

**Peter Dreifuss Oral Presentation**  
**Before the Deschutes County Board of County Commissioners**  
**March 30, 2016**  
**File Nos. 247-15-000113-CU/114-CU/115-NUV/116-LM**

**WHAT I BUILT ON OUR LOT**

**BOAT DOCK**

I built a beautiful boat dock made of seasoned timber and Trex Composite Decking material. The Trex material will last at least 50 years and will not pollute the river. The pier tops have solid copper caps. The Hearings Officer even commented as to how appealing the boat dock was. Our area has a boat dock for every residence, and most of the docks on the river are in disrepair and are sinking. The new dock that we built will never sink, and it is undoubtedly the most beautiful one on the river. We built our dock over the footprint of an original dock that had been removed, and the new pilings are directly on top of the old pilings.

**DECKS**

I also built two low-level decks that are anchored by cement and posts in the ground. These decks have a walkway between them, and are also constructed of Trex Composite Decking material. The decks will not float away, pollute the river, or do anything detrimental to the area or the neighborhood. These decks, at approximately 12 inches off the ground, are appealing and enhance the property.

**BATHHOUSE**

I expanded the existing bath house. It was originally constructed at 15' 6" x 12' 3", or 189.86 square feet. I added 15' 6" x 20', or 310 square feet. The building now totals 499.86 square feet. All of the addition is made up of re-sawn material and adds scenic beauty to the community. Its color blends into the surrounding vegetation and is appealing to look at. An additional deck surrounds this building and continues to add visual pleasure to the surroundings.

In addition to these improvements, the landscaping, including real grass and additional plantings, add to the overall beauty of the property.

I have included a photo of the original bathhouse, which was constructed in the 1970s. The photo was taken by a neighbor across the river.

More property pictures are to follow. I would hope that you agree that these are pleasant photographs.

## THE BOAT DOCK

Our boat dock should be allowed. The border line of our river frontage measures some 209.5 feet. This meets the requirement criteria for an individual boat dock. It was the Hearings Officer's opinion that the measurement should not be the shoreline, but instead a straight line between property boundaries. Private dock requirements in County Code specify 200 feet of shoreline. Our property measures 209.5 feet. Our private dock should be approved.

The square footage of the private dock is 255.46 square feet. This dock is anchored on the land above the shoreline by 165.46 square feet, as these photos show. However, the area of the dock over the water is only 92 square feet. This complies with your Code. Furthermore, the actual dock structure over the water is built with separate weight-bearing support and is independent of the decking over land. (See photos).

You can see by the photographs that the old boat dock existed in the same place. As opposed to all the other existing docks on the river, this is more attractive and functional than any other. It will never look like so many of the deteriorated docks on the river. It will always look fresh. It is closer to the shore than most other docks and only extends out into the water a few feet.

We had circulated a petition on the boat dock for our neighbors to sign. This petition was for our boat dock to "stay as is." Some 40 neighbors signed this document and only 4 did not. Of the 40 neighbors, 6 wrote the County very positive letters concerning the property.

## DECKS

There are two decks on the property with a 12-foot walkway in between. Since we feel that we have proven that a deck is not a structure, but is considered landscaping by the County, a permit is not required and the 100-foot setback is not a requirement as mentioned in the County's handout.

### Other Influences:

The two homes to the left of our property were built during the same era (1976 approximately). Both of these homes have patios/decks either at the river's edge or some 10 feet from the river's edge. One of these homes was entirely rebuilt 2 years ago, and a new patio was added only 15 feet from river, with a permanent hot tub installed. We feel that we should be given the same rights as these two homes.

Consider this: if the decks were made of concrete at ground level, they certainly would not be looked upon as a structure. I have asked many contractors in Bend this question and not one has stated that a concrete patio is a structure. The Hearings Officer's opinion on page 31 notes: "A structure is built for the support, shelter or enclosure of persons, animals, chattels or property. . . ." Our decks are not structures, just because they are made of wood. They are landscaping according to the Deschutes County Code.

The following photographs reflect how the two decks and walkway appear. Some photos were taken in the month of February and the decks still have winter debris on them. Note that we have built the decks to flow around the existing trees on the property.

## ACCESSORY BUILDING

Originally, the property contained a bath house built in 1976. The County labeled the building as the Bath House. The front corner is approximately 81 feet from the river's edge. See attached photograph. (See photo).

By the Hearings Officer's own statement, "No building records are available from the late 1970s." The 100-foot setback from the river did not apply until the 1980s. This accessory house was less than 200 square feet.

There appears to be many construction projects in our area that are less than 100 feet away from the river. (See photo).

The original small accessory building on our property sets the rule for the allowable setback footage. The additional accessory building that was added in 2009 is behind the Bath House, and is therefore further away from the river.

As a further footnote, there is another accessory building on the property which has been labeled as the "pump house" by the County. This building is less than 200 square feet, houses our water pump and equipment, and has a window, a door, and heating equipment to prevent winter freezing.

