



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Will Groves, Planning Manager
Peter Gutowsky, AICP, Director

DATE: October 3, 2022

SUBJECT: Planning Division Work Plan Update / Long Range Planning / FY 2022-2023

I. WORK PLAN DIRECTION

The adopted Community Development Department (CDD) FY 2022-23 Work Plan contains several discretionary long range planning projects varying in complexity and anticipated staff effort.¹ This memorandum is intended to update the Board of County Commissioners (Board) on upcoming work plan projects and solicit any comments and revisions. The purpose is to ensure that long-range staff, which has emerging capacity, implements the Board’s priorities within its available resources.² Tables 1-3, starting on page 2, summarize projects that are completed, ongoing, and yet to be initiated. In August, CDD identified several staff constraints that were anticipated to resolve this calendar year. As anticipated, Long Range Planning is in a position to initiate additional projects later this fall or early winter.

Staff seeks Board support to initiate the following projects:

- Amateur Radio Tower Update

Amateur (“Ham”) Radio Tower amendments would reflect building code updates and streamline permitting. The first evidentiary hearing is targeted for November or December, following coordination with stakeholders.

- Housekeeping Amendments

Housekeeping amendments do not require significant policy choices. They are typically mandated by state statute and rule, scrivener’s errors, or are simple fixes to maintain code consistency. This housekeeping package will likely include state-mandated updates to allowed uses in agricultural buildings, temporary housing options during wildfire recovery, as well as some changes to improve definition consistency in Deschutes County Code (DCC), Title 18.

¹ https://www.deschutes.org/sites/default/files/fileattachments/community_development/page/110/2022-23_work_plan_annual_report_-_final.pdf. Pages 35-38.

² The Long Range Planning Section consists of two Senior Planners, a Senior Transportation Planner (FTE allocated across transportation, current and long range planning duties), and two Associate Planners.

- Outdoor Lighting Control and Dark Skies Best Practices

A draft work plan and timeline first need to be drafted. Staff would return to the Board later in the fall to receive feedback. A stakeholder committee would ultimately be convened to discuss Deschutes County's Outdoor Lighting Control Ordinance, DCC Chapter 15.010, suggested revisions, and/or educational outreach opportunities related to dark skies.

- Short-term Rental (STR) Regulations for Rural Deschutes County

The Board discussed the topic of STR regulations on September 26. While not recognized on the FY 2022-23 Work Plan, if directed, staff could develop a scope work and timeline and return to the Board later in the fall for further input.

II. BACKGROUND

Each spring, CDD prepares an annual work plan describing proposed projects for the coming fiscal year. A review of the draft work plan provides the Planning Commission, Historic Landmarks Commission, County Administration, CDD's customers and partner agencies, and the Board the opportunity to provide input, including additions, modifications and possible re-prioritization. The work plan describes the most important objectives and proposed projects in each CDD division based on:

1. Board annual goals and policies;
2. Carry-over projects from current or prior years;
3. Changes in state law;
4. Grants/funding sources; and
5. Public comments.

It also serves as the context within which new projects that arise during the course of the year are prioritized and undertaken. The Planning Division Work Plan consistently generates public interest.

III. COMPLETED PLANNING PROJECTS

Table 1 lists completed projects identified in the FY 2022-23 work plan.

Table 1 – Completed Planning Projects

Project	Summary	Status
<i>HB 4079 / Affordable Housing Pilot Project</i>	Amendments to the Deschutes County Comprehensive Plan and Zoning Map to change the designation of a property to Bend Urban Growth Area and Urbanizable Area (UA) District, respectively. Amendment allows the City of Bend to annex, rezone and approve urban development of the future Parkside Place affordable housing development.	<u>Completed</u> . Board adopted City of Bend Urban Growth Boundary (UGB) amendment in June. City Council adopted similar amendments in July. Annexation is forthcoming.

Project	Summary	Status
Historic Preservation (CLG Grant)	Every 24 months, the State Historic Preservation Office (SHPO) offers matching grants to counties that have been “certified” as historic preservation partners with both the state and federal governments. Deschutes County is a Certified Local Government (CLG). Staff is administering a \$12,000 CLG grant, which includes coordinating with the Historic Landmarks Commission and City of Sisters.	<u>Completed</u> . The CLG Grant closed on August 31, 2022.
Historic Policy and Procedures Manual	Staff prepared a <i>Historic Landmarks Commission Policies and Procedures Manual</i> . It is a reference guide describing the Commission’s purpose, authorities, roles, decision making process, applicable laws/regulations and public meeting requirements.	<u>Completed</u> . Board reviewed and approved the manual in September.
Historic Preservation Strategic Plan	Staff prepared a <i>Deschutes County and City of Sisters Historic Preservation Strategic Plan 2022-2027</i> . It provides a framework for shaping the county and City of Sisters’ preservation programs and services over the next five years and creates a blueprint for allocating CLG grant funding	<u>Completed</u> . Board reviewed and approved the strategic plan in September.

