaining a profit in money. *Still v. Marion County*, 32 Or LUBA 40, 54 (1996):

"However, we cannot reach the question of whether the day-to-day activities on the land will be principally directed to the farm use of the land, because such an inquiry is dependent on a determination that the planned use of the land is for the primary purpose of obtaining a profit in money."

The subject property is used principally for residential purposes rather than for farm use, and therefore the dwelling is not the type of dwelling "customarily provided in conjunction with farm use."

The county cannot consider the current application until the property comes into compliance with its conditions of approval. The county will be unable to find such compliance. The amount of farm activity necessary to show that the property will be "currently employed for the purpose of obtaining a profit in money" has already been determined for this property. The same or a comparable amount of farm activity must be established again before the county can show that the property will be currently employed for the primary purpose of obtaining a profit in money as required by ORS 215.203. The structure cannot meet the qualifications under county and state regulations governing farm dwellings, therefore the applicant's request for approval to use this nonconforming structure as a residential church must be denied.

**4) *ORS 215.441; statute applies only to nonresidential places of worship***

Even if the county were not prohibited from approving the requested use given the ongoing violations of the subject property's conditions of approval, the requested use could not be approved because ORS 215.441 applies only to nonresidential churches, and the proposed use is for a residential church. The Hearings Officer misinterpreted and misapplied applicable law by

<sup>2</sup> *Aplin v Deschutes County*, LUBA No. 2013-055, (2014) ("We agree with the parties that the county erred in concluding that Mr. Page is "principally engaged" in farm use of the property. Few reported cases have interpreted the principally engaged standard, which also applies to approval of primary farm dwellings. In *Oregon Natural Desert Association v. Harney County*, 42 Or LUBA 149, 167-168 (2002), LUBA held that where the occupants of the proposed farm dwelling operate a non-farm business on the property that represents their primary economic livelihood, the county must evaluate the extent to which the occupants of the proposed dwelling will be engaged in farm use of the property, as opposed to nonfarm uses, and allow the dwelling only if the evidence shows at least one occupant will be "principally engaged" in farm use. The evidence is undisputed that Mr. Page is employed full-time as a long-haul trucker. The findings do not acknowledge that undisputed fact, or provide a basis to conclude that Mr. Page is "principally engaged" in farm use on the ranch.")



equivocating in the use of the word "church" as used in DCC 18.04.030 and the word "church" as used to mean a type of nonresidential place of worship in ORS 215.441. Deschutes County Code's definition of a church as "any institution that has nonprofit status as a church established with the Internal Revenue Service" is irrelevant. DCC 18.04.030; HO, 15.

Since the subject property does not meet the conditions for ORS 215.441 and therefore does not meet the conditions of DCC 18.16.025(1)(C), the county erred in applying them

LUBA has already interpreted ORS 215.441 in a way that makes clear the statute does not apply here. See *Bechtold v. Jackson County*, 42 Or. LUBA 204, 220 (2002); See *Reed v. Jackson County*, LUBA No. 2009-136 (2010).

The applicant's farm dwelling residence does not qualify as a "nonresidential place of worship," which is the relevant term for ORS 215.441. ORS 215.441(1) does not apply to the proposed use because it applies to nonresidential structures that are allowed on real property under state law, rules, and local zoning regulations. Since the subject property does not meet the conditions for ORS 215.441 and therefore does not meet the conditions of DCC 18.16.025(1)(C), the Hearings Officer erred in finding otherwise.

5) ***DCC 18.88.040; a church is a prohibited use in the winter range portions of the county's Wildlife Area Combining Zone including the Metolius Deer Winter Range***

The proposed use is prohibited by DCC 18.88.040, which provides:

"DCC 18.88.040(B): The following uses are not permitted in that portion of the WA Zone designated as deer winter ranges, significant elk habitat or antelope range:

1. Golf course, not included in a destination resort;
2. Commercial dog kennel;
3. Church;
4. Public or private school;
5. Bed and breakfast inn;
6. Dude ranch;
7. Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization;
8. Timeshare unit;
9. Veterinary clinic;
10. Fishing lodge"

The Hearings Officer misapplied the applicable law in finding that a church may be allowed in the Metolius Deer Winter Range when churches are expressly prohibited in county



winter ranges. DCC 18.88.040. The Hearings Officer erred in interpreting ORS 215.283 when the applicable law is the County's Wildlife Area Combining Zone DCC 18.88 and the underlying zones. As the Oregon Supreme Court explained in *Lane County v. LCDC*, a land use that would be otherwise permitted in farmland can be prohibited if the land is protected as wildlife habitat under Goal 5:

"At the outset, we note that LCDC's regulations have long provided that a county's decision to place land inside an EFU zone does not thereby insulate that land from regulations designed to implement the goals adopted under ORS chapter 197. For example, an otherwise permitted use of land zoned for exclusive farm use could be prohibited or limited if that land happened also to be a wetland, a wildlife habitat, an historic site, or another resource protected under Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces). OAR 660-16-010." *Lane County v. LCDC*, 325 Ore. 569, 582 (1997).

Here, though the use may be permitted on exclusive farm use land under ORS 215.283, it is expressly prohibited in the county's winter range, including the Metolius Deer Winter Range.

The Hearings Officer erred in holding that churches are allowed in this wildlife zone on the basis that churches are a use permitted outright in the EFU zone. The county's Wildlife Zone section entitled "Uses Permitted Outright" does not speak of uses that are "as of right" according to an interpretation of a provision that applies only to exclusive farm use zones, but of "uses permitted outright," a phrase used repeatedly and invariably in every zone in Deschutes County, and that applies to all of the Wildlife Zone's underlying zones.

That the uses listed in DCC 18.88.040(B) may be otherwise permitted in the county's exclusive farm use zones does not affect that they may be prohibited or limited on land that also happens to be a wetland, a wildlife habitat, a historic site, or another resource protected under Goal 5.

The challenged decision's interpretation would not give effect to all of the provisions of DCC 18.88. It would not give effect to DCC 18.88.040(B) which expressly prohibits churches and public or private schools in the county's deer winter range.

Moreover, where two portions of the code are contradictory, the more specific provision controls. Here, DCC 18.88.040 specifically prohibits churches, whereas the challenged decisions' interpretation is of a more general provision. The Hearings Officer's interpretation cannot be reconciled with the more specific language in the prohibition on this use in deer winter range.



6) ***Property's use as commercial wedding event venue is principal use, not accessory use***

The Hearings Officer erred in characterizing the proposed use as an accessory use. The commercial wedding venue business on the property offers use of the property for three days. See Attachment 3. Thus the applicant customarily provides weddings over a three day period. With 18 weddings, that will be 54 days per year. Assuming the church meets on the customary 52 days per year, the number of days used for a wedding will exceed the number of days used as a church.

The applicant stated in a June 21, 2016 email to Deschutes County staff that he makes "zero income" from the church. See Attachment 4. By contrast, the applicant makes \$2900 for each wedding that has 250 guests. See Attachment 5, (listing the price of the wedding for 250 guests as \$2900.) The applicant's income from 18 weddings will be \$52,200. As approved, the applicant will earn \$52,200 per year from weddings and zero income from the church. The commercial event venue is not an accessory use but the principal use of the property. Use as a church cannot legitimize the principal use as a commercial event venue that is not, under these circumstances, otherwise allowed in the EFU zone. See *Smalley v. Benton County*, LUBA No. 2014-110 (2015):

"Filming that is incidental to a primary use of the property cannot legitimize that primary use, if it is otherwise not allowed in the EFU zone, and such incidental filming cannot bring that primary use within the scope of "on-site filming."

Commercial event venues are regulated under separate provisions of the county code. The Hearings Officer erred in not considering the proposed use as a primary use for a commercial wedding event venue.

7) ***DCC 18.124.030(5); Hearings Officer erred in not imposing mandatory standards on the church as a building that serves the general public; necessary justification for a condition of approval of a land use permit is that the condition's satisfaction is feasible***

The Hearings Officer exceeded her authority in exempting the approved church from mandatory requirements of the Deschutes County Building Code for churches, including those related to handicapped access and walkways. Churches serve the general public and are specifically listed in DCC 18.124.030 (5) ("The provisions of DCC 18.124.030 shall apply to the



following:...5. All other uses that serve the general public or that otherwise require parking facilities, including ... churches.") The church on the subject property is thus subject to the Required Minimum Standards of DCC 18.124.070. The Hearings officer erred in finding otherwise. HO, 33-36 ("I find there is no need to apply these criteria.")

Deschutes County Code does not provide for discretion in determining whether the minimum standards of DCC 18.124.030 shall be met, but rather uses the mandatory language "shall." *Id.* The county must require that the approved church provide safe access for those approaching the proposed "church" on foot, on a bicycle, or in a wheelchair, and must ensure that handicapped persons are not endangered by trying to cross the property, for example, where a walkway crosses a driveway. The Hearings Officer cannot make up exemptions from the county code provisions for churches as this is not a matter left to the discretion of county decision makers.

The Hearings Officer has determined in this decision that the farm dwelling is a "church." County Planning Code and County Building Code requirements that apply to churches in Deschutes County therefore apply to this structure outright. There is no room for discretion by the County Building Division. The County Hearings Officer erred in allowing the County Building Division discretion to vary from any mandatory requirement applicable to churches in Deschutes County. See HO at 39:

"If the County Building Division determines accessibility requirements are applicable to the proposed use..."

Through this approval the accessibility requirements are now applicable to the subject property. The Hearings Officer further erred in finding that Deschutes County Code requirements for access, egress, fire and life safety, and fire-fighting water supplies that protect the public in its use of public buildings in Deschutes County may be addressed at some later date "when" a specific structure and occupancy and type of construction is proposed." HO at 4. This finding ignores that through this decision, the Hearings Officer *has allowed* a specific existing residential structure approved as a farm dwelling to be used as a church.

The access, egress, fire and life safety, and fire-fighting water supplies, and handicapped doorway width, doorway ramp, and bathroom access requirements for churches and other public buildings in Deschutes County are unlikely to be compatible with residential use of the same



floor space. The County may not postpone to some later date a determination that it is feasible to reconcile the conflict between continued residential use of the structure by the applicant as living space on the one hand, and county building code requirements for illuminated exit signs, wide doorways, nonslip flooring, wheelchair ramps, exit routes, fire sprinkler systems, fire extinguishers, handicapped bathroom stall handrails, etc. on the other hand.

The time to address these substantial conflicts is now, while the public still has the right to participate. Because it is very likely that the necessary land use code and building code criteria cannot be reconciled with the existing design and proposed continued use of the structure as a primary residence, denial is required. See *Gould v. Deschutes County*, 227 Ore. App. 601, 611-612 (2009):

"Denial of an application, as opposed to postponement of consideration, is required if satisfaction of the approval criteria is not possible even with additional evidence. Moreover, a necessary justification for a condition of approval of a land use permit is that the condition can be met, that its satisfaction is feasible."

**8) *OAR 333-061; Hearings Officer erred in not finding the subject property has a "public water system"***

The Hearings Officer erred in not requiring the applicant to comply with the requirements for a Public Water System under OAR 333-061. The property's water system will provide water to over ten people at least seventy times per year. The property is a public establishment as a church and as a commercial wedding venue. Weekly church services will presumably occur 52 times per year, plus holidays, while the Hearings Officer's decision approves the use of the property as a public wedding venue for up to eighteen weddings per year for up to 250 people each time. According to the applicant's advertising for the wedding venue, copied below, each wedding lasts three days. See Attachment 1. If weddings last one day, that is seventy days per year. If weddings last three days, that is 52 church meetings, plus  $(18 \times 3) = 54$  wedding days, a total of one-hundred and six days per year. The subject property thus meets the definition of a Public Water System, triggering the compliance rules for operators of a Public Water System:

"OAR 333-061-0020(154): 'Public Water System' means a system for the provision to the public of piped water for human consumption, if such system has more than three service connections, or supplies water to a public or commercial establishment that operates a total of at least 60 days per year, and that is used by 10 or more individuals per day.



The Hearings Officer's decision approves use of the property for more than ten people for, at a minimum, seventy days. Thus the water system on the property meets the definition of a public water system. OAR 333-061-0020(154). The Hearings Officer exceeded her authority in not requiring the applicant to operate within the requirements of a public water system based on the applicant's promise that all commercial wedding venue clients will be required to bring bottled water.

"The applicant testified that attendees of outdoor weddings and/or wedding receptions are required to bring bottled water for consumption. The Hearings Officer finds that no permit is required prior to initiation of the proposed church uses." HO, 13.

The Hearings Officer lacks the discretion to refuse to apply OAR 333-061-0020 to the subject property. The dispositive requirement of the rule is met: the water system on the property supplies water to a public establishment, and the establishment *operates* a total of at least 60 days per year for over 10 individuals per day, regardless of who promises to do what.

The Hearings Officer misinterpreted and misapplied applicable law in finding that the "level of service" of the property's water system is "adequate." *Id.* ("I find that the level of service of this public facility is adequate to serve the place of worship as a result.") The question is not whether the Hearings Officer finds the level of service is adequate but whether the water supply to the establishment meets the objective definition of a public water system in OAR 333-061-0020. Since this decision approves use of the property for an establishment that meets the definition in the rule, the water supply to the property must be operated as a public water system. *Id.*

**Conclusion**

We urge you to reverse the Hearings Officer's decision for the reasons outlined above. Thank you for your attention to these views. Please consider this a formal for written notification of any decision in this matter.

Best regards,



Carol Macbeth  
Staff Attorney  
Central Oregon LandWatch



CDD COVER SHEET FOR SLR  
07/05/2001 15:07:17

PL  
1 PAGES



FILE ID	1411000000103PL20010705150717
TAXMAP	1411000000103
SERIAL	160620
DIVISION	PL
SITUS	71120 HOLMES RD
HOUSE#	71120
STREET	HOLMES
CONTENT	F&D WITH EXHIBIT "A" - MA019(CU0065)
LOCATED IN	ADDRESS FILE

*Land Watch*  
*September 13, 2016*  
*ATTACHMENT 1*





**DESCHUTES COUNTY  
PLANNING DIVISION**  
117 NW Lafayette Avenue, Bend, OR 97701  
(541) 388-6575  
FAX 385-1764



## CERTIFICATE OF NOTICE BY MAIL

**FILE NUMBER: MA-01-9 (CU-00-65)**

**DOCUMENTS MAILED: 1) Notice of Decision with Exhibit "A" to Decision  
2) Decision with Exhibit "A"**

**LOOKUP AREA : 750 Feet**

I certify that on 5 day of July, 2001, the attached notice/report, dated July 5, 2001, was mailed by first class mail, postage prepaid, to the person(s) and address(es) set forth on the attached list.

DATED this 5 day of July, 2001.

**COMMUNITY DEVELOPMENT DEPARTMENT**

By: CGM

Surrounding Property Owners within <b>750 feet</b> of subject property	Affected Agencies: <b>Total = 9</b> SEE LIST
<b>Applicant/Owner:</b> Darlene Woods PO Box 5608 Bend, OR 97708	<b>Applicant's Agent:</b> Dale VanValkenberg 160 NW 17 <sup>th</sup> Street Bend, OR 97701
Lynda Klempel Route 1 245A Terrebonne, OR 97760	



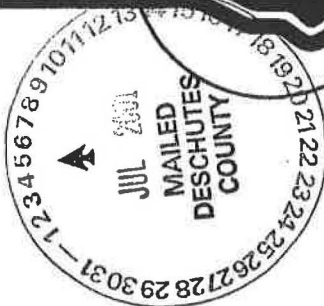
## Community Development Department

Planning Division • Building Safety Division • Environmental Health Division

117 NW Lafayette Avenue • Bend, Oregon • 97701-1925

(541) 388-6575 • FAX (541) 385-1764

<http://www.co.deschutes.or.us/cdd/>



### NOTICE OF DECISION

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

**FILE NUMBER:** MA-01-9 (CU-00-65)

**LOCATION:** The property has an assigned address of 71120 Holmes Road, Sisters, Oregon. The property is also identified as tax lot 103 on Assessor's Map No. 14-11 -0000.

