Attachment N – Titles 19-21, Road and Street Projects Update

BACKGROUND & OVERVIEW

Deschutes County Code (DCC) Title 18.04.030 (Definitions) describes the various land use activities allowed in various County zones. For transportation projects, these are defined in 18.04.030 as either Class I, Class II, or Class III road and street projects with Class I and Class II requiring land use permits while Class III does not. As growth occurs in the County's urban areas, State highway, County roads, and City streets require either improvements or entirely new facilities. County lands that border urban areas are governed under Title 19 (Bend), Title 20 (Redmond) or Title 21 (Sisters) and there is no similar title for La Pine. While the Purpose statements in these three titles do mention transportation or congestion, they offer no definitions or criteria or processes to follow.

The issues Titles 19-21 do not list road or street project as either outright permitted uses or conditional uses. While Title 18 broadly defines road and street projects to include facilities for cars, bicycles, pedestrians, etc., there is no such language in Title 19A.01.020 (Permitted and Conditional Uses); Title 20.12.020 (Outright Permitted Uses) and 20.12.030 (Conditional Uses); and 21.16.020 (Outright Permitted Uses) and 21.16.030 (Conditional Uses). From a strict land use development code perspective, if a use is not listed in the relevant title, the use cannot occur. Thus, on County-zoned lands on the peripheries of Bend, Redmond, Sisters, and La Pine, it is currently unclear how road or street projects can be built.

The solution would be text amendments to Titles 19-21 and import the road and street projects language from Title 18, specifically the definitions found in DCC 18.04.030.

CURRENT PROCESS & CHANGES

Under Board direction and with public outreach and input, Staff would explore updating Titles 19-21 and import the road and street projects language from Title 18.

Key Amendment Concerns	
Staff Effort/Resources	Low
Legal Complexity	Low
Implementation Urgency	High