This is an "RV Lot." We have been to hundreds of RV Campgrounds and sites in the USA. All of them have had an accessory building in which to store furnishings and supplies. This lot should be no different. The building that we added on directly to the back of the original accessory Bath House is an accessory building. This accessory building has **no plumbing**. It has its own source of electricity, it has no wood burning fireplace (contrary to what the Hearings Officer previously stated), it has a door and windows and contains four chairs and a table. It is used primarily to store furnishings for the decks during the winter season. It also contains a bed. We will remove the bed if that should matter. We never use this accessory building for sleeping purposes, we use our 45-foot motor coach.

### Do I Need a Permit?

Please refer to the brochure I was given with regard to permits. Refer to Item #19.

**"Framed covered accessory buildings not more than 500 square feet in area, one story in height or closer than 3 feet to the property line, where the structure is composed of a rigid framework that provides a weather barrier, is exempt from permits and fees."**

Our added-on accessory building is less than 300 square feet, and we tried to comply with the requirement in #19. If you should add both accessory buildings' square footage together, you arrive at 499.86 square feet. This amount of square footage would also comply with #19. This building, measured independently, measures 93 feet from the river's edge.

## SEPTIC SYSTEM

We purchased the subject property in 2009. We began to improve the property in 2009 and completed as is today by 2012. Our property was all set up and beautiful, and there was not a day in the summer season that a passer-by did not stop at our property and mention how beautiful it was.

We purchased this property with the understanding that Oregon Water Wonderland Unit II was required to install a sewer system across the river. This was something OWWII was required to do.

This system was built in 1976 by this permit. (See photo.)

We have maintained the system since. See 2013 and 2015 records of maintenance and inspection.

## CONCLUSION

### Boat Dock

The criteria for the private boat dock has been met. We have over 209 feet of river frontage, using measuring methods the County has approved before. Our dock complies with the river overhang requirement. The additional decking and surface area of the dock can be dropped to ground level and satisfies the County's requirements for construction and elevation. All other properties along this part of the river have their own personal boat dock.

This boat dock is low-level and very appealing to view. It adds substantially to the river frontage scene, without interrupting river flow, and is admired by most residents. The boat dock should be approved as it stands.

### Decking

The two decks that have been constructed should be approved as is for the following reasons: the criteria from the County on landscaping states that a deck does not require a permit to install. The County argues that a deck is a structure and therefore is subject to the 100-foot setback from the river. The County's criteria does not say that. Therefore, a deck is not subject to the 100-foot river setback.

After spending some time with Mr. Will Groves, Senior Planner with Deschutes County, it was stated that if the decks were at ground level or within an inch or two of ground level, that the decks might be okay. We could not verify this information in writing, but made the assumption that this was a correct statement. If you require it, we will lower the decks.

### Accessory Buildings

There are two accessory buildings on our lot. One is backed up to the other. The smaller accessory building had been on the property since approximately 1976. It contains a sink, toilet, shower and washing machine and dryer. The facilities in this building are used once or twice a month during the summer season. It has never been used during the fall or winter seasons. The smaller of the two accessory buildings is some 81 feet away from the river's edge. This building was set in place prior to there ever being a 100-foot setback ruling for the river's edge. This building was constructed at the same time as the house next door and measures 189 square feet. Both properties were originally owned by the same individual.

The second accessory building "butts up" to the smaller accessory building, behind it and further away from the river. This second accessory building is 93 feet from the river's edge and has square footage of 310 square feet. Its primary use is to store outdoor furniture and accessories for use during the summer time. According to the County's requirements, neither of these two accessory buildings, because of their respective sizes, required a building permit nor are subject to the 100-foot setback rule.

If the County finds that I must move this second accessory building to the 100-foot mark, it would not be feasible to do. An estimate to do this 7 foot move was some \$30,000.00. We would have to destroy the building.

### **Septic System**

The septic system, which as approved on October 20, 1976, is a perfectly installed operating system, and has worked since 1976 (40 years ago). Even though it is old in years, the tank is in perfect condition and has complete integrity. The septic field, which is connected to the tank by solid piping, is some 150 feet away from the river in a **non-flood zoned area**. This system is an RV Lot system, and operates perfectly. It is used very infrequently, and has no proven effect on river contamination.

### **Financial Impact**

We ask the appeals board to consider the financial impact on our family. Our attorney has advised us that the appeals board would not be concerned over personal finances. We ask for an exception.