**APPLICANT:** Darlene Woods

**AGENT:** Dale VanValkenberg

**PROPOSAL:** The applicant has proposed to modify the submitted application for a conditional use permit to allow the establishment of a farm-related dwelling on an approximate 216 acre non-high value parcel. The applicant proposes to modify CU-00-65 by proposing a new homesite location and modifying the farm management plan. The modified application indicates that the property currently supports 24 head of cattle, has perimeter fencing and watering troughs. The subject property is zoned Exclusive Farm Use-Lower Bridge (EFU-LB) and is within the Wildlife Area (WA) Combining Zone.

**STAFF CONTACT:** Chris Schmoyer, Associate Planner (541) 317-3151

#### APPLICABLE CRITERIA:

Title 18 of the Deschutes County Code, County Zoning.

Chapter 18.16, Exclusive Farm Use Zones.

Section 18.16.030, Conditional uses permitted.

Section 18.15.050, Standards for dwellings in the EFU zones.

Section 18.16.067, Farm management plans.

Section 18.16.070, Yards.

Section 18.16.080, Stream setbacks.

Chapter 18.88, Wildlife Area (WA) Combining Zone.

Section 18.88.060, Siting Standards.

Section 18.88.070, Fencing Standards.

Title 22, Deschutes County Code, County Uniform Land Use Procedures Ordinance

Chapter 22.20 Review of Land Use Action Application

Section 22.20.055, Modification of Application  
Oregon Administrative Rule (OAR)  
OAR 660-33-135, Dwellings in Conjunction with Farm Use

**DECISION:** Staff finds that the application satisfies all applicable criteria, and **approval is being granted** subject to the following conditions:

1. Approval is based upon the farm management plan and the plot plan. Any substantial alteration of the farm management plan or the plot plan shall require submittal of a new land use permit.
2. Lighting for all structures are subject to Section 15.10 of the DCC (Outdoor Lighting Control Ordinance).
3. In addition to compliance with the applicant's wildlife management plan (included as Exhibit "A"), the natural vegetation growing on the property shall be maintained as stated in number 5 of the applicant's wildlife management plan. This should be expanded to only allow the thinning of young juniper, less than 10 years old. Bitterbrush and sagebrush would not be removed and the pruning of juniper would not be allowed

This land use permit shall be void two years from the date this decision becomes final unless the permit is initiated or extended pursuant to Chapter 22.36 of the DCC.

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.

A copy 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, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.**



## Community Development Department

Planning Division • Building Safety Division • Environmental Health Division

117 NW Lafayette Avenue • Bend, Oregon • 97701-1925

(541) 388-6575 • FAX (541) 385-1764

<http://www.co.deschutes.or.us/cdd/>

### FINDINGS AND DECISION

**FILE NUMBERS:** MA-01-9 (CU-00-65)

**APPLICANT/  
OWNER:** Darlene Woods, dba Rosebud Construction  
PO Box 5608  
Bend, OR 97708

**APPLICANT'S  
AGENT:** Dale VanValkenburg  
160 NW 17<sup>th</sup> St  
Bend, OR 97701

**PROPOSAL:** The applicant has proposed to modify the submitted application for a conditional use permit to allow the establishment of a farm-related dwelling on an approximate 216 acre non-high value parcel. The applicant proposes to modify CU-00-65 by proposing a new homesite location and modifying the farm management plan. The modified application indicates that the property currently supports 24 head of cattle, has perimeter fencing and watering troughs. The subject property is zoned Exclusive Farm Use-Lower Bridge (EFU-LB) and is within the Wildlife Area (WA) Combining Zone.



**STAFF REVIEWER:** Chris Schmoyer, Associate Planner

#### I. APPLICABLE CRITERIA:

Title 18 of the Deschutes County Code, County Zoning.

Chapter 18.16, Exclusive Farm Use Zones.

Section 18.16.030, Conditional uses permitted.

Section 18.15.050, Standards for dwellings in the EFU zones.

Section 18.16.067, Farm management plans.

Section 18.16.070, Yards.

Section 18.16.080, Stream setbacks.

Chapter 18.88, Wildlife Area (WA) Combining Zone.

Section 18.88.060, Siting Standards.

Section 18.88.070, Fencing Standards.

Title 22, Deschutes County Code, County Uniform Land Use Procedures Ordinance

File No. CU-00-65, Woods/Van Valkenberg

Page 1

*Quality Services Performed with Pride*

Chapter 22.20 Review of Land Use Action Application  
Section 22.20.055, Modification of Application

Oregon Administrative Rule (OAR)  
OAR 660-33-135, Dwellings in Conjunction with Farm Use

**II. BASIC FINDINGS:**

- A. **LOCATION:** The subject property is at 71120 Holmes Road, Sisters. It is identified on County Assessor's Map Number 14-11-0000 (index) as tax lot 103.
- B. **ZONING:** The property is zoned Exclusive Farm Use – Lower Bridge Subzone (EFU-LB). It is designated Agriculture on the Deschutes County Comprehensive Plan and is also within the Wildlife Area (WA) Combining Zone.
- C. **LOT OF RECORD:** The subject property was verified to be a legal lot of record in County File No. LR-95-44.
- D. **SITE DESCRIPTION:** The subject property is approximately 216 acres in size and does not currently support any buildings or structures. The property fronts on the south side of Holmes Road. The property contains perimeter fencing and is currently devoted to the grazing of cattle. The parcel is adjacent to and located along the south side of Holmes Road and has an existing access road extending from Holmes Road to the general vicinity of the proposed homesite location. The property contains steep north-facing slopes and supports juniper trees and natural grasses and an unnamed stream that traverses the property along the northern boundary. All but approximately 80 acres of the subject property is situated within the Squaw Creek Irrigation District. The proposed site for the home is on land mapped as soil unit 63C.
- E. **SURROUNDING LAND USE:** The subject property is surrounded by parcels that are zoned Exclusive Farm Use. To the north of the subject property is an approximate 540 acre parcel that is devoted to cattle grazing and a guest ranch. The subject parcel abuts a large tract of federal-owned land to the south. Also adjacent and to the south is an approximate 80 acre parcel that contains a dwelling. Adjacent and to the east is an approximate 77 acre parcel that supports a dwelling. The aerial map that is the base for the soils map shows soil unit 63C has not historically been irrigated in this area. It is typically higher in elevation than the irrigated land.
- F. **PROPOSAL:** The applicant has proposed to modify the submitted application for a conditional use permit to allow the establishment of a farm-related dwelling on an approximate 216 acre non-high value parcel. The applicant proposes to modify CU-00-65 by proposing a new homesite location and modifying the farm management plan. The modified application indicates that the property currently supports 24 head of cattle, has perimeter fencing and watering troughs. The application indicates that the applicant is in the process of purchasing Squaw Creek Irrigation water. Based on the applicant's revised site plan, the proposed farm dwelling would be situated approximately 1,050 feet from the east property line, 112 feet from the south property line, 2,100 feet from the north property line and 1,591 feet from the west property line. The application includes a burden of proof statement that has been incorporated into the record herein by reference. According to the modified farm management plan and business plan, and verified by staff during a visit to the property on May 31, 2001, the subject property

currently supports:

- 1) 24 head of cattle
- 2) Fencing of the boundary of the subject property
- 3) Watering troughs that are filled with water that is hauled onto the property until such time a well is installed and electricity provided to the property.
- 4) Bails of hay for use as supplemental livestock feed that is hauled onto the property by the applicant.

In addition, the applicant indicates that they propose to incorporate hogs into the livestock operation following occupancy of the proposed farm dwelling. The applicant has submitted financial documents, soils and irrigation maps, a site plan and burden of proof statement in support of this application, which are incorporated herein by reference.

G. **SOILS:** According to Natural Resources Conservation Service (NRCS) maps of the area there are four (4) soil units mapped on the subject parcel:

1. 63C, Holmie-Searles complex, 0 to 15% slopes. This soil complex is composed of 50% Holmie soil and similar inclusions, 35% Searles soil and similar inclusions and 15% contrasting inclusions. The NRCS rates the production capability of both the Holmie and Searles soils as Class 6E. This soil complex comprises approximately 50% of the property and 100% of the homesite area would be situated on this soil type. This soil complex is not considered high value when irrigated.

2. 101E, Redcliff-Lickskillet-Rock Outcrop complex, 20 to 50 percent south slopes. This soil complex is composed of 60% Redcliff soil and similar inclusions, 20% Lickskillet and similar inclusions, 15% Rock outcrop and 5 percent contrasting inclusions. The NRCS rates the production capability of this soil type as Class 7 and 8. This soil complex comprises approximately 10% of the property. This soil complex is not considered high value when irrigated.

3. 106D, Redslide-Lickskillet complex, 5 to 30 percent north slopes. This soil complex is composed of 50% Redslide soil and similar inclusions, 35% Lickskillet and similar inclusions and 15% contrasting inclusions. The NRCS rates the production capability of this soil type as Class 6 and 7. This soil complex comprises approximately 30% of the property. This soil complex is not considered high value when irrigated.

4. 138B, Stukel Sandy Loam, 3 to 8 percent slopes. This soil complex is composed of 85% Stukel soil and similar inclusions and contrasting inclusions. The NRCS rates the production capability of this soil type as Class 6 nonirrigated and Class 4 where irrigated. This soil complex comprises approximately 10% of the property. This soil complex is not considered high value when irrigated.

H. **PUBLIC AGENCY TRANSMITTALS:** The Planning Division mailed notice of this application to several public agencies and received the following comments:

1. Deschutes County Assessor: Currently under deferral.
2. Deschutes County Environmental Health Division: A septic site evaluation is required.

3. County Address Coordinator: The address of record for this property is: 71120 Holmes Road, Sisters.

4. Oregon Department of Fish and Wildlife: Steven George, Deschutes District Wildlife Biologist, provided a letter, dated April 5, 2001, which states the following:

*We have had the opportunity to meet with the applicant and review her plans. The applicant's plan, as outlined in her March 21 letter with attachments, will provide for equal or greater protection for wildlife with the following recommendation. I would like the following recommendation considered in addition to the referenced plan by the applicant. The natural vegetation growing on her property should be maintained as stated in number 5 of her plan. These should be expanded to only allow the thinning of young juniper less than 10 years old. Bitterbrush and sagebrush would not be removed. Pruning of juniper would not be allowed.*

5. Cloverdale Fire Department: Property is (structural) unprotected. We have offered to provide service, however, they have not applied. Do not allow building when an applicant is refusing structural fire protection that would protect us all.

**STAFF COMMENT:** Staff is unable to require the applicant to enter into a contract with the Fire Department through this land use application as there are no applicable criteria pertaining to this request that would justify such a condition. Staff feels that the applicant should contact the Cloverdale Fire Department regarding fire protection services to the proposed farm dwelling as well to obtain information regarding driveway construction standards and any other applicable standards.

6. Watermaster-District 11: Our records show Squaw Creek irrigation district water rights on this parcel. The applicant needs to contact the district office to clear up any right-of-way or water right issues before final approval.

7. The following agencies submitted no written response or had no comments: Deschutes County Building Division and Squaw Creek Irrigation Districts.

I. **PUBLIC NOTICE:** The Planning Division mailed notice of this application to property owners of record on June 1, 2001 within 750 feet of the subject property. At the time of completion of this findings and decision, no written comments were received. The applicant complied with the posted notice requirements of Section 22.23.030 (B) of Title 22. The applicant submitted a Land Use Action Sign Affidavit dated June 1, 2001, that indicates that the applicant posted notice of the land use action on June 1, 2001.

K. **REVIEW PERIOD/PROCEDURAL HISTORY:** The Planning Division mailed a letter to the applicant's agent on July 19, 2000 notifying that the application was incomplete because the plot plan and farm management plan submitted with the application were inadequate. On July 26, 2000, the applicant's agent submitted a letter to the Planning Division requesting to extend the 150-day review clock for a period of 90 days (from July 20, 2000) to allow for submittal of the information requested by staff. The application was accepted and deemed complete on October 20, 2000. As previously mentioned, a notice of public hearing was mailed on November 22, 2000 to surrounding property

owners within 750 feet of the subject property and to the "Bulletin" newspaper for publication. The notice of the public hearing was published in the Bulletin Newspaper on Sunday, December 17, 2000 as evidenced by the "Affidavit of Publication" in the record. On December 6, 2000, the applicant's agent submitted a letter to the Planning Division requesting to continue the public hearing scheduled for January 9, 2001 until April 3, 2001 to allow time for the applicant to complete physical improvements to the property in the spring. The letter also stated that the applicant waives the 150-day review timeline for this application in its entirety.

The scheduled public hearing was held on January 9, 2001 at 7 pm at which time staff announced the applicant's request for continuance of the hearing until April 3, 2001 and public testimony was provided by Lynda Klempel, an adjacent property owner. Lynda Klempel is an owner of property identified as tax lot 3000 on County Assessor's Map 14-11-0000 (index) and has an assigned property address of 19561 NW Lower Bridge Way, Sisters, which is adjacent and to the south of the subject property. Ms. Klempel provided the Hearings Officer with six (6) photographs of the subject property that were entered into the record as Exhibit Nos. 1 through 6. Ms. Klempel also testified that she believes that property to be unsuitable for farm use. Notification of cancellation of the April 3, 2001 was mailed to surrounding property owners, parties and agencies on March 22, 2001. The Hearings Officer issued an Order, dated March 26, 2001, that was mailed March 27, 2001 indicating that the public hearing scheduled for April 3, 2001 would be continued until June 2001, unless a modified application was submitted as proposed by the applicant or the application was withdrawn. On May 22, 2001, the applicant submitted the application for modification. On May 25, 2001, the Planning Division mailed notice to parties regarding the cancellation of the continued public hearing scheduled for June 5, 2001.

### III. CONCLUSIONARY FINDINGS:

#### Title 18 of the Deschutes County Code, County Zoning.

##### A. Chapter 18.16, Exclusive Farm Use Zones.

1. Section 18.16.030, Conditional uses permitted -High value and nonhigh value farmland

*The following uses may be allowed in the Exclusive Farm Use zones on either high value farmland or nonhigh value farmland subject to applicable provisions of the Comprehensive Plan, DCC 18.16.040 and 18.16.050, and other applicable sections of DCC Title 18.*

...

**A. Dwellings customarily provided in conjunction with farm use (farm-related dwellings).**

**FINDING:** The applicant has applied for a conditional use permit for a farm related dwelling on non-high value farmland in the EFU-LB zone. This proposal is being reviewed against the approval criteria in DCC Section 18.16.050(A) which are addressed in the body of this report.

2. Section 18.15.050, Standards for dwellings in the EFU zones.



**Dwellings listed in DCC 18.16.030 may be allowed under the conditions set forth below for each kind of dwelling:**

**A. Farm-related dwellings on nonhigh value farmland. A dwelling customarily provided in conjunction with farm use, as listed in DCC 18.16.030(A), may be approved if it satisfies any of the alternative tests set forth below:**

**1. Acreage test.**

**a. On land not identified as high-value farmland, a dwelling, including a manufactured home in accordance with DCC 18.116.070, is considered to be customarily provided in conjunction with farm use if:**

**i. The parcel on which the dwelling will be located is at least:**

**a. One hundred sixty acres and not in the Horse Ridge East subzone;**

**FINDING:** The subject property is approximately 216 acres in size and is located in the Lower Bridge subzone. Staff finds this criterion to be satisfied.

