

Chapter 23.96. OPEN SPACES, AREAS OF SPECIAL CONCERN, AND ENVIRONMENTAL QUALITY

23.96.010. Open Spaces, Areas of Special Concern, and Environmental Quality.

23.96.020. Goals.

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23.96.010. Open Space, Areas of Special Concern, and Environmental Quality.

A major factor in the local economy and a basic reason for much of the present population growth are the desirable scenic and natural environmental qualities of the County. Seasonal and many permanent residents, as well as the many tourists, repeatedly explain that their reasons for coming to Deschutes County are the high natural beauty, the numerous and diverse areas of scenic, geologic, archeological and biological significance, and the high quality of the air and water. Also, many of the resource industries, such as timber and agriculture, are also dependent on, as well as contributors to, that same environment.

Open spaces include not only parks, but also agricultural, forested, natural areas, mining sites and historical areas, as well as scenic waterways and other locations of unique scenic, environmental, social or cultural character. Often the protection of the scenic views from roads, trails and waterways is as important as the travelways themselves.

Segments of the Deschutes River in Deschutes County have been designated as a State Scenic Waterway.

Segments of the Deschutes River and Whychus Creek have been designated as Federal Wild, Scenic or Recreational River.

Presently, no major air quality problems exist within the County; however, surface inversions, topographic conditions, certain activities (i.e., slash and field burning), wind-carried soils and increasing population can create significant potential for air quality degradation unless properly managed.

Some water pollution problems have been identified. The La Pine core area has been shown to have significant problems and septic tanks have failed in the Terrebonne area. The two major urban areas are presently developing sanitary sewer systems and treatment facilities.

The Oregon Department of Environmental Quality and Environmental Protection Agency have existing standards and programs affecting air and water quality as well as noise levels. DEQ presently maintains an air and water quality-sampling program in Deschutes County which is important to knowledge about existing and changing conditions.

Private land suitable for open space designation are eligible for special property tax consideration (ORS 308.740-790), because they provide public benefits as regards maintaining scenic environmental quality.

Because open spaces, areas of special interest and environmental quality are so important to the local economy, environment and social well being of Deschutes County, the following goals have been chosen. (Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 95-038, 1995; Ord. 94-003, 1994; Ord. 92-051, 1992; Ord. 86-019, 1986; PL-20, 1979)

23.96.020. Goals.

1. To conserve open spaces and areas of historic, natural or scenic resources.
2. To maintain and improve the quality of the air, water and land resources of Deschutes County.

However, despite general consensus that the environmental quality and amenities are important to this area's people, as well as to people statewide, there is also concern that regulation and policies to protect that environment could become too restrictive. The following policies have been developed with the intent of reaching the identified goals but in ways that restrict only as is necessary and with consideration of the individuals who may be affected by the needs of the public.

(Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 95-038, 1995; Ord. 94-003, 1994; Ord. 92-051, 1992; Ord. 86-019, 1986; PL-20, 1979)

23.96.030. Policies.

1. On lands outside urban growth boundaries and rural service centers along Highway 97, 20 and 126, as well as along Century Drive, South Century Drive, portions of Three Creeks Lake Road, Fall River Road, roads from Highway 97 to Smith Rocks, Pine Mountain Road and roadways for which landscape management is prescribed on the 1990 Comprehensive Plan, a case-by-case site plan review shall be required. This area is to extend 1/4 mile on either side from the centerline of roadways, and shall include all areas designated as State and Federal Wild, Scenic or Recreational Waterways and within 660 feet from either side of designated rivers and streams as measured from the ordinary high water level.
2. Deschutes County shall include areas outside of the urban growth boundaries and rural service centers and within 1/4 mile of the centerline of the following roads in the Landscape Management Zone.
 - a. U.S. Highway #97
North County Line to Redmond UGB
Redmond UGB to Bend UGB
Bend UGB to South County Line
 - b. U.S. Highway #20-126
North County Line to Sister UGB
 - c. U.S. Highway #126
Sisters UGB to Redmond UGB
 - d. U.S. Highway #20
Sisters UGB to Bend UGB
 - e. Smith Rock Road
Highway #97 to Smith Rock
 - f. Sisemore Road
From Cloverdale to Bend UGB
 - g. Skyliner Road
 - h. Century Drive
Bend to Mr. Bachelor
 - i. South Century Drive
 - j. Cascade Lakes Highway
 - k. Waldo Lake Road
 - l. Cultus Lake Road
 - m. Little Cultus Lake Road
 - n. Twin Lakes Road
 - o. Keefer Road (East Crane Prairie Road)
 - p. East Deschutes Road
 - q. Deschutes Road
 - r. Wickiup Road
 - s. Pringle Falls Loop
 - t. La Pine Recreation Area Access Road
 - u. Pauline-East Lake Road
 - v. Lava Cast Forest Road
 - w. Highway #20 East to the County Line
 - x. Pine Mountain Road
 - y. Ford Road
 - z. Three Creek Lakes Road
 - aa. Three Trappers Road
 - bb. Dillon Falls Road