**17266 Satterlee Way  
Sunriver, Oregon 97707**





# **WHAT WE BUILT ON OUR PROPERTY**

# The Original Bath House – Built in the 1970s

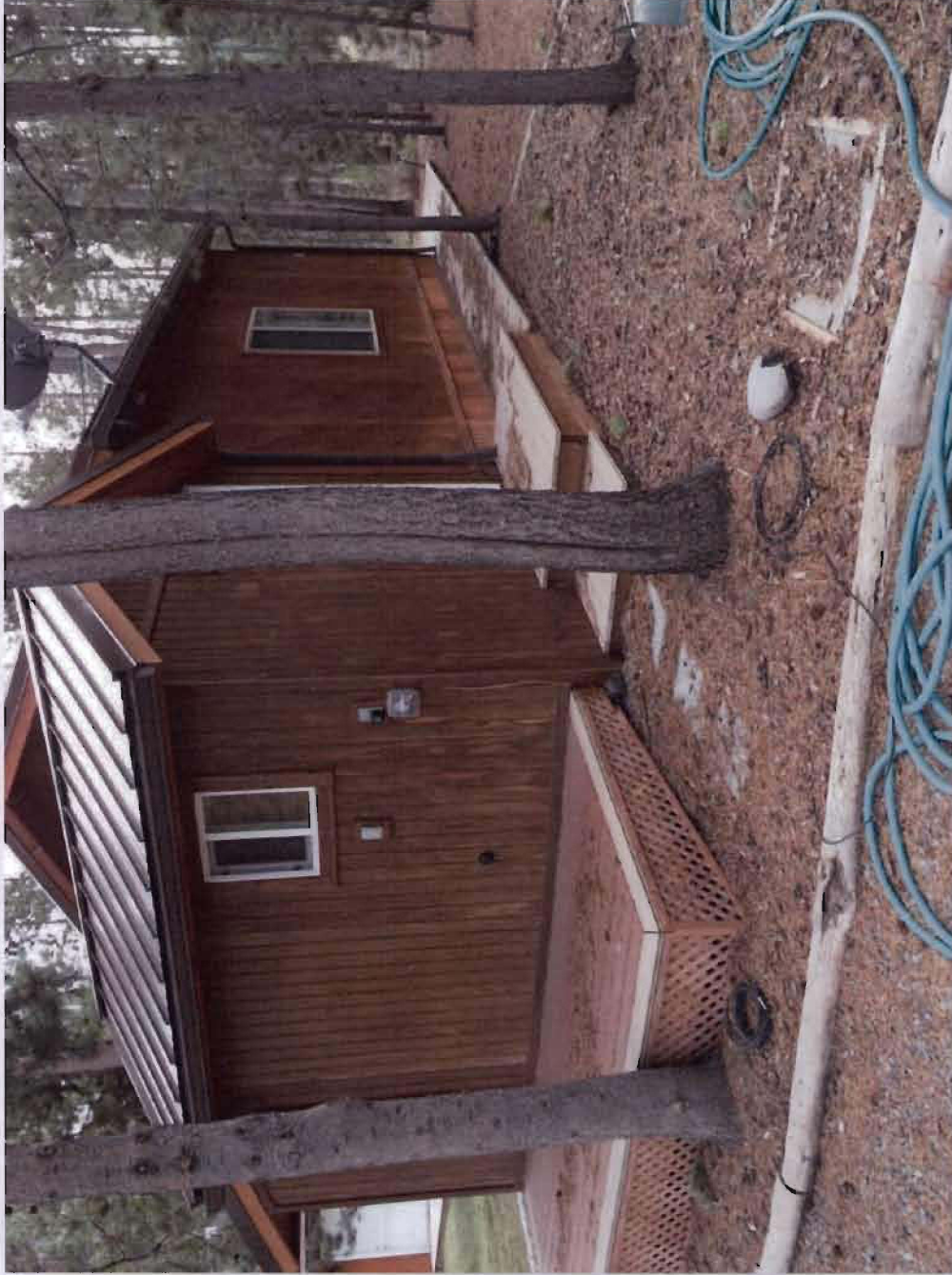




A neighbor's dock, looking northwest across the Deschutes River from the northeast edge of the property.



Completed over-water dock and over-land platform for access to the dock, on the northern edge of the property, looking west down the Deschutes River. Photo taken Winter of 2009.



The north and west sides of the Bath House, looking southeast. Photo taken 2/25/15.



The south side, or backside, of the Bath House, looking northeast during the final stages of construction of the exterior decks. Photo taken Winter of 2009.



The southern landscaping deck, looking north toward the Deschutes River on the property. Photo taken 2/25/15.



The southwest corner of the southern landscaping deck, looking northwest toward the Deschutes River on the property. Photo taken 2/25/15.





The landscaping decks located on the property, looking north toward the Deschutes River from the south edge of the southern landscaping deck, with the walkway and north landscaping deck visible in the background. Photo taken 2/25/15.