**ii. The subject tract is currently employed for farm use, as evidenced by a farm management plan;**

**FINDING:** Based on the applicant's burden of proof statement, County Assessment information and observations made by staff during a visit to the site on May 31, 2001, the subject property is currently employed for farm use. According to the farm management plan in the applicant's burden of proof statement, the applicant is currently grazing 24 head of cattle on the property. Staff observed the cattle on the property during the visit to site as well as watering troughs, several bails of hay and new perimeter fencing on the property.

Staff finds that OAR 660-33-0135(1)(b) states: "*The subject tract is currently employed for farm use, as defined in ORS 215.203.*" ORS 215.203(2)(a) provides the following definition for farm use:

*As used in this section, "farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this*

subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267 (1)(e) or 321.415 (5).

ORS 215.203(2)(b) provides the following definition for current employment for farm use:

(b) "Current employment" of land for farm use includes:

(A) Farmland, the operation or use of which is subject to any farm-related government program;

(B) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;

(C) Land planted in orchards or other perennials, other than land specified in subparagraph (D) of this paragraph, prior to maturity;

(D) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;

(E) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;

(F) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213 (1)(y) and 215.283 (1)(v);

(G) Water impoundments lying in or adjacent to and in common ownership with farm use land;

(H) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;

(I) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;

(J) Any land described under ORS 321.267 (1)(e) or 321.415 (5); and

(K) Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing.

(c) As used in this subsection, "accepted farming practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

Staff finds that the applicant's existing livestock operation qualifies as a farm use as provided under ORS 215.203 and that livestock grazing is a use that is considered an accepted farming practice that is common to farms in the area. Based on the above, staff finds that the subject property is currently employed in a farm use and therefore satisfies this criterion.

3. Section 18.16.067, Farm management plans.

**A. Contents. A farm management plan shall consist of the following components:**

1. ***A written description of existing and/or proposed farm uses, including type of crops or livestock, size and location of areas for each use, and land or soil preparations required.***

**FINDING:** The applicant has proposed to modify the submitted application for a conditional use permit (CU-00-65) to allow the establishment of a farm-related dwelling on an approximate 216 acre, unirrigated, non-high value parcel. The applicant proposes to modify CU-00-65 by proposing a new homesite location and modifying the farm management plan. The modified application indicates that the property currently supports 24 head of cattle, has perimeter fencing and watering troughs. The applicant has submitted financial documents, photographs, soils and irrigation maps, a site plan and burden of proof statement in support of this application, which are incorporated herein by reference. According to the modified farm management plan and business plan, and verified by staff during a visit to the property on May 31, 2001, the subject property currently supports 24 head of cattle, has perimeter fencing along the boundary of the subject property, watering troughs for livestock that are filled with water that according to the applicant will be hauled onto the property until such time a well is installed and electricity provided to the property. The applicant also indicates that they intend to obtain water rights from Squaw Creek Irrigation District. In addition, the applicant indicates that they propose to incorporate approximately 30 hogs into the livestock operation following occupancy of the proposed farm dwelling. The applicant's plot plan depicts the location of areas that are used for livestock grazing. Based on the above findings and the applicant's burden of proof statement, staff finds this criterion to be satisfied.

2. ***An assessment of the soils, climate and irrigation on the parcel demonstrating that the parcel is suitable for the current or proposed use outlined in DCC 18.16.067(A)(1).***

**FINDING:** Basic Finding G describes the soils on the property. According to NRCS data, soils on the property contain the following native plants: western juniper, mountain big sagebrush, big bluegrass, antelope bitterbrush, Idaho fescue, needleandthread, western needlegrass, thurber needlegrass, thickspike wheatgrass, prairie junegrass, antelopes bitterbrush, shrubby buckwheat and Indian rice grass. NRCS identifies the major use of these soil types on the property as livestock grazing. The climate of this area is characterized by a short growing season and a harsh, dry climate that is cold in winter and hot in summer. Cattle ranching is a big part of the history of this area with Long Hollow Ranch located adjacent and to the north of the subject property. Although the property does not have water rights for irrigation, the property is still considered to be suitable for the proposed use of livestock grazing due to the size of the property and the number of cattle (24) that will only be grazed on the property seasonally (between the months of March through August). Additionally, the application indicates that hay will be hauled onto the property as supplemental feed for the livestock. Based on the above findings and the applicant's burden of proof statement, staff finds this criterion to be satisfied.

3. ***A business plan, including a demonstration that markets exist for the product; estimates of gross sales or actual figures concerning necessary expenditures; and a list of capital expenditures incurred or projected to be incurred in establishing the farm use on the parcel.***

**FINDING:** The applicant's burden of proof statement indicates that she currently partakes in the purchase and sale of hogs and cattle in Central Oregon through the Central Oregon Livestock Auction. The application also states that Ms. Woods operates a cattle operation on property she owns on Innes Market Road and that hay will be provided to the subject property from a hay hauler located on property next to her Innes Market Road property. The applicant includes a business plan and information to document markets exist for her products, as well as a list of estimated gross sales and projected and actual capital expenditures. Based on the above findings, the applicant's business plan, farm management plan, as well as documentation in the record regarding the purchase and ownership of livestock, staff finds this criterion to be satisfied.

4. ***A written description of the farm uses in the area, including acreage, size and type of crop or livestock raised showing that the proposed plan is representative of similar farm uses, if any, in the area and will not conflict with the existing agricultural types.***

**FINDING:** The applicant's burden of proof statement indicates that the property is within the Exclusive Farm Use-Lower Bridge subzone (EFU-LB), but is physically differentiated from the core area of the EFU-LB subzone by the canyon walls and rimrock. Surrounding farms include the Long Hollow Ranch, an approximate 540 acre cattle ranch and guest ranch with over 235 acres of irrigated pasture. The adjacent property to the west was approved in 1995 for a farm dwelling for a similar grazing operation (John Bryan). Other nearby farms are beyond Long Hollow Ranch to the north and east and are characterized by the Deschutes County Agricultural Profile (Comprehensive Plan Resource Element) as "irrigated field crops, hay and pasture." Based on the above, staff finds that the subject property is representative of dry land cattle ranches in the area that will not conflict with the existing agricultural types in the area.

5. ***For farm uses not currently practiced in the area, an analysis showing that the plan is representative of the type of agriculture proposed.***

**FINDING:** Staff finds this criterion is not applicable because the subject property is currently employed for farm use.

- iii. ***The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.***

**FINDING:** The applicant's burden of proof statement indicates that the applicant and her family are the intended occupants of the residence. The applicant contends that an on-site residence is necessary in order to efficiently manage the livestock operation on the property. The applicant's farm management plan describes the day-to-day activities of the operation which includes: check the general health of the animals, delivery time and early feeding of the calves, periodic inspection of the watering troughs to ensure that contain adequate water, clean and inspect animal shelters, inspection and repair of fencing and routine counting of livestock. According to the farm management plan other duties include: halter training, vaccinating, worming, administer general shots, provide supplemental feed as needed and close supervision of young calves and piglets especially during calving period. Based on the above findings and the applicant's farm management plan, staff finds this criterion to be satisfied.

**iv. There is no other dwelling on the subject tract;**

**FINDING:** The Deschutes County Assessor records do not show a house or any improvements are assessed on the subject property. Based on this fact and a visit to the site, staff finds there is no other dwelling on the subject tract. The proposal meets this criterion.

**v. The dwelling will be located on the least productive part of the parcel.**

**FINDING:** The applicant indicates that the homesite location proposed by the modified application is a less productive area of the property than the previous proposed homesite location. The farm dwelling is proposed for a location of the property that contains 63C, Holmzie-Searles complex. Unit 63C is composed of 0 to 15% slopes and is a soil complex that is composed of 50% Holmzie soil and similar inclusions, 35% Searles soil and similar inclusions and 15% contrasting inclusions. The NRCS rates the production capability of both the Holmzie and Searles soils as Class 6E. This soil complex comprises approximately 50% of the property and 100% of the homesite area would be situated on this soil type. This soil complex is not considered high value when irrigated.

The property also contains the following soil types:

- 1) Soil Unit 101E, Redcliff-Lickskillet-Rock Outcrop complex, 20 to 50 percent south slopes. This soil complex is composed of 60% Redcliff soil and similar inclusions, 20 percent Lickskillet and similar inclusions, 15% Rock outcrop and 5 percent contrasting inclusions. The NRCS rates the production capability of this soil type as Class 7 and 8. This soil complex comprises approximately 10% of the property. This soil complex is not considered high value when irrigated.
- 2) Soil Unit 106D, Redslide-Lickskillet complex, 5 to 30 percent north slopes. This soil complex is composed of 50% Redslide soil and similar inclusions, 35 percent Lickskillet and similar inclusions and 15% contrasting inclusions. The NRCS rates the production capability of this soil type as Class 6 and 7. This soil complex comprises approximately 30% of the property. This soil complex is not considered high value when irrigated.
- 3) 138B, Stukel Sandy Loam, 3 to 8 percent slopes. This soil complex is composed of 85% Stukel soil and similar inclusions and contrasting inclusions. The NRCS rates the production capability of this soil type as Class 6 nonirrigated and Class 4 where irrigated. This soil complex comprises approximately 10% of the property. This soil complex is not considered high value when irrigated.

Regarding Soil Unit 101E above, this soil type is associated with the canyon area on the property and therefore is not practicable for the construction of the proposed dwelling. Soil Unit 138B is situated along the northeastern portion of the property and is considered a better soil type than Unit 63C with rating of 6 and 4 and maximum slopes of 8 percent. Soil Unit 106D is a complex soil that is composed of agricultural classification ratings of 6 and 7, with slopes ranging between 5 and 30 percent. Staff finds that the 106D soils on the property predominantly contain steep north-facing slopes that are not practicable for the construction of a dwelling. Based on the applicant's burden of proof statement, analysis of County aerial photograph, NRCS soils maps, a

USGS topographical map, staff's visit to the site, coupled with the above findings, staff finds the proposal meets this criterion.

4. Section 18.16.070, Yards.

**FINDING:** Based on the applicant's revised site plan, the proposed farm dwelling would be situated approximately 1,050 feet from the east property line, 112 feet from the south property line, 2,100 feet from the north property line and 1,591 feet from the west property line. The proposed homesite meets or exceeds the required setback required in the EFU Zone, including the solar setback requirements under DCC 18.116.170-180.

**B. Chapter 18.88, Wildlife Area (WA) Combining Zone.**

1. Section 18.88.040, Uses permitted conditionally.

**FINDING:** An application for a conditional use permit for a farm dwelling has been submitted and the applicable criteria are addressed above. A dwelling is not a use that is prohibited under subsection B of this section.

2. Section 18.88.060, Siting Standards.

**A. *Setbacks shall be those described in the underlying zone with which the WA zone is combined.***

**FINDING:** The subject property is within the EFU-LB zone. The setbacks in the EFU zone are addressed in a foregoing finding.

**B. *The footprint, including decks and porches, for new dwellings shall be located entirely within 300 feet of public roads, private roads or recorded easements for vehicular access existing as of August 5, 1992 unless it can be found that:***

**1. *Habitat values (i.e., browse, forage, cover, access to water) and migration corridors are afforded equal or greater protection though a different development pattern;***

**FINDING:** The applicant previously proposed to situate the homesite within 300 feet of an existing road identified as a "jeep" road. As part of the modified application, the applicant proposes to situate the homesite beyond 300 feet from a public road, private road or recorded easements for vehicular access existing as of August 5, 1992. The applicant's burden of proof statement provides the following in response to this criterion:

*Applicant proposes to locate the dwelling site and human activity areas, outside the 300 foot area, fact is the jeep road area is in the center of the corridor where the wildlife travel and browse. The new dwelling site is proposed to be at the East and South edge of the plateau rimrock area. This location will provide the least impact on the wildlife habitat considering browse, forage, cover, access to water and migration corridors. The subject property has a unique topography in that there is a plateau atop a rimrock cliff along the East and South side. This is the least productive area for the natural bunch grass that covers the property. The remainder of the property will be used for cattle grazing and a hog operation/pinned area. The wildlife will have full access to the*

property in the same manner as they do now. As this location will not change their corridors or natural habits they have now and the past many years. Due to the fact that the home and human activities will be all on the rimrock area. And not located in the middle of their corridor. The proposed driveway from the jeep road will also provide a fire break road and this will benefit the wildlife as well as home owner and BLM properties. Applicant feels this dwelling location will provide the least possible impact on wildlife habitat, considering browse, forage cover, access to water and migration corridors. Applicant is in the process of purchasing Squaw Creek Irrigation water.

On 3-19-01, conference with Steven George From ODFW, developing a management plan for Wildlife on my property. My desire to put the home and farm operation area away from the middle of the property to enable me to stay out of the corridor area used by the wildlife. We have agreed to a plan that works with cattle management and wildlife management. This property is large enough to handle on residence a small cattle operation and hog farm, but still not hinder the natural habitats of any wildlife that is already established there or will come there. The plan outline to be as stated below:

1. Browsing area would not be disturbed by any building along the middle of the property, also along the road in and out. This keeps the corridor open.
2. Human activities and barn area and pinned areas will be located totally on the S.E. corner of the plateau near the rimrock, follow-all regulations for set-backs.
3. Applicant would plant a buffer zone of mixed trees to provide a buffer zone for the wildlife and the human activities. This would include, but not limited to Aspens, Birch, Ponderosa pines, Maples, and Dogwoods. Middle size shrubs would be included in the landscape buffer plan. Applicant would stay with a lot of the natural shrubs that Steven mentioned. The buffer would be on the south, west and north sides of the human activity area and farm operations area.
4. Management of this acreage would follow along the lines to keep it in its natural state. Cutting the many small juniper trees, to promote the natural growth of the sagebrush, bitter brush and bunch grasses.
5. Applicant is in the process of purchasing irrigation water from Squaw Creek Irrigation District, using this water to promote natural grasses to grow. Applicant is planting a plot of pine trees around 300 feet to make a larger buffer from the center of the property.
6. Steven George would like it, if the cattle could be moved to another area during the months of September through February each year. This would allow some growth for winter feeding needs for the wildlife. He asked how large a herd I would have, I state about 25 head at any one time. He liked the idea of a smaller herd. I agreed to taking the cattle to another grazing area in the in the fall and winter months. I want the grazing areas to not be over grazed either as it benefits my cattle operations to have that natural vegetation coming back each year. A farm plan is a better plan if it benefits all resources, private and natural.
7. Fencing is about to start and will be built according to regulations for wildlife friendly according to Section 18.88.070, Fencing standards Distance between the ground and bottom strand or board is 15 inches. Height will not exceed 48 inches.
8. This property will have one family home on it and only one road to the home. There will be very little road usage on the property due to the type of farming operation present there. This works well due to the type of farming operation present there. This works well on this rocky type of land and yet it can still produce a profit and benefit the local community and merchants. By clearing out

*the small juniper trees this operation will also help the wildlife in the area. We all will benefit from this site location.*

The record includes a letter from Steve George, District Wildlife Biologist with the Oregon Department of Fish and Wildlife, dated April 5, 2001, which states *"The applicants plans, as outlined in her March 21 letter with attachments, will provide for equal or greater protection for wildlife with the following recommendation. I would like the following recommendation considered in addition to the referenced plan by the applicant. The natural vegetation growing on her property should be maintained as stated in number 5 of her plan. This should be expanded to only allow the thinning of young juniper, less than 10 years old. Bitterbrush and sagebrush would not be removed. Pruning of juniper would not be allowed."*

Included as part of the applicants plans "in her March 21st letter", as referenced in the letter from Steven George, is the applicant's plot plan submitted with this modified application. According to the applicant's plot plan, the proposed farm dwelling would be situated approximately 1,050 feet from the east property line, 112 feet from the south property line, 2,100 feet from the north property line and 1,591 feet from the west property line. This proposed homesite is beyond 300 feet from a public roads, private roads or recorded easements for vehicular access existing as of August 5, 1992, however, based on ODFW's review and recommendation of the proposed homesite location, staff finds that the proposal can afford habitat values (i.e., browse, forage, cover, access to water) and migration corridors equal or greater protection though the proposed development pattern through compliance with the Wildlife Management Plan and the additional recommendation by ODFW referenced in his April 5, 2001 letter. Staff finds that in order to be afforded "equal or greater protection," compliance with the Wildlife Habitat Plan (Included as Exhibit "A" of this decision), and the recommendations of the wildlife biologist with ODFW is necessary, thus, they will be made conditions of approval. Based on the above findings, and through compliance with conditions of approval, staff finds that this criterion can be satisfied.

