



MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Rachel Vickers, Associate Planner

DATE: June 22, 2023

SUBJECT: Public Hearing: Conventional Housing Combining Zone Repeal

The Deschutes County Planning Commission will conduct a public hearing to consider legislative amendments to repeal the Conventional Housing Combining Zone (file no. 247-23-000391-TA) on June 22, 2023 at 5:30 P.M. The hearing will be held at the Barnes and Sawyer Room, Deschutes Service Center, 1300 Wall Street, Bend.

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development on May 17, 2023. Staff presented the proposed amendments to the Planning Commission at a work session on June 8, 2023¹. Attached to this memorandum are the proposed text amendments and findings, which have not changed since the Planning Commission work session. Within the proposed amendments, added language is shown underlined and deleted shown as strikethrough. The public hearing will be conducted in-person, electronically, and by phone.

I. BACKGROUND

The CHC Zone serves as an overlay zone and restricts placement of manufactured or prefabricated homes in specific areas of the County with the following stated purpose:

"To provide a variety of residential environments in rural areas by maintaining areas reserved for conventional and modular housing permanently attached to real property".

Deschutes County adopted the CHC Zone in 1979 as part of Ordinance PL-15, the County's Zoning Ordinance. The CHC Zone applies to three areas – an area to the east of Tumalo, west

¹ <https://www.deschutes.org/bc-pc/page/planning-commission-26>

of Tumalo and east of Bend as shown in the map in Attachment 3. From staff research, this overlay zone appears to have been created by petition of property owners, although specific findings for the intent of the zone and its location are not available in county records.

In 2020, the County produced a Rural Housing Profile, which outlined several potential strategies for removing barriers to housing production in rural Deschutes County. The repeal of the CHC Zone was listed as a strategy as it would give those properties the potential to provide affordable housing in the form of mobile or manufactured homes, which are less expensive alternatives to stick-built or modular housing.

In addition to this, on March 23, 2022, Oregon House Bill 4064 became effective. The bill amended several sections of Oregon Revised Statute which clarified that local governments may not prohibit siting of prefabricated structures in residential zones where traditional single-family homes or other common dwelling types were allowed. Although the amendments were primarily targeted toward cities and urban growth boundaries, Section 4, ORS 197.312 OR was revised to limit both city and county jurisdictions' ability to prohibit manufactured prefabricated homes in residential zones.

The purpose of these amendments is twofold: to implement the recommendation of the 2020 housing profile to allow for an affordable housing option where stick-built residential structures are otherwise allowed and also to bring the Deschutes County Code into compliance with HB 4064 by specifically removing this combining zone from residentially zoned properties.

II. PROPOSAL

This is a legislative text amendment to Deschutes County Code (DCC), Title 18 County Zoning, to repeal Chapter 18.92, Conventional Housing Combining (CHC) Zone.

Staff is proposing the following revisions to complete this text amendment:

- Repeal of section 18.92 Conventional Housing Combining Zone from the Deschutes County Code
- Zoning Map Amendment to repeal the Conventional Housing Combining Zone

The applicant, in this case Deschutes County Community Development, has provided the draft text amendments and findings as attachments to this memorandum. The findings summarize the amendments and demonstrate compliance with the Statewide Planning Goals, and applicable policies of the Deschutes County Comprehensive Plan.

III. PLANNING COMMISSION WORK SESSION

Planning Commissioners conducted a work session on June 8, 2023. At that time Commissioners raised the following questions:

- **Is the purpose of this amendment to come in alignment with State Statue and if yes, what are the risks if this zone is not repealed?**

This text amendment is essentially a housekeeping and communications update to come in alignment with State Statue for manufactured homes in residential zones. If a property owner were to come into the County stating they wanted to place a manufactured home on their property and that we were out of alignment with State Statue, we would let them place the manufactured home on their property. This repeal of this zone was also identified in the County's 2020 Housing Profile as a way to provide more options for affordable housing.

- **Has House Bill 4064 been adopted?**

Yes, House Bill 4064 was adopted on 2/18/2022.

- **Is staff confident this text amendment will bring us in alignment with State Statue?**

Yes, staff has confirmed with legal counsel that this text amendment will bring us in alignment with State Statue.

- **Is staff concerned about a Measure 49 claim?**

Being as that staff is removing a restriction and not adding a restriction, staff is not concerned about a Measure 49 claim.

- **What are the resources zones that make up the CHC zone?**

Below are two tables that break down the single and split zoned properties within the CHC zone.

Single Base Zoned Properties

Zone	Number of properties
<i>Resource Zones</i>	
Exclusive Farm Use (EFU)	353
Forest Use (F1/F2)	4
Open Space and Conservation (OSC)	3
<i>Total Resource Zoned Properties: 360</i>	

<i>Residential Zones</i>	
Multiple Use Agricultural (MUA10)	83
Rural Residential (RR10)	10
Tumalo Residential (TUR/TUR5)	7
<i>Total Residential Zoned Properties: 100</i>	
Total Single Zoned Properties in CHC Zone: 460	

Multiple Base (Split) Zoned Properties

Zones	Number of properties
EFU and F1/F2	1
EFU and MUA 10	3
EFU and RR10	1
EFU and FP	13
EFU, FP, and MUA10	2
EFU, FP, and TUR/TUR5	1
MUA10 and Flood Plain (FP)	16
Surface Mine (SM) and FP	3
TUR/TUR5 and FP	4
MUA10, TUR5, and FP	1
Total Split Zoned Properties in CHC Zone: 45	

IV. NEXT STEPS

At the conclusion of the public hearing, the Planning Commission may:

- Continue the hearing to a date certain;
- Close the hearing and leave the written record open to a date certain; or
- Close the hearing and commence deliberations.

Attachments:

1. Proposed Text Amendments
2. Proposed Findings
3. CHC Zone Map