- cc. Matsen Road
- dd. State Highway #31
- ee. Road to Benham Falls
- ff. State Highway 242 McKenzie Highway

3. Within the Landscape Management Zone, new structures or additions to existing structures (excluding fences or structures less than \$1,000.00 in total value) shall be subject to landscape management site plan review by the County prior to issuance of a building permit.
4. Approval of any such development in the Landscape Management Zone will be dependent on site screening by existing natural cover and/or compatibility with the landscape as seen from the river, stream or road.
5. Outdoor advertising signs should be informational only and oversized displays discouraged.
6. The primary purpose of the landscape management site plan review shall be to obtain a structure as compatible with the site and existing scenic vistas as is possible, rather than to establish arbitrary standards for appearance or to otherwise restrict construction of appropriate structures.
7. Rimrocks, along streams shall receive special review to assure that visual impacts of structures viewed from rivers or streams are minimized. A 50-foot setback shall be required from rimrocks on all newly created lots. Existing lots may receive exceptions to rimrock setbacks subject to conformance with criteria which individually review the structure, location and consider impacts in a manner which minimize the visual impact of the structure when viewed from the river or stream.
8. Public ownership of scenic, open space and historic areas should be maintained and increased where feasible, and a variety of open space and recreational sites should be maintained to protect the existing natural diversity and to serve the varying needs of both tourists and residents. The natural capabilities of each site should determine its level of use.
9. The concepts of developmental rights transfer, tax credits and conservation easements as ways to protect open space should be studied and encouraged at both local and State levels.
10. As part of subdivision or other development review the County shall consider the impact of the proposal on the air, water, scenic and natural resources of the County. Specific criteria for such review should be developed. Compatibility of the development with those resources shall be required as deemed appropriate at the time given the importance of those resources to the County while considering the public need for the proposed development.
11. Because management of State and Federal lands affects areas under the County's jurisdiction and vice versa, better coordination of land use planning between the County, U.S. Forest Service, State Land Board, Bureau of Land Management and other agencies shall be sought.
12. Zoning should be established to protect areas of special interest such as eagle nests, endangered species areas or points of geologic interest.
13. Because of their slow growth and usefulness as a visual and noise buffer and their relationship to air quality, tree removal from utility lines, sewers, roads and other construction shall be minimized by planning for the continued maintenance of the streets in the development. All development proposals will be reviewed for this factor by the County Planning staff before approval of the applicant's development.
14. Although DEQ has existing environmental standards with which the County shall coordinate, in instances where such standards are inadequate or non-applicable because of local conditions, the County may establish more stringent regulations. Noise regulations are an example of such program.
15. Deschutes County shall prior to December 21, 1994 complete a Goal 5 review in accordance with OAR 660-16-000 for the "1B" Areas of Special Concern identified in the Areas of Special Concern inventory of the Resource Element, adopted by Ordinance 92-052.
16. The County shall conduct an inventory of outstanding scenic resources not sufficiently protected by the Landscape Management Zone. The inventory shall be conducted in accordance with OAR 660.16. Comprehensive Plan policies and implementing ordinances to protect resources identified

in the inventory shall be adopted prior to Department of Land Conservation and Development initiation of the next periodic review process, pursuant to ORS 197.633(3)(a).

17. The County shall encourage the formation of nonprofit land trusts for the protection of open space, scenic and natural areas. The County should provide support and assistance when deemed appropriate by the Board of County Commissioners.

(Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 95-038, 1995; Ord. 94-003, 1994; Ord. 92-051, 1992; Ord. 92-033, 1992; Ord. 86-019, 1986; Ord. 80-203, 1980, PL-20, 1979)