2. Section 18.88.070, Fencing Standards.

**A. New fences in the Wildlife Area Combining Zone shall be designed to permit wildlife passage. The following standards and guidelines shall apply unless an alternative fence design which provides equivalent wildlife passage is approved by the County after consultation with the Oregon Department of Fish and Wildlife:**

**1. The distance between the ground and the bottom strand or board of the fence shall be at least 15 inches.**

**2. The height of the fence shall not exceed 48 inches above ground level.**

**3. Smooth wire and wooden fences that allow passage of wildlife are preferred. Woven wire fences are discouraged.**

**B. Exemptions:**

**1. Fences encompassing less than 10,000 square feet which surround or are adjacent to residences or structures are exempt from the above fencing standards.**

**2. Corrals used for working livestock.**

**FINDING:** The applicant has installed a new fence and indicates in her burden of proof statement that it was constructed in accordance the above standards.



**IV. CONCLUSION:**

Based on the application materials and plot plan submitted by the applicant and the above analysis, staff concludes this application for a farm related dwelling on non-high value farmland in the EFU-LB zone conforms to the standards for approval if conditions identified above are applied.

Other permits may be required. The applicant is responsible for obtaining any necessary permits and meeting the requirements of the Deschutes County Building Division, the Deschutes County Environmental Health Division and the Deschutes County Road Department, as well as obtaining any required state and federal permits.

**NOTE:** The applicant is advised to contact the Cloverdale Fire Department regarding fire protection services to the proposed farm dwelling as well to obtain information regarding driveway construction standards and any other applicable standards.

**V. DECISION:**

**APPROVAL**, subject to the following conditions of approval.

**VI. CONDITIONS OF APPROVAL:**

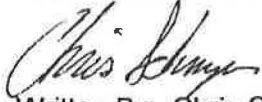
1. Approval is based upon the farm management plan and the plot plan. Any substantial alteration of the farm management plan or the plot plan shall require submittal of a new land use permit.
2. Lighting for all structures are subject to Section 15.10 of the DCC (Outdoor Lighting Control Ordinance).
3. In addition to compliance with the applicant's wildlife management plan (included as Exhibit "A") the natural vegetation growing on the property shall be maintained as stated in number 5 of the applicant's wildlife management plan. This should be expanded to only allow the thinning of young juniper, less than 10 years old. Bitterbrush and sagebrush would not be removed and the pruning of juniper would not be allowed

**VII. DURATION OF APPROVAL:**

The applicant shall apply for a building or placement permit for the farm-related dwelling from the County Building Division within two (2) years from the date this decision becomes final, or obtain an extension of time pursuant to Section 22.36.010 of the County Code, or this conditional use permit shall be void.

This decision becomes final twelve (12) days from the date of this mailing unless appealed by a party of interest.

**DESCHUTES COUNTY PLANNING DIVISION**



Written By: Chris Schmoyer, Associate Planner



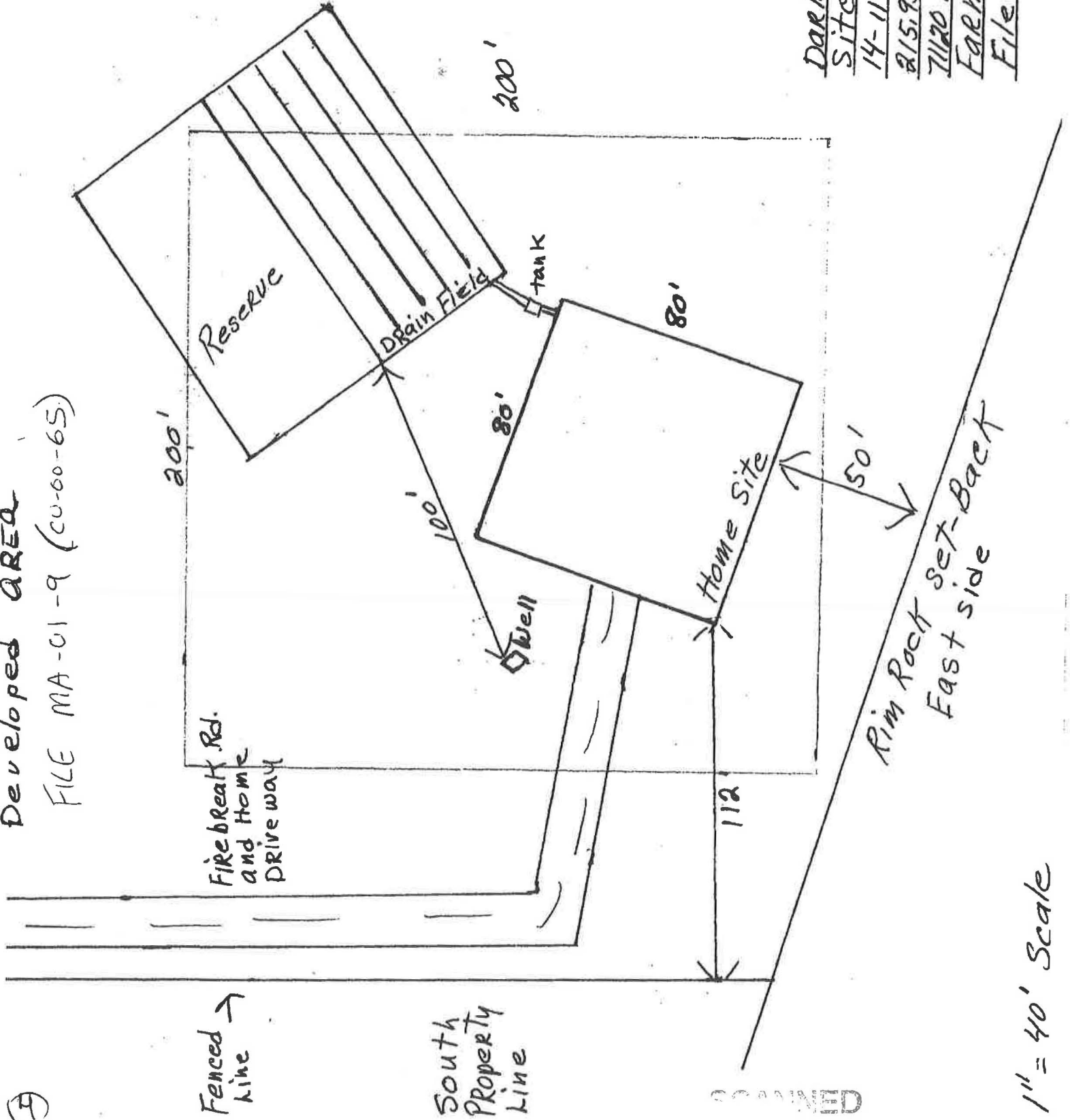
Reviewed By: Kevin M. Harrison, Principal Planner

CRS:slr

NORTH

Developed AREA  
FILE MA-01-9 (CU-00-65)

Darlene Woods  
Site Plan  
14-11- Sec 1, 12, 7th.  
215.95 AC.  
1120 Holmes Rd.  
Farmer Dwelling  
File No. CU0065



1" = 40' Scale





Under B

Reason for applicant to propose a different site plan from the standard 300' from a road in WA areas.

On 3-19-01, conference with Steven George from ODFW, developing a management plan for Wildlife on my property. My desire to put the home and farm operation area away from the middle of the property to enable me to stay out of the corridor area used by the wildlife. We have agreed to a plan that works with cattle management and wildlife management. This property is large enough to handle one residence a small cattle operation and hog farm, but still not hinder the natural habitats of any wildlife that is already established there or will come there.

The plan outline to be as stated below:

1. Browsing area would not be disturbed by any building along the middle of the property, also along the road in and out. This keeps the corridor open.
2. Human activities and barn area and pinned areas will be located totally on the S.E. corner of the plateau near the rimrock, follow all regulations for set-backs.
3. Applicant would plant a buffer zone of mixed trees to provide a buffer zone for the wildlife and the human activities. This would include but not limited to, Aspens, Birch, Ponderosa pines, Maples, and Dogwoods. Middle size shrubs would be included in the landscape buffer plan. Applicant would stay with a lot of the natural shrubs that Steven mentioned. The buffer would be on the south, west and north sides of the human activity area and farm operations area.
4. Management of this acreage would follow along the lines to keep it in it's natural state. Cutting the many small juniper trees, to promote the natural growth of the sage brush, bitter brush and bunch grasses.
5. Applicant is in the process of purchasing irrigation water from Squaw Creek Irrig., using this water to promote natural grasses to grow. Applicant is planting a plot of pine trees around 300, to make a larger buffer from the center of the property.

6. Steven George would like it, if the cattle could be moved to another area during the months of Sept. through Feb. each year. This would allow some growth for winter feeding needs for the wildlife. He asked how large a herd I would have, I stated about 25 head at any one time. He liked the idea of a smaller herd. I agreed to taking the cattle to another grazing area in the fall and winter months. I want the grazing areas to not be over grazed either as it benefits my cattle operations to have the natural vegetation coming back each year. A farm plan is a better plan if it benefits all resources, private and natural.
7. Fencing is about to start and will be built according to regulations for wildlife friendly according to Section 18.88.070, Fencing Standards Distance between the ground and bottom strand or board is 15 inches. Height will not exceed 48 inches.
8. This property will have one family home on it and only one road to the home. There will be very little road useage on the property due to the type of farming operation present there. This works well on this rocky type of land and yet it can still produce a profit and benefit the local community and merchants. By clearing out the small juniper trees this operation will also help the wildlife in the area. We all will benefit from this site location.

*Darlene Woods*

ID	NAME	ADDRESS	CITY	STATE.ZIP	GROUP
1	BEND FIRE DEPARTMENT	5 NW MINNESOTA	BEND	OR97701	FD
2	BLACK BUTTE FIRE DEPARTMENT	P O BOX 8190	BLACK BUTTE	OR97759	FD
3	CLOVERDALE FIRE DEPARTMENT	68787 GEORGE CYRUS ROAD	SISTERS	OR97759	FD
4	LAPINE FIRE DEPARTMENT	POST OFFICE BOX 10	LAPINE	OR97739	FD
5	REDMOND FIRE DEPARTMENT	341 W. DOGWOOD	REDMOND	OR97756	FD
6	SISTERS FIRE DEPARTMENT	POST OFFICE BOX 1509	SISTERS	OR97759	FD
7	SUNRIVER FIRE DEPARTMENT	POST OFFICE BOX 3278	SUNRIVER	OR97707	FD
8	TOLLGATE FIRE DISTRICT	C/O P.O. BOX 1509	SISTERS	OR97759	FD
9	ARNOLD IRRIGATION DISTRICT	19885 ROCKING HORSE ROAD	BEND	OR97702	I
10	CENTRAL OREGON IRRIGATION DISTRICT	2598 N HWY 97	REDMOND	OR97756-1219	I
11	ROATS WATER SYSTEMS	61147 HAMILTON LANE	BEND	OR97702	I
12	SQUAW CREEK IRRIGATION DISTRICT	P O BOX 2230	SISTERS	OR97759 2230	I
13	SWALLEY IRRIGATION DISTRICT	POST OFFICE BOX 5126	BEND	OR97708-5126	I
14	TUMALO IRRIGATION DISTRICT	64697 COOK AVENUE	BEND	OR97701	I
15	AVION WATER COMPANY	60813 PARRELL ROAD	BEND	OR97702	MISC
16	LAPINE SANITARY & SEWER DISTRICT	c/o KEN TRAVIS, P.O. BOX 1128	LAPINE	OR97739	MISC
17	CITY OF BEND - PLANNING DEPT	POST OFFICE BOX 431	BEND	OR97709	CI
18	CITY OF REDMOND - RON FUCHS	P O BOX 726	REDMOND	OR97756	CI
19	CITY OF SISTERS - NEIL THOMPSON	POST OFFICE BOX 39	SISTERS	OR97759	CI
20	BEND CABLE COMMUNICATIONS	POST OFFICE BOX 5067	BEND	OR97708-5067	MISC
21	BEND PARKS & RECREATION	200 PACIFIC PARK LANE	BEND	OR97701	MISC
22	BLACK BUTTE RANCH ARCH. REVIEW, MAR ILYN JACK	P O BOX 8000	BLACK BUTTE RANCH	OR97759	MISC
23	9-1-1	62420 HAMBY ROAD	BEND	OR97701	GO
24	DESCHUTES COUNTY ASSESSOR	1340 NW WALL STREET	BEND	OR97701	CO
25	DESCHUTES COUNTY BUILDING DIVISION	117 NW LAFAYETTE AVENUE	BEND	OR97701	CO
26	DESCHUTES COUNTY CODE ENFORCEMENT	117 NW LAFAYETTE AVENUE	BEND	OR97701	CO
27	DESCHUTES COUNTY COMMISSIONERS	117 NW LAFAYETTE AVENUE	BEND	OR97701	CO
28	DESCHUTES COUNTY ENVIR. HEALTH	117 NW LAFAYETTE AVENUE	BEND	OR97701	CO
29	DESCHUTES COUNTY ROAD DEPARTMENT	61150 S.E. 27TH STREET	BEND	OR97702	CO
30	SHERIFF'S DEPARTMENT/GREG BROWN	63333 HWY 20 WEST	BEND	OR97701	CO
31	LEGAL COUNSEL, PROPERTY MGMT. SPEC.	1130 N.W. BOND STREET	BEND	OR97701	GO
32	PROPERTY ADDRESS COORDINATOR	117 NW LAFAYETTE AVENUE	BEND	OR97701	CO
33	WATERMASTER - DISTRICT 11	1340 N.W. WALL, SUITE #100	BEND	OR97701-1939	CO
34	CASCADE NATURAL GAS COMPANY	334 N.E. HAWTHORNE AVENUE	BEND	OR97701	MISC
35	CENTRAL ELECTRIC CO-OP.	P.O. BOX 846	REDMOND	OR97756	MISC
36	MIDSTATE ELECTRIC	POST OFFICE BOX 127	LAPINE	OR97739	MISC
37	PACIFIC POWER & LIGHT	308 N.E. WEBSTER STREET	BEND	OR97701	MISC
38	TUMALO TOWN IMPROVEMENT DISTRICT	19806 SECOND STREET	BEND	OR97701	MISC
39	US WEST COMMUNICATIONS	100 N.W. KEARNEY	BEND	OR97701	MISC
40	BEND/LAPINE SCHOOL DISTRICT	560 N.W. WALL	BEND	OR97701	SD
41	REDMOND SCHOOL DISTRICT 2J	145 SE SALMON	REDMOND	OR97756	SD
42	SISTERS SCHOOL DISTRICT	P O BOX 5099	SISTERS	OR97759	SD
43	DEPT. ENV. QUALITY (DEQ)	2146 N.E. 4TH STREET	BEND	OR97701	ST
44	DEPT OF FISH & WILDLIFE, STEVEN GEO RBE	61374 PARRELL ROAD	BEND	OR97702	ST
45	DEPT. OF FORESTRY	ROUTE #2, BOX 357	PRINEVILLE	OR97754	ST
46	DEPT. GEOLOGY & MINERAL INDUSTRIES	1536 QUEEN AVENUE, S.E.	ALBANY	OR97321	ST
47	DLCD	20300 EMPIRE AVENUE #B-1	BEND	OR97701-5713	ST
48	DLCD	635 CAPITOL STREET NE, #200	SALEM	OR97301 2540	ST
49	DIVISION OF STATE LANDS	20300 EMPIRE AVENUE #B-1	BEND	OR97701-5713	ST
50	ODOT/AERONAUTICS/BERALD EAMES	3040 25TH STREET, S.E.	SALEM	OR97310-0100	ST
51	ODOT - ATTN: PETER RUSSELL	63034 O B RILEY ROAD	BEND	OR97701	ST
52	WATER RESOURCES DEPARTMENT	158 12TH STREET, N.E.	SALEM	OR97310	ST
53	BUREAU OF LAND MANAGEMENT	POST OFFICE BOX 550	PRINEVILLE	OR97754	US
54	DISTRICT RANGER, U.S. FOREST SERV.	1230 NE THIRD ST., #A-262	BEND	OR97701	US
55	SISTERS RANGER DISTRICT, D.N.F.	POST OFFICE BOX 249	SISTERS	OR97759	US
56	U.S. FOREST SERVICE	1230 N.E. THIRD STREET	BEND	OR97701	US
57	REDMOND AIRPORT	2522 S.E. AIRPORT WAY	REDMOND	OR97756	US
58	SUNRIVER OWNERS' ASSOCIATION	POST OFFICE BOX 3278	SUNRIVER	OR97707	MISC
59	SUNRIVER RESORT, L.P.	POST OFFICE BOX 3509	SUNRIVER	OR97707	MISC
60	SUNRIVER UTILITIES	POST OFFICE BOX 3699	SUNRIVER	OR97707	MISC
61	OREGON HEALTH DIVISION	P.O. BOX 14450	PORTLAND	OR97214	ST
62	OREGON STATE PARKS	20300 EMPIRE AVENUE #B-1	BEND	OR97701 5713	ST
63	STEVEN L. JORGENSEN	117 NW LAFAYETTE AVENUE	BEND	OR97701	CO
64	TERREBONNE DOMESTIC WATER DIST.	1110 C AVENUE	TERREBONNE	OR97760	I
65	CENTRAL OREGON PARK & REC. DISTRICT	P.O. BOX 843	REDMOND	OR97756	GO
66	CITY OF REDMOND - PUBLIC WORKS	875 SE SISTERS	REDMOND	OR97756	CI
67	MICHAEL HOUSER, HISTORIC PLANNER	117 NW LAFAYETTE AVENUE	BEND	OR97701	CO
68	LA PINE INDUSTRIAL GROUP INC	P O BOX 1440	LA PINE	OR97739	MISC
69	TOLLGATE PROPERTY OWNERS' ASSN	BOX 6100 TOLLGATE	SISTERS	OR97759	MISC
70	PACIFIC GAS TRANS. CO., ATTN: LAND DEPT.	1440 SE LAKE ROAD	REDMOND	OR97756	MISC