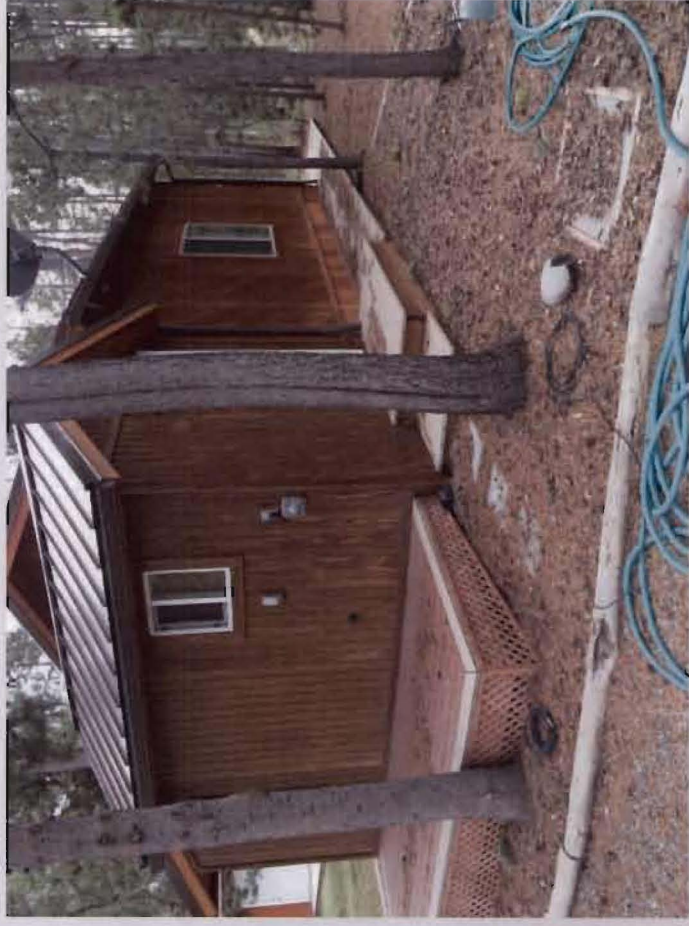
The walkway and north landscaping deck on the property, looking west down the Deschutes River. Photo taken 2/25/15.



Landscaping and landscaping decks on the property, looking southeast from the northwest grass area, near the northwest corner of the north landscaping deck. Photo taken 2/25/15.