II. ONGOING PLANNING PROJECTS

Staff is currently processing or coordinating a number of land use projects.

Table 2 - Ongoing Planning Projects

Project	Summary	Comments
Applicant-initiated Nonresource Land Amendments	Staff is processing six applicant-initiated Plan Amendment and Zone Change applications to change Exclusive Farm Use (EFU) zoning. Two are awaiting final decisions from the Board. The other four require Hearings Officer decisions before being scheduled for public hearings with the Board. Those hearings are anticipated for winter 2023.	<u>Ongoing</u> . Deschutes County has a long-standing policy (for decades) to timely process applicant-initiated plan amendment, zone changes, and/or text amendments. These plan amendments and zone changes require significant resources and are becoming increasingly common.
City of Bend Coordination	Coordinate with City of Bend on growth management issues, including technical analyses related to housing and employment needs.	<u>Ongoing</u> . Staff is coordinating with city staff regarding HB 3318, Stevens Road Tract. Later this fall or in 2023, the city of Bend will initiate an application to expand its urban growth boundary to include this property.
City of La Pine Coordination	Participate with Property Management and the City of La Pine to update and amend the County owned Newberry Neighborhood comprehensive plan designations, master plan and implementing regulation.	<u>Ongoing</u> . Staff is coordinating with the Property Manager and Strategic Initiatives Manager.

Project	Summary	Comments
City of Redmond Coordination	Coordinate with City of Redmond to implement their Comprehensive Plan update.	<u>Ongoing.</u> Staff is coordinating with the City of Redmond regarding their plans to relocate and expand their wastewater treatment plant.
City of Sisters	Participate in the implementation of Sisters Country Vision Plan and City of Sisters Comprehensive Plan Update.	<u>Ongoing.</u> Staff participates in regular coordination meetings with the Sisters Vision Implementation Team.
Comprehensive Plan Update	Deschutes County last updated its Comprehensive Plan in 2011. Since then, Deschutes County's growth has outpaced the state of Oregon, growing more than twice the rate at 21.7 percent this decade. Recent projections from the Portland State University, Oregon Population Forecast Project, estimate Deschutes County's population will be 301,999 by 2043.	<u>Ongoing.</u> Staff, in coordination with the consultant, MIG/APG, is preparing for community conversations and open houses throughout Deschutes County in late October. The focus is to provide input on a draft vision statement and identify key land use themes.
Coordination Projects	<ul style="list-style-type: none"> o Destination Resort Overnight Lodging Unit Annual Reporting o Marijuana Annual Reporting / Inspections o Portland State University (PSU) Annual Population Estimate 	<u>Ongoing.</u> PSU will release its annual population estimate in November and certify it in mid-December. Annual reporting for marijuana related land use will be completed in mid-October. Staff will provide a summary of the inspections to the Board in late Oct. Monitoring destination overnight lodging units will be initiated in January 2023.
Growth Management Committees	Coordinate and/or participate on Deschutes County Bicycle and Pedestrian Committee (BPAC), Project Wildfire, and Deschutes County Mitigation and Enhancement Committee. BPAC is involved in the County's Transportation System (TSP) Plan Update, and Sisters Country Expansion Concept Plan.	<u>Ongoing.</u> These meetings occur monthly with the exception of the Mitigation and Enhancement Committee which is annually.
Psilocybin Time, Place, and Manner (TPM) Amendments	<p>On July 13, 2022, the Board conducted an afternoon and evening hearing to consider Ordinance No. 2022-009, Referring a Measure to the Electors to Prohibit Product Manufacturers and Psilocybin Service Center Operators within Unincorporated Deschutes County. The Board deliberated on the matter on July 20 and adopted a first reading of Ordinance No. 2022-009. Second reading occurred on August 8. The ordinance will be subject to Deschutes County voters for the November 8, 2022 General Election.</p> <p>During deliberation the Board expressed interest in developing TPM amendments in the event voters reject prohibiting psilocybin manufacturing and psilocybin service centers in the unincorporated county. On July 27, the Board directed staff to begin the TPM process.</p>	<u>Ongoing.</u> Deschutes County Planning Commission held a public hearing on September 29. Deliberations are scheduled for October x.