TOTAL = 9 N.O.D. For MA-01-9 (CU-00-65)



MA-01-9

1411000000101  
LHR LTD  
71105 HOLMES RD  
SISTERS OR 97759

1411000000103  
ROSEBUD CONTRACTING L L C  
PO BOX 5608  
BEND OR 97708

1411000000100  
BRYAN,JOHN FREDRICK  
PO BOX 2067  
SISTERS OR 97759

1411000000102  
DUTSON,THAYNE R  
DUTSON,MARGARET M  
4306 NW ARROWOOD CIR  
CORVALLIS OR 97330

14110000003000  
SPEAR,STEPHEN SCOTT  
KLEMPPEL,LYNDA JOYCE  
RT 1 245A  
TERREBONNE OR 97760

1411000000200  
USA  
NO ADDRESS ON RECORD

14120000001000  
DUTSON,THAYNE R  
DUTSON,MARGARET M  
4306 NW ARROWOOD CIR  
CORVALLIS OR 97330

14120000001199  
LAWRENCE,RENN M TRUSTEE OF REN]  
LAWRENCE,PATRICIA J TRUSTEE OF]  
RT 1 BOX 246  
TERREBONNE OR 97760

14120000001199  
LAWRENCE,RENN M TRUSTEE OF REN]  
LAWRENCE,PATRICIA J TRUSTEE OF]  
RT 1 BOX 246  
TERREBONNE OR 97760

1412000000899  
LAWRENCE,DAVID  
LAWRENCE,CHRISTINE  
RT 1 BOX 246  
TERREBONNE OR 97760

14120000001101  
BLAYLOCK,ALBERT J ETUX  
5088 PACIFICA DR PACIFIC BCH  
SAN DIEGO CA 92109

CDD COVER SHEET FOR SLR  
05/23/2001 15:00:33

PL  
1 PAGES



FILE ID	1411000000103PL20010523150033
TAXMAP	1411000000103
SERIAL	160620
DIVISION	PL
SITUS	71120 HOLMES RD
HOUSE#	71120
STREET	HOLMES
CONTENT	APP MATLS-MA019
LOCATED IN	ADDRESS FILE

*COLW, September 13, 2016  
Attachment 2*



**DESCHUTES COUNTY  
PLANNING DIVISION**

117 NW Lafayette Avenue, Bend, OR 97701

Phone: (541)388-6575 Fax: (541)385-1764 <http://newberry.deschutes.org>

**MODIFICATION OF APPLICATION**

**EVERY MODIFICATION OF APPLICATION SHALL INCLUDE:**

1. A completed application form.
2. Payment of required modification fees.
3. All new information to be considered in the application.

**PLEASE PRINT**

DATE SUBMITTED: 5/22/01 FEE: \$149<sup>00</sup>  
APPLICANT: Darlene Woods PHONE: (541) 382-3681  
MAILING ADDRESS: P.O. Box 5608 CITY: Bend ST: OR ZIP: 97708  
LAND USE APPLICATION BEING MODIFIED: CU-00-65  
PROPERTY DESCRIPTION: T 14 R 11 S \_\_\_\_\_ TAX LOT: 103

THE PLANNING DIRECTOR OR HEARINGS BODY SHALL NOT CONSIDER ANY EVIDENCE SUBMITTED BY OR ON BEHALF OF AN APPLICANT THAT WOULD CONSTITUTE MODIFICATION (AS THAT TERM IS DEFINED IN CHAPTER 22.04) UNLESS AN APPLICANT AGREES IN WRITING TO RESTART THE 150-DAY TIME CLOCK. SIGNATURE OF THE APPLICANT BELOW SIGNIFIES THAT THE APPLICANT AGREES TO RE-START THE 150-DAY TIME CLOCK AS OF THE DATE THE MODIFICATION IS SUBMITTED.

APPLICANT'S SIGNATURE: Darlene Woods DATE: \_\_\_\_\_

May 22, 2001

Chris Schmoyer, Associate Planner  
Deschutes County Planning Division  
117 NW Lafayette Avenue  
Bend, Oregon 97701

RE: Modification of application submittal for conditional use permit CU-00-65, Darlene Woods

Dear Chris:

As we discussed in March, the applicant would like to modify her pending application in two ways. First, by relocating the proposed homesite in accordance with the recommendations of ODF&W (see attached letter), and secondly by amending her farm plan to incorporate the raising of swine and reducing the number of cattle originally proposed to be grazed on the property. We further request that the public hearing on this matter scheduled for June 5, 2001, be cancelled, and that modified application be processed administratively.

Since we last spoke, Mrs. Woods has had the opportunity to complete physical improvements to the property as discussed in her farm plan. These include installation of perimeter fencing and watering troughs, allowing her move 24-head of cattle onto the property. While Mrs. Woods also intends to keep swine on the property, that will not be able to occur until she can permanently occupy the property. In any event, the current state of improvement and cattle on the property satisfy the requirement that the property be "currently employed" for farm use as required for issuance of a conditional use permit for a farm dwelling. Mrs. Woods is currently supervising the livestock from a travel trailer that she is temporarily occupying, in accordance with County Codes, pending approval of her conditional use permit.

Please accept this proposed modification in the form of the attached materials, the appropriate completed application form, and a check in the amount of \$149.

Sincerely,

  
Dale Van Valkenburg



# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Fish and Wildlife

High Desert Region  
61374 Parrell Road  
Bend, OR 97702  
(541) 388-6363  
FAX (541) 388-6281



April 5, 2001

Deschutes County Community Development  
Deschutes County Planning Division  
1130 N.W. Harriman  
Bend, OR 97701

Attn: Chris Schmoyer, Associate Planner

RE: CU-00-65, Darlene Woods

We have had to opportunity to meet with the applicant and review her plans.

The applicants plans, as outlined in her March 21 letter with attachments, will provide for equal or greater protection for wildlife with the following recommendation.

I would like the following recommendation considered in addition to the referenced plan by the applicant. The natural vegetation growing on her property should be maintained as stated in number 5 of her plan. This should be expanded to only allow the thinning of young juniper, less than 10 years old. Bitterbrush and sagebrush would not be removed. Pruning of juniper would not be allowed.

Please feel free to contact me if you need any further assistance.

Sincerely,

Steven George  
Deschutes District Wildlife Biologist  
[steven.w.george@state.or.us](mailto:steven.w.george@state.or.us)

cc: Darlene Woods



March 21, 2001

Chris Schmoyer, Associate Planner  
Deschutes County Planning Division  
117 NW Lafayette Avenue  
Bend, Oregon 97701

RE: Modification of application submittal for conditional use permit CU-00-65, Darlene Woods


Dear Chris:

As we discussed on the telephone this morning, the applicant would like to modify her pending application in two ways. First, by relocating the proposed homesite in accordance with the recommendations of ODF&W, and secondly by amending her farm plan to incorporate the raising of swine and reducing the number of cattle originally proposed to be grazed on the property. We further request that the public hearing on this matter scheduled for April 3, 2001, be cancelled, and that modified application be processed administratively. However, if this is not possible, please schedule a continued hearing at least six weeks from this date.

This period of time would allow Mrs. Woods the opportunity to complete all of the physical improvements to the property discussed in her farm plan and move the livestock onto the property, thus satisfying the requirement that the property be "currently employed" for farm use. Mrs. Woods will supervise the livestock from a travel trailer that she will temporarily occupy, in accordance with County Codes, pending approval of her conditional use permit.

Please accept this proposed modification in the form of the materials I submitted to you yesterday, accompanied on this date by a check in the amount of \$149 and the appropriate completed application form.

Sincerely,

  
Dale Van Valkenburg

3-601

To: Dale Van Valkenburg,

I have moved the home site to a less productive area of this property. So, please use new site plan and new developed area plan. I want to try this and see if we can do this, John Bryan was able to with your help. I have enclosed a copy of his plot plan and home site area.

I have 11 cows and 3 calves with one more cow coming and 9 more calves. Hogs will be a bit later this spring. I'm raising them in bunches of 3 with 12 hogs each time.

Fencing to start in next month, have all materials needed. The remainder of the road work to be done in April. 51,

I'll be out of town Mon 23rd. pm to Mon 27<sup>th</sup>. Taking adopted daughter to see birth mother in Santa Rosa, Co.

Chris and Assoc. only walked up part of the jeep road to other home site. Did see lots of rock (quote). Didn't walk enough to see the bunch grass areas.

I am waiting on the surveyor to place corners for the fencing.

I sure hope this can come to a close for all of us. I'm kinda tired of working on it. Let me know if I can do more!!

Darlene Woods

over

1 of 1

①

I have applied for a form name through  
the St. of Ore. Rosewood Forms, haven't heard  
back yet.

I do have a brand approved by State of Oregon  
by @ Foy (Rw) Don't have all the paper work  
back yet.

I have left a copy of elevation map with  
Steve George from ODFW Fish-Game  
he will be back Monday.

RECEIVED  
MAR 20 2001  
DESCHUTES COUNTY CDD



Subject: File No. CU0065

Request for Beefing up the Farm management and Business Plan, By Deschutes County Planner, Tracy White, Associate Planner at the time.

DCZO 18.16.050 (A)(1), requires the subject tract to be currently employed in a farm use, as evidenced by a farm plan. It also stipulates the components of a farm management in some detail. Included in the following components:

a. Description of existing and proposed farm uses, livestock, (cattle and hogs). Areas to be used for both animals are shown on the plot map, included in this folder.

**Burden of Proof:**

Woods has bought and sold 12, hogs to private parties and at Central Oregon Livestock Auction. Located just 20 miles to the North of Holmes Road property. Making the travel distance short for selling and purchasing of animals. Woods has purchased 12, cows about 7 to 8 months pregnant. To be grazed on other property Woods owns on Innes Mkt. Road, Bend, Or.. Also on leased property available to Woods. When fencing and shelters are completed on Holmes Rd. property, as well as a living residence, Woods feels animals and family will be able to live there. Woods feels a strong need to be in close supervision of these animals as stated in the Day To Day Activities. Purchase of more piglets will be as soon as they are weaned/ born 1st. of February, 01. Fencing to be completed late spring of 01, as well as shelters. Woods can bring in temporary housing when needed to be close to livestock. Water will be hauled until a well is ready and power is on the property. There is plenty of hay available in Central Oregon, as well as a hay hauler next door to Innes Mkt. Rd. property. Hog raising during the year to be 30 head, sold at Auction and to private parties. Prices are up the best they have been in many years.

**Farm Plan Day To Day Activities:**

Requiring the rancher/farmer to be there in person at all hours of the day and night. Each Am farmer will be required to check on the general health of the animals, especially during the breeding season, delivery time and early feeding of the calves. Water supply will need to be closely watched and refilled. Shelters need cleaned and new bedding material put in. Fencing needs to be inspected and repaired if needed. Animals need counted and returned if out of fenced area as soon as possible. Each PM/farmer, needs to check general health of all animals and most of all the new born calves and piglets. This is a good time to do halter training, vaccinating, worming, general shots needed, and grooming. Checking water again and supplemental feed. Supervision of calving period in case help is needed during delivery period. During this period of time, farmer would need to be on site 24 Hours a day until the baby's show signs of independence and feeding is going along smoothly, for young calves and piglets. Farmer also needs to keep a close watch on cows after delivery for signs of health problems. Piglets get out very easy and need to be returned as soon as possible to their pens so living on site while animals are there is vital to the well being of the farm operations and prosperity.