# Landscaping Photos

Taken on 2/25/15



# Landscaping Photos

Taken on 2/25/15



# Landscaping Photos

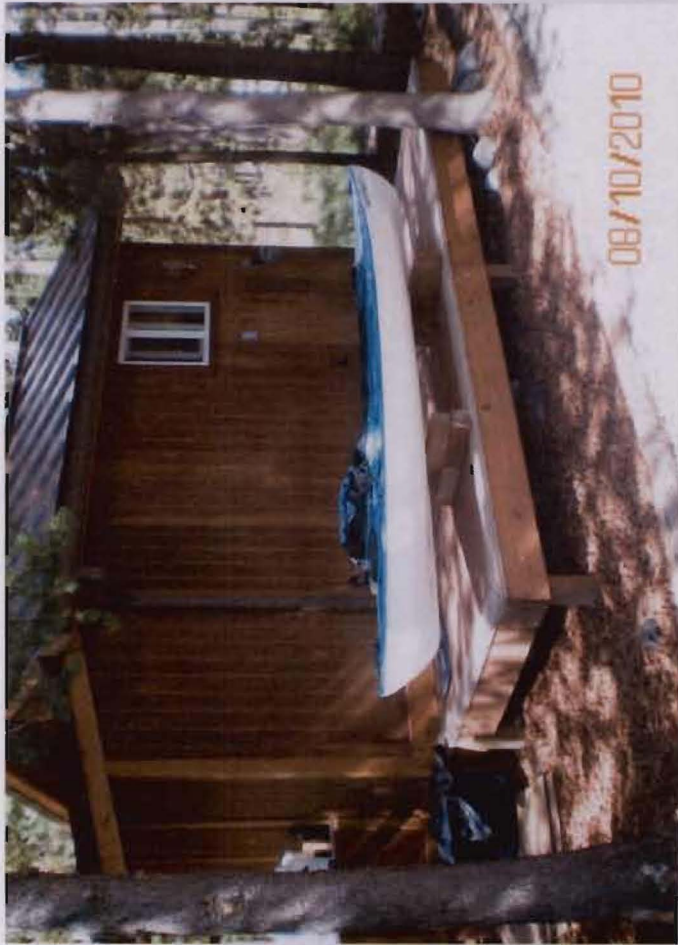
Taken on 2/25/15



# Landscaping Photos

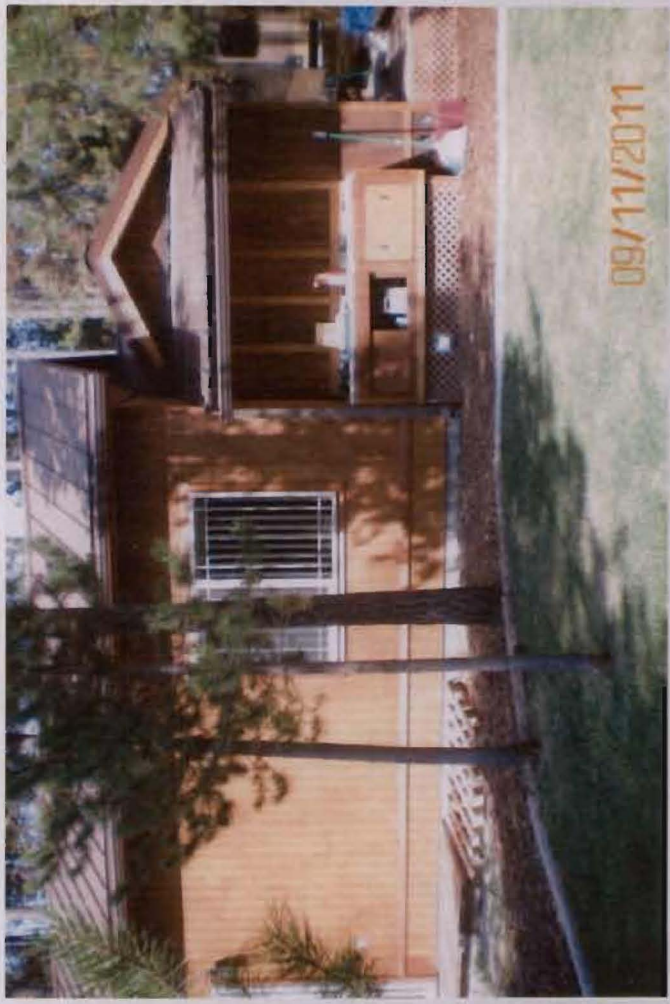
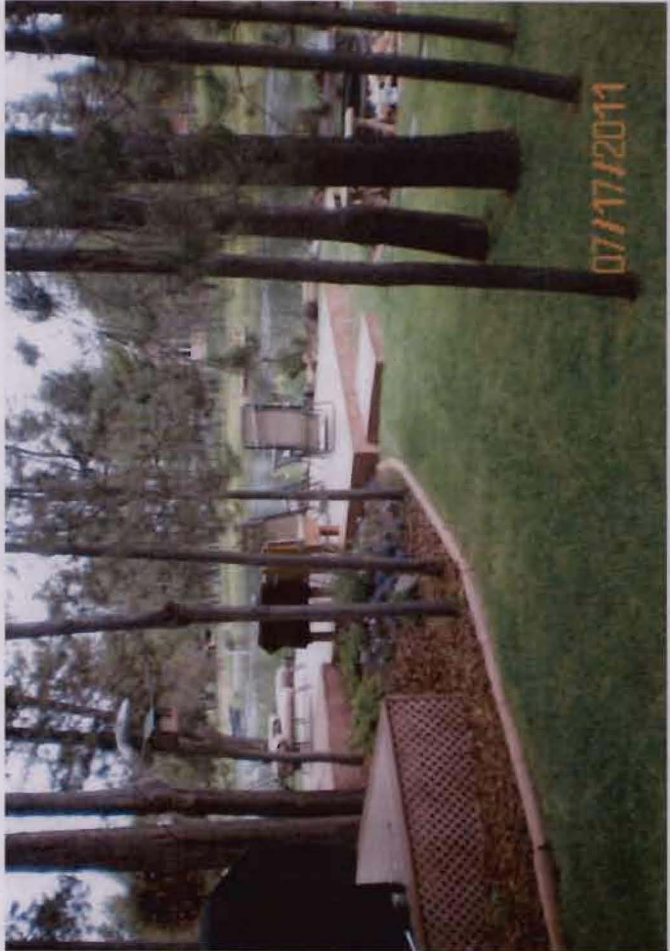
Taken on 2/25/15