Applicant feels the 18.04.062 Agricultural Land Farm Use, Primary purpose to obtain a profit in money, by raising, harvesting and selling, etc.. MEETS THE criterion of a farm use, as evidenced by a farm management plan. Applicant has applied for a farm business name and a brand for cattle operation. Date; 2-20-01 Bye, Darlene Woods/ Owner

*Darlene Woods*

**RECEIVED**

**MAR 20 2001**

**DESCHUTES COUNTY CDD**

---

Subject: File No. CU0065

Request for Business Plan:

- c. A business plan, including a demonstration that markets exist for the product; estimates and gross sales figures; estimates and actual figures concerning necessary expenditures; list of capital expenditures incurred and projected to be incurred in the establishing the farm use on this property.

Markets are well established in Central Oregon for the raising and selling of cattle and hogs. Prices for both cattle and hogs is on the rise as evidenced by the sale each week at the Central Oregon Livestock Auction in Madras, or.. Where most livestock is sold in this area. Some of the livestock will be sold to private parties. According to USDA Soil Conservation Service Un-irrigated Redslide-Lickskillet soils will support one animal unit month (AUM) for 3 acres or roughly 70 AUMS for 216 acre parcel. A value for the dry rangeland production can be calculated as follows:

$30\text{days} \times 3\text{lbs./day/acre} = 30\text{lbs.}$   
 $\frac{30\text{lbs.}}{3.0\text{acres}}$   
 $30\text{lbs./acres} \times \$1.00/\text{lb.} = \$30.00/\text{acres}$   
 $\$30.00 \times 216/\text{acres} = \$6,480.00$

Capital investments to the site are to start early spring for fencing and shelters for cattle ( young) and hogs. Other stock items are purchased but used on other property, where cattle and hogs are at present.

Projected expenditures:	
Fencing new and repairs	\$ 5,700.00
Three sided shelters for calves and hogs	\$ 700.00
Stock watering tanks	\$ 105.00
Feeding trough for hogs	\$ 25.00
Purchases, Cattle and piglets	\$ 6,855.00
Drilling a well for livestock water & domestic	\$11,000.00
Livestock hauling cattle and hogs	\$ 420.00
Hog grain for five months	\$ 1,200.00
Wormer, shots and medicines	\$ 300.00
Total	\$26,405.00

Gross Sales for cattle and hogs, projected by sales at the Central Oregon Livestock Auction:	
Hogs 30 x .48¢	\$ 3,600.00
Cows broken mouth ( older )(12)	\$ 4,200.00
Heifers and steers (12) x 105.00/100/lb.	\$ 6,300.00
Total	\$14,100.00

Actual Gross Sales and Expenditures:	
Gross Sales Hogs	\$ 1,166.00
Purchase Price Hogs	\$ 490.00
Feed/grain/wormer	\$ 560.00
Hauling to Auction	\$ 30.00
Total	\$ 86.00
Inventory Two Hogs 500/lbs/ X .48¢	\$ 240.00

**RECEIVED**

**MAR 20 2001**

**DESCHUTES COUNTY GDD**

---



B Lazy S Ranch

**To: Darlene Woods**

**From: Bud Smith**

**Re: Feeding and Calving Your Bred Cows**

**Wanted to clarify the agreement we have on the 12 bred cows that you purchased. I will feed them until you have the property fenced and are prepared to care for them. If you choose to want them all calved out before we move them to your property, I will continue to feed them for you.**

**I am keeping track of the hay used each day, and have them in a separate lot. All the cows are doing fine, and 3 healthy calves are on the ground already. Feel free to stop by and see them any time. They are sure cute calves.**

**Sincerely,**

**Bud Smith**

*2-14-01*


**RECEIVED**

**MAR 20 2001**

**JESCHUTES COUNTY GDD**

CENTRAL OREGON LIVESTOCK AUCTION  
P.O. BOX 29  
MADRAS, OREGON 97741

BUYER: Darlene Woods  
ADDRESS: Bend, OR

TYPE OF LIVESTOCK	NO. HEAD	WEIGHT	AMOUNT	EXTRAS	TOTAL LIVESTOCK	
Cows	8	7985	3970 -			3970 -
						TOTAL EXTRAS
<input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input checked="" type="checkbox"/> JOURNAL	8	7985			GROSS AMOUNT	3970 -


*You have the original invoices  
This is just a copy of the breakdown  
on our copy - Received Ok # 0611 2/16/01  
for \$3970<sup>00</sup>. Paid in full  
Thank you  
Jean*

1. new calf born on 3-12-01
2. new calf born on 3-13-01
3. new calf born on 3-14-01

**RECEIVED**  
MAR 20 2001  
**DESCHUTES COUNTY OR**

CHANGE OF OWNERSHIP BRAND INSPECTION  
EXEMPTION AND TRANSPORTATION CERTIFICATE

GOOD FOR (1) HEAD ONLY

BREED	SEX	BRAND		EAR MARKS
		DESIGN	LOCATION	
BLK	Cow	Y	RH	R  L
OTHER BRANDS, DESCRIPTION OR CLEARANCE:				

Bud Smith, on this 5<sup>th</sup>  
day of March, 2001, do certify that I am

in lawful possession of the above described animal, that I hereby sell and transfer for a good and valuable consideration to me paid the livestock described herein to

Darlene Woods

POB 5608 Bend OR 97708  
ADDRESS CITY STATE ZIP

and that I have not sold more than fifteen (15) cattle during the past eight (8) days to the herein noted purchaser.

This certificate is issued by the seller and accepted by the buyer in lieu of brand inspection required under ORS 604.

Bud Smith

SELLER'S SIGNATURE

60640 Arnold Mkt Bend OR 97702  
ADDRESS CITY STATE ZIP

BY AGENT

This certificate does not authorize transportation of livestock out of Oregon.

The white copy must be sent within eight (8) days to the Oregon Department of Agriculture, Animal Identification, 635 Capitol Street NE, Salem, Oregon 97301-2532.

BUYER

CHANGE OF OWNERSHIP BRAND INSPECTION  
EXEMPTION AND TRANSPORTATION CERTIFICATE

GOOD FOR (1) HEAD ONLY

BREED	SEX	BRAND		EAR MARKS
		DESIGN	LOCATION	
Red W/A	Cow	BP	LH	R  L
OTHER BRANDS, DESCRIPTION OR CLEARANCE:				

Bud Smith, on this 5<sup>th</sup>  
day of March, 2001, do certify that I am

in lawful possession of the above described animal, that I hereby sell and transfer for a good and valuable consideration to me paid the livestock described herein to

Darlene Woods

POB 5608 Bend OR 97708  
ADDRESS CITY STATE ZIP

and that I have not sold more than fifteen (15) cattle during the past eight (8) days to the herein noted purchaser.

This certificate is issued by the seller and accepted by the buyer in lieu of brand inspection required under ORS 604.

Bud Smith

SELLER'S SIGNATURE

60640 Arnold Mkt Bend OR 97702  
ADDRESS CITY STATE ZIP

BY AGENT

This certificate does not authorize transportation of livestock out of Oregon.

The white copy must be sent within eight (8) days to the Oregon Department of Agriculture, Animal Identification, 635 Capitol Street NE, Salem, Oregon 97301-2532.

BUYER

**RECEIVED**

**MAR 20 2001**

**DESCHUTES COUNTY CDR**

---




STATE OF OREGON  
DEPARTMENT OF AGRICULTURE

No. E **28389**

**CHANGE OF OWNERSHIP BRAND INSPECTION  
EXEMPTION AND TRANSPORTATION CERTIFICATE**

GOOD FOR (1) HEAD ONLY

BREED	SEX	BRAND		EAR MARKS
		DESIGN	LOCATION	
Rd/wy	Cow	H	Rsh	R  L
OTHER BRANDS, DESCRIPTION OR CLEARANCE: M 963496 3-14-01				

I, Bud Smith, on this 15<sup>th</sup>  
day of March, 2001, do certify that I am

in lawful possession of the above described animal, that I hereby sell and transfer for a good and valuable consideration to me paid the livestock described herein to

Darlene Woods  
PO Box 5608 Bend, OR 97708  
ADDRESS CITY STATE ZIP

and that I have not sold more than fifteen (15) cattle during the past eight (8) days to the herein noted purchaser.

This certificate is issued by the seller and accepted by the buyer in lieu of brand inspection required under ORS 604.

Bud Smith  
SELLER'S SIGNATURE  
60640 Arnold Mkt, Bend, OR 97702  
ADDRESS CITY STATE ZIP

BY AGENT

This certificate does not authorize transportation of livestock out of Oregon.

The white copy must be sent within eight (8) days to the Oregon Department of Agriculture, Animal Identification, 635 Capitol Street NE, Salem, Oregon 97301-2532.

BUYER

**RECEIVED**

MAR 20 2001

**DESCHUTES COUNTY OF**

**RECEIVED**

**MAR 20 2001**

**DESCHUTES COUNTY CDD**

NAME Darlene Woods M U CATTLLE U HOGS S & G H & M

WEIGHT	151341	801	E4W Head	4	830	45	373	50
		Tag No. - Pen No.	Kind	Head	Weight	Cwt. - Head	TOTAL	
		803	SELLER	Darlene Woods				
		804	<b>Central Oregon Livestock Auction</b> MADRAS, OREGON Phone 475-3851					
		806						
WEIGHMASTER			BUYER	L. K. ECKV			Our No. 1131/1	

WEIGHT	151340	802	E4W Head	4	850	47	399	50
		Tag No. - Pen No.	Kind	Head	Weight	Cwt. - Head	TOTAL	
		807	SELLER	Darlene Woods				
		805	<b>Central Oregon Livestock Auction</b> MADRAS, OREGON Phone 475-3851					
		808						
WEIGHMASTER			BUYER	L. K. ECKV			Our No. 1131/1	

CENTRAL OREGON LIVESTOCK AUCTION

P.O. BOX 29 MADRAS, OREGON 97741

Darlene Woods

Commission:								Gross Sales	
								773	00
Total Comm.:		38	65	Trucking:					
Feed:				Vet. Chgs.:	2	00			
Beef Council:							Total:		
Brand Inspect.:							Deductions:		
Other:				Ck. No.:			Net Proceeds:	732	35

Sold to PRIVATE parties:  
 Ronald-Kristing Sales 50.00  
 LARRY-MARIA Hinton 50.00  
 PATTY Weimer 50.00  
 PATTY Weimer 142.00  
 LARRY-NANCY GREEN 101.00  
393.00

RECEIVED

MAR 20 2001

DESCHUTES COUNTY CDF

Hog Sales

total sales: \$1,125.35

Fm. No. 102

purchase piglets

8-19-00 Received of Darlene  
Woods \$455. for 13 <sup>0767</sup>  
weaner pigs. ChK# 585.

Plus 1 pig at \$35.00 bought 8-11-01  
#4749, Western Bank, Bend  
Sandra Rosecrantz Breeder  
P.O. Box 791  
Sisters OR 97759  
(541) 549-0514

Breeder will have more  
hogs available Jan-Feb.  
for Darlene Woods.

RECEIVED

MAR 20 2001

DESCHUTES COUNTY CO

STATEMENT—INVOICE

168 E. Evergreen Avenue  
 Redmond, Oregon 97756  
 Phone 548-4536



INVOICE NUMBER

376360

ERRORS IN PRICE  
 EXTENSIONS & ADDITIONS  
 SUBJECT TO CORRECTION

RECEIVED

MAR 20 2001

DESCHUTES COUNTY, OR

S  
O  
L  
D  
T  
O

DATE 3-13-01

YOUR ORDER NO. \_\_\_\_\_

ORDERED BY \_\_\_\_\_

CASH <input checked="" type="checkbox"/>	C.O.D. <input type="checkbox"/>	CHARGE <input type="checkbox"/>	ON ACCT. <input type="checkbox"/>	MDSE RET'D. <input type="checkbox"/>	PAID OUT <input type="checkbox"/>	WRITTEN BY _____	ORDER READY <input type="checkbox"/>
--	---------------------------------	---------------------------------	-----------------------------------	--------------------------------------	-----------------------------------	------------------	--------------------------------------

QUANTITY	DESCRIPTION	UNIT	PRICE	AMOUNT
15 rolls	2 pt. Barbwire	15	33.95	509.25
1000	42" stave	1000	.28	280.00
				<u>789.25</u>

*Paid ck # 632*

RECEIVED ABOVE IN GOOD CONDITION

Receipt is hereby acknowledged for the above listed material. Terms: Accounts due and payable before 10th of month following month of purchase. 1 1/2% PER MONTH FINANCE CHARGE (ANNUAL PERCENTAGE RATE 18%) applied to balance of all past due accounts from date due. Purchaser agrees to pay collection costs including a reasonable attorney fee if account is collected by suit or otherwise. Title to this property does not pass until fully paid for.

By: \_\_\_\_\_

TOTAL DUE

*fencing materials*



TYRHOLM BIG-R INC. - REDMOND, OREGON  
3141 SOUTH HIGHWAY 97

PAGE NO 1

REDMOND, OR 97756  
PHONE: 4541) 548-4095

IN HOUSE REPAIR SHOP  
OPEN TUESDAY - SATURDAY.

*Call 503-548-4095  
for more info*

CUST # \*6  
TERMS: NET 10TH

INV # C79737  
DATE : 3/13/01  
CLERK: KRISTY

*3-13*

TIME : 3:56  
\*\*\*DUPLICATE\*\*\*  
\* INVOICE \*  
\*\*\*\*\*

QUANTITY	UM	ITEM	DESCRIPTION	SUB PRICE	PRICE/PER	EXTENSION
<i>500</i>	EA	735116	5-1/2' T-POST GREEN/WHITE 1.33	2.20	2.15 /EA	1,075.00SN
<i>1</i>	EA	735024	2X1X4 SHEEP TANK 40GAL. METAL	45.95	39.95 /EA	39.95SN
<i>500</i>	EA	735116	5-1/2' T-POST GREEN/WHITE 1.33	2.20	2.15 /EA	1,075.00SN

*Will pick up  
on 3/14  
3-13  
gokh*

\*\* PAYMENT RECEIVED \*\*

2189.95

TAXABLE

0.00

\*\* PAID IN FULL \*\*

NON-TAXABLE

2189.95

SUB-TOTAL

2189.95

BANKCARD PAYMENT

2189.95

TAX AMOUNT

0.00

BKCR04

TOTAL INVOICE

2189.95

X

RECEIVED BY

RECEIVED

MAR 20 2001

DESCHUTES COUNTY CDD

*hog water tank,  
fencing materials*

COSTCO WHOLESALE  
BEND #101

BUSINESS MEMBER #307451808000 7

10441 COORS LT 30	-15.99
BOTTLE DEPOS	1.50
3660 ATTA BOY	10.79
37949 STOCK TANK	58.99
24311 VAR. MUFFIN	5.49
98256 KSVITE100 TIU	9.95
30669 BANANAS	.99

*Stock*

TOTAL 103.70

VF American Express 103.70

XXXXXXXXXXXXXXXXXX1009 1103 SWIPED  
Seq #: 000155 Ref #: 590957  
American Express Resp: 00A

00APPROVED  
AMOUNT: \$103.70  
0101 007 0000000081 0324

CHANGE .00

TOTAL NUMBER OF ITEMS SOLD = 6

Information is deemed reliable but not guaranteed.  
Prepared by: 1 more Holt - Office Name

Executive Members receive

approximately 2% back annually  
up to \$500, or \$2.04 on this  
purchase. If you have not yet  
upgraded, stop by the membership  
counter for information.

CASHIER: CHRIS W. REG#7  
3/12/01 17:22 0101 07 0324 81

Online Shopping: WWW.COSTCO.COM  
Member Service: 1-800-774-2678

Thank You!!!  
PLEASE COME AGAIN!

RECEIVED

MAR 20 2001

DESCHUTES COUNTY CDD

Accraig  
Community  
Period Stock  
Cashier  
Richard  
Rivad  
Sewer/Septic  
Pvt Sewer  
Tennis  
Dove  
View  
Mountain  
Terrain

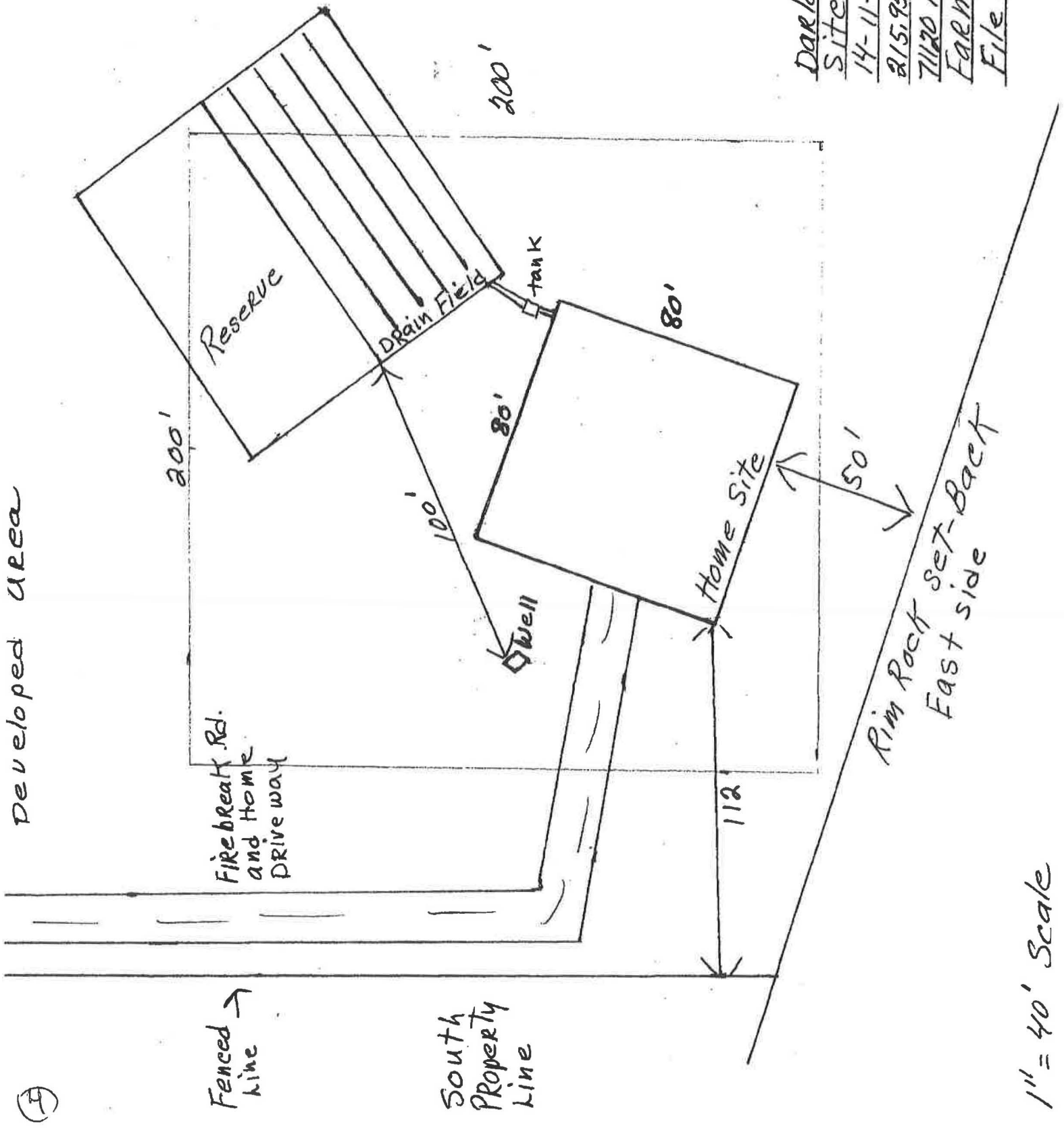




NORTH

Developed Area

Darlene Woods  
Site Plan  
14-11-12, 7th.  
215.95 AC.  
7120 Holmes Rd.  
Farm Dwelling  
File No. C40065



1" = 40' Scale

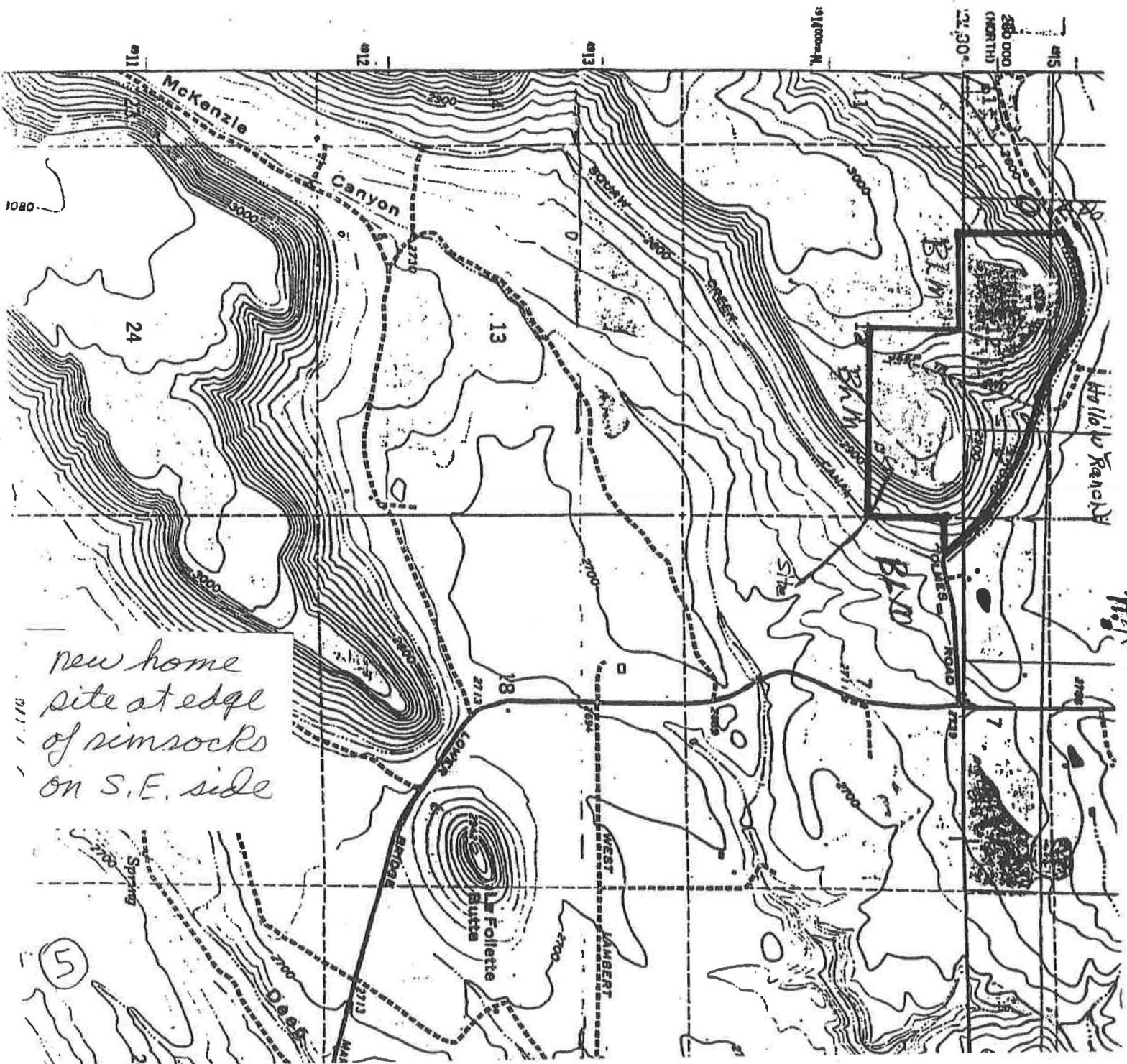
**RECEIVED**

**MAR 20 2001**

**DESCHUTES COUNTY CDF**

Rosebud Contracting LLC  
 71120 Holmes Rd, Sisters 97759  
 Vicinity map 10 miles to Hwy 97 North  
 using Lower Bridge Rd. east to  
 get to Hwy 97.

Items m. & L.



**RECEIVED**

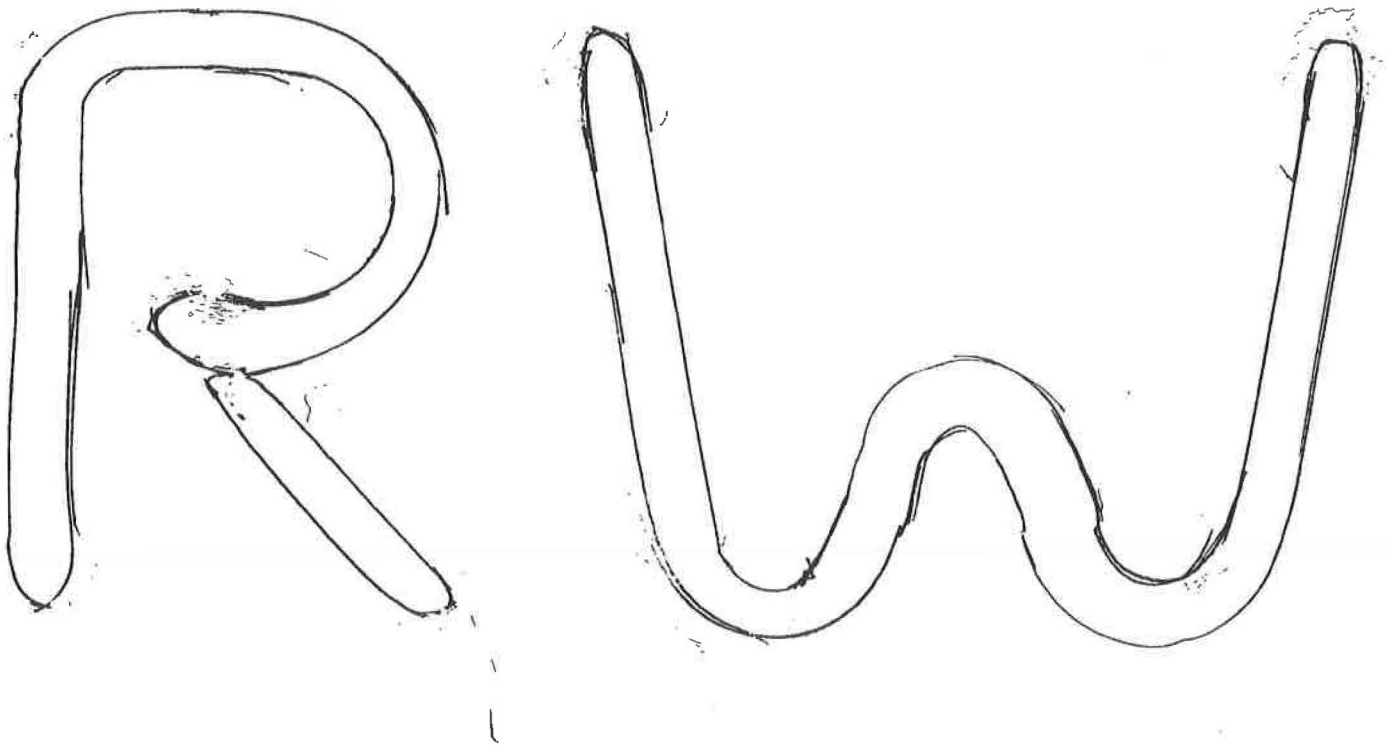
**MAR 20 2001**

**DESCHUTES COUNTY CDD**

RW rhc

Used By: Woods, Darlene

Place your iron on this paper and trace around it.  
This facsimile will be placed in our records as  
your recorded brand.



**RECEIVED**

MAR 20 2001

**DESCHUTES COUNTY GDD**

(6)

Subject: File No. CU0065

Chapter 18.88 Wildlife Area Combing Zone WA  
Section 18.84.060 Siting Standards.

Under B:

The footprint, including decks and porches, for new dwellings shall be located entirely within 300 feet of public roads, private roads, or recorded easements for vehicular access existing as of August 5, 1992. Unless it can be found that:

1. Habitat values ( i.e. browse, forage, cover, access to water ) and migration corridors are afforded equal or greater protection through a different pattern; or.
2. The siting within 300 feet of such roads or easements for vehicular access would force the dwelling to be located on irrigated land, in which case, the dwelling shall be located to provide the least possible impact on wildlife habitat considering browse, forage, cover, access to water and migration corridors, and minimizing length of new access roads and driveways.

Applicant proposes to locate the dwelling site and human activity areas, outside the 300 foot area, fact is the jeep road area is in the center of the corridor where the wildlife travel and browse. The new dwelling site is proposed to be at the East and South edge of the plateau rimrock area. This location will provide the least impact on the wildlife habitat considering browse, forage, cover, access to water and migration corridors.

The subject property has a unique topography in that there is a plateau atop a rimrock cliff along the East and South side. This is the least productive area for the natural bunch grass that covers the property. The remainder of the property will be used for cattle grazing and a hog operation/pinned area. The wildlife will have full access to the property in the same manner as they do now. As this location will not change their corridors or natural habits they have now and the past many years. Do to the fact that the home and human activities will be all on the rimrock area. And not located in the middle of their corridor. The proposed driveway from the jeep road will also provide a fire break road and this will benefit the wildlife as well as home owner and BLM properties. Applicant feels this dwelling location will provide the least possible impact on wildlife habitat, considering browse, forage, cover, access to water and migration corridors. Applicant is in the process of purchasing Squaw Creek Irrigation water.

Roads on this property will be the existing jeep road and the fire-road/driveway, very few for this size of property. As a example look at the roads on the adjoining property to the West, Owner John Bryan CU-97-40. Enclosed sheet.  
Rimrock set backs will be followed if they apply at this location.

**RECEIVED**

**MAR 20 2001**

**DESCHUTES COUNTY CDE**

---

Continuing Chapter 18.88 Wildlife Area Combing Zone and Section  
18.84.060 Siting Standards

Under B

Reason for applicant to purpose a different site plan from the standard 300' from a road in WA areas.

On 3-19-01, conference with Steven George from ODFW, developing a management plan for Wildlife on my property. My desire to put the home and farm operation area away from the middle of the property to enable me to stay out of the corridor area used by the wildlife. We have agreed to a plan that works with cattle management and wildlife management. This property is large enough to handle one residence a small cattle operation and hog farm, but still not hinder the natural habitats of any wildlife that is already established there or will come there.

The plan outline to be as stated below:

1. Browsing area would not be disturbed by any building along the middle of the property, also along the road in and out. This keeps the corridor open.
2. Human activities and barn area and pinned areas will be located totally on the S.E. corner of the plateau near the rimrock, follow all regulations for set-backs.
3. Applicant would plant a buffer zone of mixed trees to provide a buffer zone for the wildlife and the human activities. This would include but not limited to, Aspens, Birch, Ponderosa pines, Maples, and Dogwoods. Middle size shrubs would be included in the landscape buffer plan. Applicant would stay with a lot of the natural shrubs that Steven mentioned. The buffer would be on the south, west and north sides of the human activity area and farm operations area.
4. Management of this acreage would follow along the lines to keep it in its natural state. Cutting the many small juniper trees, to promote the natural growth of the sage brush, bitter brush and bunch grasses.
5. Applicant is in the process of purchasing irrigation water from Squaw Creek Irrig., using this water to promote natural grasses to grow. Applicant is planting a plot of pine trees around 300, to make a larger buffer from the center of the property.