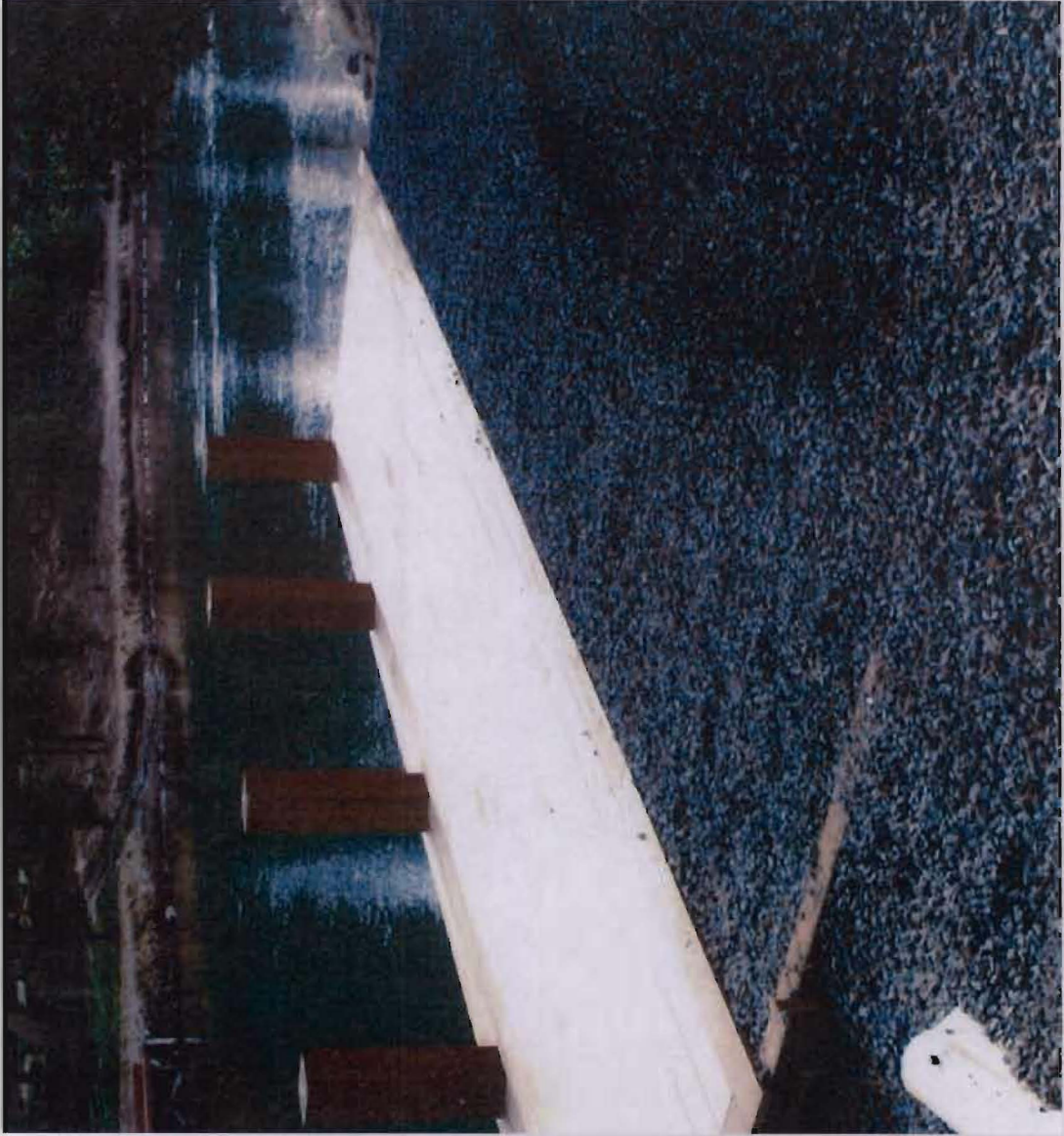




# **BOAT DOCK**







Sun Country Engineering & Surveying, Inc.  
920 SE Armour Drive Bend, OR 97702 (541)352-8882

September 25, 2015

Hurley Re  
Liz Dickson  
747 SW Mill View Way  
Bend, OR 97702

Re: Dreifuss Shoreline Surveying

Liz,

AS part of our site investigation and surveying on 16 September, 2015, we measured the "shoreline" along the frontage of the subject property. More specifically, that horizontal point at which the water surface exceeds the elevation of the land. The linear measurement of the resulting line created from a series of points collected at interval results in 209.5 feet of shoreline. Our work is detailed on the revised site plan attached and included.

In comparison to the Freshwaters map, dated 21 November, 2014, our measurement differs by 12 some feet. Several factors can certainly affect measurement of such a line.

The actual water surface elevation determines that horizontal point on the land that becomes submerged, so any variation in water level can affect the measurement. Judgment as to where to collect each data point that will make up that line can also be a factor in the resultant line. Freshwaters conducted his measurements in snow and frazzle ice, which I'm sure made point selection and collection difficult. As you can see from both maps submitted, this line consists of multiple points, with many changes in direction. Freshwaters line has 63 segments, where as the Sun Country line has 183. There are segments of the Freshwaters line on each end and under the dock that no data was recorded, possibly due to the water level or the ice and snow present at that time. We were able to negotiate the shoreline on each end and gather data points between the end of those straight line segments, and could see under the dock enough to slip a machete blade between the dock boards, and determine the water's edge location under the dock surface, resulting in additional data points in that line segment. These additional points, and the fact we sampled three times more points along the entirety of the line, can in itself be the difference in measurement.

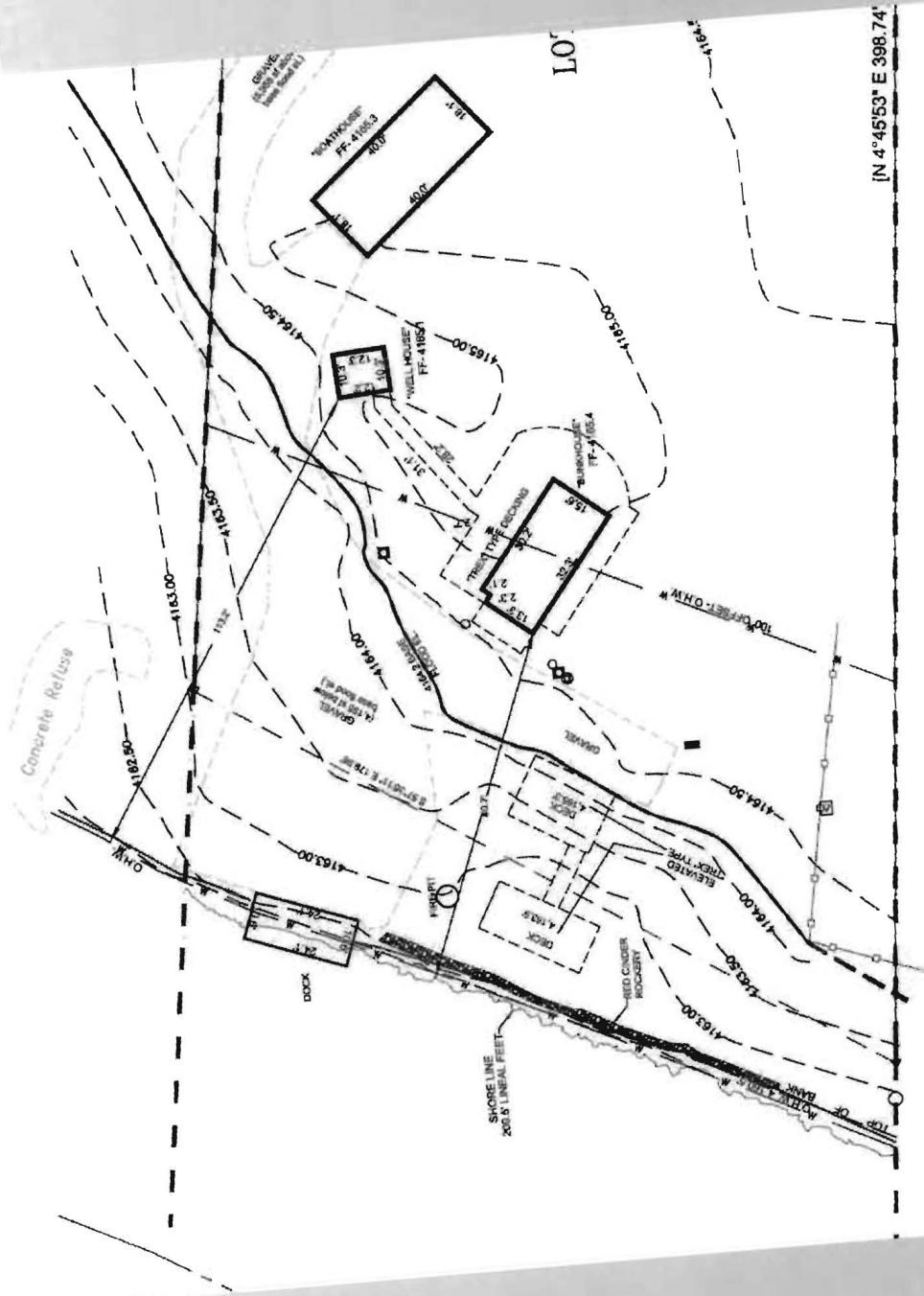
As always, should you have any questions or require additional information, just call.

Sincerely,

Tim Weishaupt, P.E.  
OR 58.927

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Page 1 of 1



**ENLARGED SITE PLAN -  
AREA OF SPECIAL INTEREST**







Construction of the over-land platform, which connects to the over-water dock, on the northern edge of the property, along the Deschutes River. Photo taken Winter of 2009.





Completed over-water dock and over-land platform for access to the dock on northern edge of property, looking west down the Deschutes River. Photo taken Winter of 2009.

# DECKS





Docks (6) visible across the River from the Dreifuss property. Dock 5 of 6 is new. Photo taken 3/29/16.



Dock (#7) directly across from the Dreifuss property. Photo taken on 3/29/16.









The southwest corner of the southern landscaping deck, looking northwest toward the Deschutes River on the property. Photo taken 2/25/15.

# Landscaping Decks

Photos taken 2/25/15



# Landscaping Decks

Photos taken 2/25/15



# ACCESSORY BUILDING

# The Original Bath House – Built in the 1970s





Photo taken by neighbor Joseph Craig via drone. 2015.







Nearby homes and proximity to the River. Photo taken 3/29/16.



Dock of house 2 lots down from the Dreifuss property. Photo taken 3/29/16.











A neighbor's dock and boat launch, looking north, across the Deschutes River, from the northeast edge of the property. Photo taken 2/25/15.



# SEPTIC SYSTEM

# RECORD OF INDIVIDUAL SEWAGE DISPOSAL SYSTEM

NOTICE: PRELIMINARY INSPECTION OF SITE REQUIRED

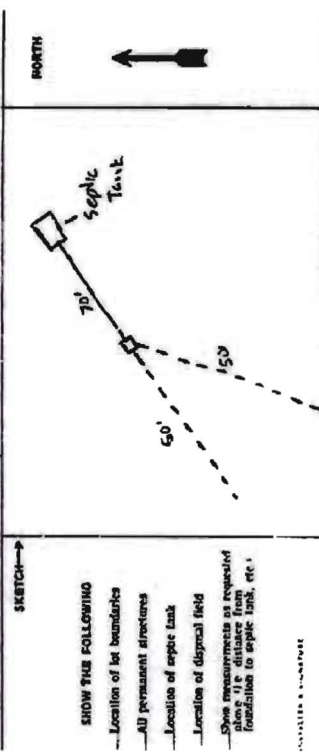
TO BE COMPLETED BY INSTALLER:

Permit Number: **08-1335-16**

Name of property owner: Shelburne Twp Installer's name: Dickoff  
 Mailing address: 6503 Devon Ave SE - Solon, Service-Ossipow Inc  
 Exact location of proposed sewage disposal system: Dr. #1908 Telephone number:  
0100-1001 Business address:  
8101 2, Blk 57

Total number: Living units 2 Bedrooms 2 Bathrooms: Yes  No   
 Water supply: Public system  Community system  Well  Springs  Cisterns   
 Septic tank: Material 4" x 2" Total liquid capacity 500 gal. Liquid depth \_\_\_\_\_ ft.  
 No. of compartments \_\_\_\_\_ ft. Inside length \_\_\_\_\_ ft. Inside width \_\_\_\_\_ ft.  
 Distance from: Well, springs, or cisterns \_\_\_\_\_ ft. Building foundation \_\_\_\_\_ ft.