**RECEIVED**

**MAR 20 2001**

**DESCHUTES COUNTY CDD**

---

Continued from Chapter 18.88 and Section 18.84.060

6. Steven George would like it, if the cattle could be moved to another area during the months of Sept. through Feb. each year. This would allow some growth for winter feeding needs for the wildlife. He asked how large a herd I would have, I stated about 25 head at any one time. He liked the idea of a smaller herd. I agreed to taking the cattle to another grazing area in the fall and winter months. I want the grazing areas to not be over grazed either as it benefits my cattle operations to have the natural vegetation coming back each year. A farm plan is a better plan if it benefits all resources, private and natural.
7. Fencing is about to start and will be built according to regulations for wildlife friendly according to Section 18.88.070, Fencing Standards Distance between the ground and bottom strand or board is 15 inches. Height will not exceed 48 inches.
8. This property will have one family home on it and only one road to the home. There will be very little road useage on the property due to the type of farming operation present there. This works well on this rocky type of land and yet it can still produce a profit and benefit the local community and merchants. By clearing out the small juniper trees this operation will also help the wildlife in the area. We all will benefit from this site location.

*Darlene Woods*

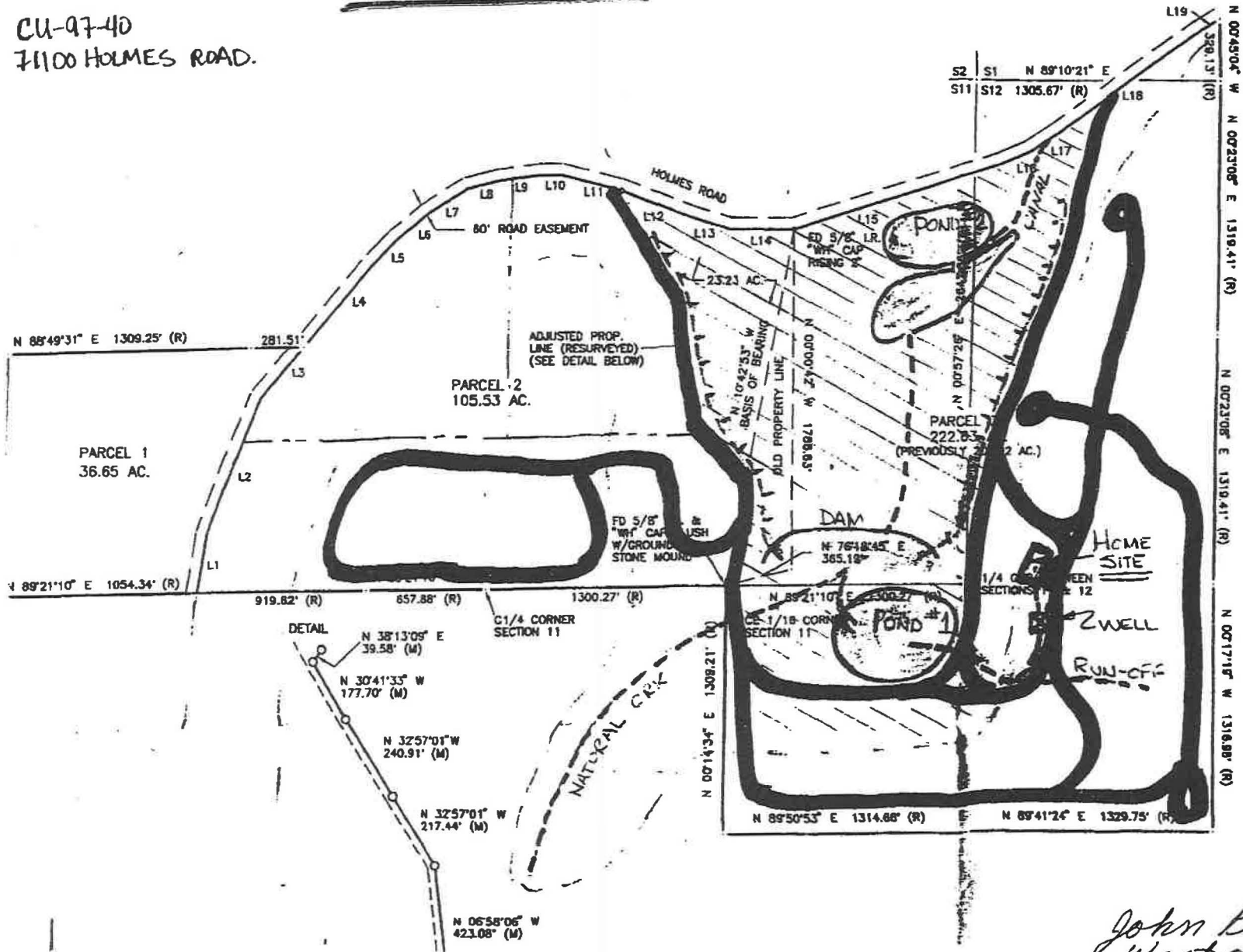
RECEIVED

MAR 20 2001

DESCHUTES COUNTY CDC

CU-97-40  
71100 HOLMES ROAD.

LOT  
BEING A  
NO. 199  
11 & 12.  
11 EAST, W



NARRATIVE:  
Purpose of survey: To c  
survey.

PERSONNEL: Robert M. Kar  
INSTRUMENTS: Pentax PTS

SUMMARY:  
This Lot Line Adjuster  
by W & H Pacific, (Lyn  
office.  
The old property line be  
constructed by the own  
We established the new  
locating them by tracer  
on the southerly line of  
Section 11 as per Brun  
along the Southerly line  
of the road were then  
as per Bruno. Bearings  
being South 10 degrees

SURVEYS OF RECORD:  
1. Said survey for Parti  
2. Survey for Property  
Karl Jr., dated 4/20/

DEED REFERENCES: VOL

*John Bryans property  
West of Ours*



## Road Department

**ACCESS-DRIVEWAY PERMIT**  
\$50.00 NON-REFUNDABLE APPLICATION FEE

61150 S.E. 27th St., Bend, OR 97702  
(541) 388-6581 • FAX (541) 388-2719

PERMIT NO. A-00113

LAND USE FILE NO. \_\_\_\_\_

ROAD NAME: Holmes Rd ROAD NUMBER: \_\_\_\_\_

APPLICANT'S NAME: Darlene Woods - Rosebud Contr. LLC

PROPERTY OWNER'S NAME, IF DIFFERENT: SAME

ADDRESS OF PROPERTY: 71120 Holmes Rd. Sisters 97759

PROPERTY DESCRIPT: TOWNSHIP 14 RANGE 11 SECTION 112,7 TAX LOT 103

CLOSEST INTERSECTION: Holmes Rd. & Lower Bridge Rd.

DISTANCE AND DIRECTION TO INTERSECTION: East 1/2 mile

TYPE OF ACCESS (Circle One):

RESIDENTIAL

COMMERCIAL

FARM

Applicant hereby applies to the Department of Public Works for access rights and permission to construct driveway and curb cut at the location shown in this permit. All work shall be in conformance with Deschutes County Code 17-48-210 and 17-48-220.

Permittee agrees and understands that this permit does not constitute a land use permit. Any development of property connected with this permit must comply with all applicable land use regulations.

Include a sketch showing the location and type of access and indicate whether a curb cut is required. (If a curb cut is being put in after driveway has already been permitted, a utility permit is required.) Also include the distance to the driveway from the lot boundaries, the driveway width and the curb cut width. Please include a north arrow. Space for drawing the map is on the back of this form.

**DISCLAIMER:** Deschutes County Department of Public Works will not take responsibility for ensuring that all other conditions of any other regulating agency have been complied with. It is the responsibility of the homeowner to meet subdivision Covenants, Conditions and Restrictions (C.C.R.'s) and all other neighborhood and regulatory agency requirements.

APPLICANT'S SIGNATURE: Darlene Woods DATE: 10-23-00

MAILING ADDRESS: PO Box 5608 Bend 97708 PHONE: 382-3681

AMOUNT RECEIVED \$ 50.00 RECEIPT NO. 2167 CHECK NO./CASH 841

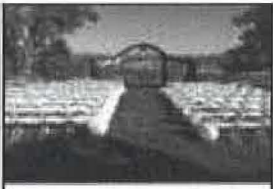
Quality Services Performed with Pride

**RECEIVED**

**MAR 20 2001**

**DESCHUTES COUNTY CDD**

---



*Shepherdsfield*

**Shepherdsfield**  
**71120 Holmes Road, Sisters, OR 97759**  
**(541) 548-9905**



**Permit just approved!**

Are you looking for a gorgeous, private setting, starting at just \$1950? Shepherdsfield has it all. Set on 216 private acres, elevated above the sprawling farmland of Sisters, enjoy panoramic views. Prep in the elegant dressing rooms. Marry under the massive arches, then enjoy the reception under the lights on the 2 acre lawn. Dance in the pavilion. And don't stress out because you get the venue for 3 days!

Prices range from \$1750 (under 100) to \$2250, including chairs, tables, sound system and 2 large tents. Since we just got our permit approved, prime dates still available for 2015.

[www.shepherdsfield.biz](http://www.shepherdsfield.biz)



*LandWatch*  
*September 13, 2016*  
*ATTACHMENT 3*

## William Groves

---

**From:** John Shepherd <shepherdsfield@gmail.com>  
**Sent:** Tuesday, June 21, 2016 10:11 AM  
**To:** Jeff Freund  
**Cc:** William Groves; Eric Mone  
**Subject:** Re: Shepherdsfield's water system

Dear Jeff,

Thanks for the information and clarification.

Under our Private Park permit we agreed that guests at events would provide their own water, which was our practice all along. Either the caterer or the bridal party brought bottle water, not to mention more appealing liquid that comes in kegs. Lol. So, the events should not be counted as part of the 60 uses per year.

And our House Church services have never exceeded one per week. So, at the utmost they would only count 52 gatherings per year. If, however, that ever changed, we would simply apply for the water system permit. I look at it this way: you don't need a drivers license until you actually start driving. When you are ready to drive, you get a license.

I'd be OK with providing an annual report on the number of gatherings per year. And/or pledging to limit the gatherings to under 60. At this point, I'm trying to keep my costs under control. My House Church generates zero income and this application alone, with lawyer fees, has cost me in excess of \$12,500 so far. Not to mention the fact that Transportation Dept wants to assess me \$6000 in SDC's.

Thanks for being reasonable,  
John Shepherd

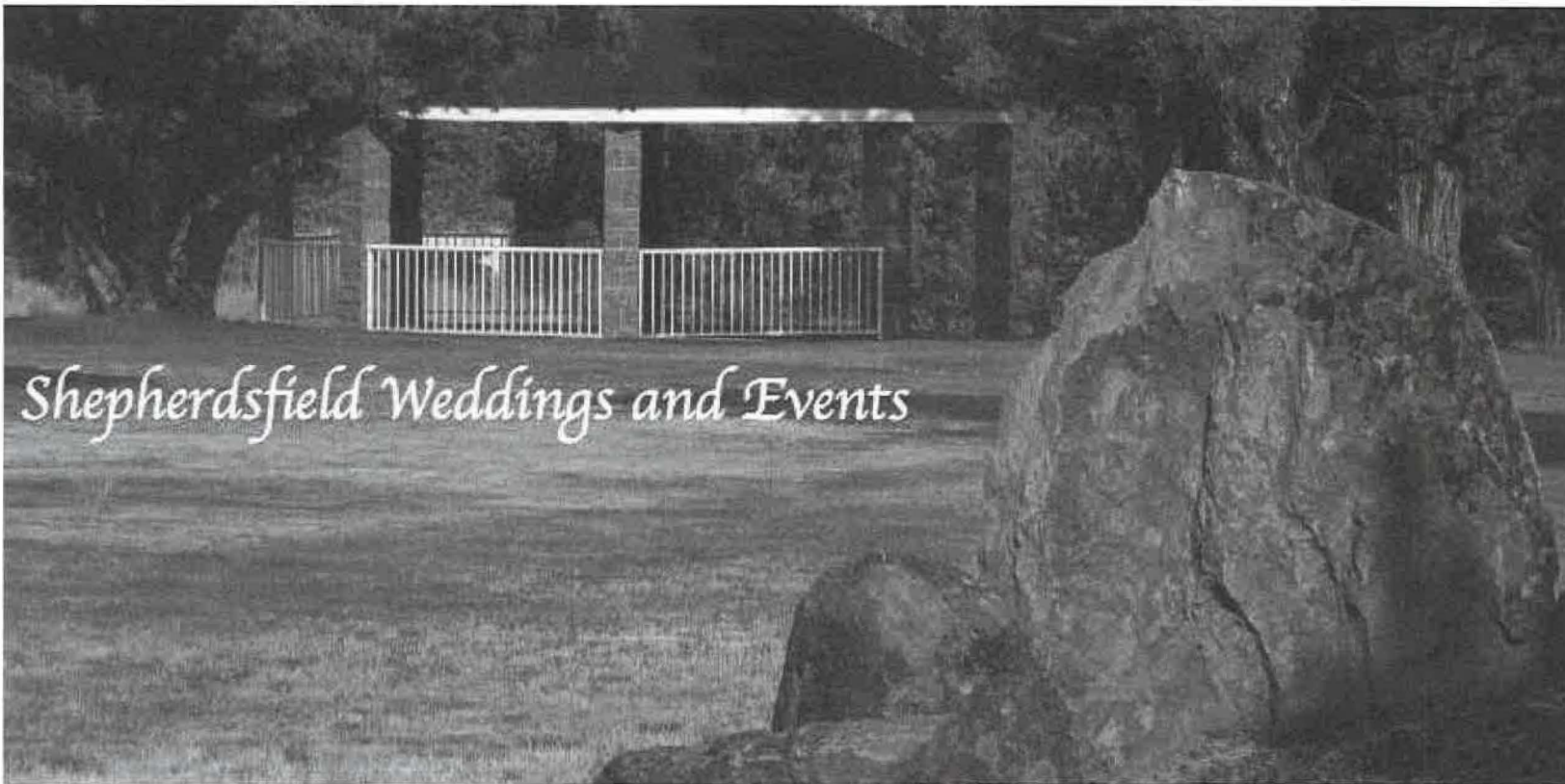
On Tue, Jun 21, 2016 at 9:56 AM, Jeff Freund <Jeff.Freund@deschutes.org> wrote:

Hi John,

Thanks for the clarification. I reviewed your response and consulted with the State Drinking Water Program. They agree that based on the intended use of weekly church services, events (up to 18), and other functions, you would potentially provide water for more than 60 days/yr. Further, your proposal calls for events that include up to 250 people which necessitates some level of public health protection in terms of drinking water. You would be classified as a Transient

Sept 13, 2016

Landlord, ATTACHMENT 4



## Shepherdsfield Weddings and Events

Venue rental cost, which includes tables and chairs, ceremony area, reception area, 2 tents, Rimrock deck, kitchen and house for bridal/groom preparation, sound system, indoor and outdoor bathroom facilities and parking:

Under 100 guests- \$1950

101-150 guests- \$2200

151-200 guests- \$2450

201-250 guests- \$2900

We don't double book weekends, so your reservation includes Friday through Sunday for setup, rehearsal, wedding and ample time for clean up.

ATTACHMENT  
S  
Lead  
Sept. 13, 2016