Sub-surface tile or perforated pipe disposal field: plastic other: \_\_\_\_\_  
 Distribution box: Yes  No   
 Length each line: \_\_\_\_\_ ft. Diameter of sub-surface or other type system from:  
 Well \_\_\_\_\_ ft. Spring \_\_\_\_\_ ft. Cistern \_\_\_\_\_ ft. Water line \_\_\_\_\_ ft.  
 Total length: \_\_\_\_\_ ft. Nearest: Trench \_\_\_\_\_ ft. Stream \_\_\_\_\_ ft. Lake \_\_\_\_\_ ft.  
 Width of trench: \_\_\_\_\_ ft. Nearest lot line: Front \_\_\_\_\_ ft. Side \_\_\_\_\_ ft. Rear \_\_\_\_\_ ft.  
 Total square footage: \_\_\_\_\_ sq. ft. Nearest building foundation \_\_\_\_\_ ft.  
 Distance between lines: \_\_\_\_\_ ft.  
 Depth of filter material under tile: 6 in.  
 Filter material: Type C-1/2" Size 1-2 1/2 in. Depth of filter material over tile \_\_\_\_\_ in.



Remarks: \_\_\_\_\_  
 Installer: Jim E. Langley  
 Title: Director  
 Print copy - Property Owner: \_\_\_\_\_  
 (Please copy - Installer)

La Pine Septic Service  
 PO Box 2879  
 La Pine, OR 97739

**Sales Receipt**

Date	Sale No.
7/8/2013	57

<b>Sold To</b>
Peter Dreifuss 17266 Satterlee Way Sunriver, OR 97707

Check No.	Payment Method	Project
535	Check	17266 Satterlee Way...

Description	Qty	Rate	Amount
Pumped 750 gallon Steel Tank		200.00	200.00
Dig & Fill		25.00	25.00
-System operating properly at this time -Tank operating at proper level			
<b>Total</b>			\$225.00

Scanned by CamScanner

**La Pine Septic Service**

PO Box 2879  
 La Pine, OR 97739

**Invoice**

Invoice #
8067

<b>Bill To</b>
Peter Dreifuss 17266 Satterlee Way Sunriver, OR 97707

**PAID**  
08/12/2015

Job Address	Terms
17266 Satterlee Way	Pay Driver

Quantity	Description	Rate	Serviced	Amount
	Pumped 1000 gallon steel tank	200.00	8/12/2015	200.00
	Dig & Fill	50.00		50.00
- System operating properly at this time - Tank operating at proper level				

**DISCLAIMER:**  
 This report represents the present condition of the system based on what can be observed and our experience with on-site sewage disposal systems. Due to factors we cannot control which may affect proper operation of the system to include age, use and owner maintenance, this report will not serve as a warranty that the system will function properly for any certain length of time.

Thank you for your business!

Phone #	Fax #
(541) 536-2517	(541) 536-7434

<b>Total</b>	\$250.00
<b>Payments/Credits</b>	-\$250.00
<b>Balance Due</b>	\$0.00

A FINANCE CHARGE OF 1.5% PER MONTH will be assessed on any unpaid balance to cover any possible collection and/or attorney fees and court costs required in the event that any legal action be deemed necessary in the collection of these charges.

# La Pine Septic Service

DEQ #38909

P.O. Box 2879 • La Pine, OR 97739  
Phone: (541) 536-2517 • Fax: (541) 536-7414

## PUMPING WORK ORDER

### BILLING INFORMATION

Customer Name: Peter Drethuss  
Billing Address: \_\_\_\_\_  
City / State / Zip: \_\_\_\_\_ Phone: 541 495 1175

### SERVICE LOCATION INFORMATION

Address: 1726 Scatterbe Way Date of Service: 8/12/15 (Wed)  
City: \_\_\_\_\_ Time of Service: \_\_\_\_\_

### TYPE OF SERVICE

Household  Vault  Toilet  Other: \_\_\_\_\_  
 Pump  Locate  Dig & Fill  Inspection

### RATE

Pump: \$200  
Dig & Fill: \$50  
Service Call: \_\_\_\_\_  
Disposal Fee: \_\_\_\_\_  
Other: \_\_\_\_\_  
TOTAL: \$250

### PAYMENT

Cash  Check # 582  Credit Card # \_\_\_\_\_  
 Bill Exp: \_\_\_\_\_ Code: \_\_\_\_\_  
Signature: \_\_\_\_\_

1000 gallon steel tank  
System operating properly at this time  
Tank operating at proper level

THANK YOU FOR YOUR BUSINESS!

Service Provided By: Chris



Landscaping and landscaping decks on the property, looking southeast from the northwest grass area, near the northwest corner of the north landscaping deck. Photo taken 2/25/15.