Project	Summary	Comments
Road Naming	Process Road Naming requests associated with certain types of development on a semi-annual basis.	<u>Ongoing.</u>
Rural Accessory Dwelling Units (SB 391)	The Oregon Legislature adopted Senate Bill (SB) 391 into law on June 23, 2021. It authorizes a county to allow an owner of a lot or parcel within a rural residential zone to construct one ADU subject to certain restrictions and limitations.	<u>Ongoing.</u> Deschutes County Planning Commission held a public hearing on September 22. Deliberations are scheduled for October 13.
Transportation Growth Management (TGM) Grant	CDD received a \$75,000 TGM grant to: <ul style="list-style-type: none"> o Update the Tumalo Community Plan; and o Implement the rural trails portion of the Sisters Country Vision Action Plan. 	<u>Ongoing.</u> The next public open house (#3) for the Tumalo Community Plan will occur later in the fall. It will occur after the completion of the Tumalo Sewer Feasibility Study. Staff is reviewing the first draft of a Sisters Trail Expansion Concept Plan which was based on an online open house and survey results. The concept plan is intended to be integrated into the County's TSP.
Transportation System Plan (TSP) Update	Coordinate the County TSP update with the Road Department and ODOT.	<u>Ongoing.</u> Staff Senior Transportation Planner is assisting the Road Department which is leading the TSP update. The Planning Commission serves as the citizen advisory committee (CAC) for this project. Transportation policy / recommendations from the Tumalo Community Plan and Sisters Country Trail will be included in the TSP Update.
Wildfire Mitigation (SB 762)	On June 26, 2021, the Oregon Legislature passed SB 762, which has significant impacts on wildfire mitigation efforts across all jurisdictions in Oregon including Deschutes County.	<u>Ongoing.</u> Staff is monitoring SB 762 and will provide regular updates relating to forthcoming revisions and process related to the Oregon Department of Forestry's statewide wildfire risk map.
Wildlife Inventory Update	Last fall, the Board directed staff to initiate a pilot project updating a new inventory from the Oregon Department of Fish and Wildlife (ODFW) relating to mule deer winter range. The County's existing mule deer winter range covers approximately 315,947 acres. ODFW's new inventory proposes an additional area of 188,132 acres, resulting in total of 503,979 acres. Incorporating the new inventory into DCC requires: <ul style="list-style-type: none"> o Amending the Comprehensive Plan and zoning code o Drafting parcel-specific maps showing properties affected by the existing and proposed winter range o Writing extensive findings o Creating interactive website o Scheduling public open houses and hearing 	<u>Ongoing.</u> This project is delayed until the new year, at Board direction, to prioritize TPM regulations for psilocybin, in the event electors decide not to opt out by ballot. Staff is targeting formally initiating the Mule Deer Wildlife Inventory update notice in mid-December, with open houses in January, Planning Commission hearings in late January or early February, then followed by Board hearings in spring 2023.

III. PROJECTS NOT YET INITIATED

Table 3 lists long range planning projects that have not been initiated. It recognizes staffing resource requirements for each project. They range from “minor” to “significant” as noted below:

- A “minor” rating (2 to 6 months)
- A “moderate” rating (4 to 8 months)
- A “significant” rating (6 to 12 months)

Table 3 – Non-initiated Long Range Planning Projects

Project	Summary	County Resources
<i>Bend Airport</i>	Update and adopt the Bend Airport Master Plan and amend the Comprehensive Plan and Development Code to incorporate implementation measures to allow new airport-related businesses.	Minor to Moderate
<i>Community Plans</i>	Engage Terrebonne, and Newberry County residents to determine if community plans should be updated.	Significant
<i>Housekeeping Amendments</i>	Initiate housekeeping amendments to ensure County Code complies with State law.	Minor
<i>Legislative Session</i>	Participate in legislative or rulemaking work groups to shape state laws to benefit Deschutes County.	Minor
<i>Sage Grouse Coordination</i>	Participate as a cooperating agency with the Bureau of Land Management (BLM) to evaluate alternative management approaches to contribute to the conservation of the Greater Sage-grouse and sagebrush habitats on federal lands.	Minor
<i>Zoning Amendments</i> ³	• Minor variance 10% lot area rule for farm and forest zoned properties.	Minor
	• Outdoor Mass Gatherings to be addressed more thoroughly.	Minor
	• Wireless telecommunication facilities and ODOT right-of-way	Minor
	• Re-platting.	Minor
	• Outdoor and Greenhouse Lighting Control Ordinance	Moderate
	• Sign code to become consistent with federal law.	Minor
	• Accessory structure amendments clarifying they must be built concurrent with or after the establishment of a primary residence. Specify allowed facilities (baths, cook tops, wet bar) in residential accessory structures.	Minor
	• Section 6409(a) of the Spectrum Act (Wireless Telecommunication Amendments)	Minor
	• In conduit hydroelectric generation code amendments.	Significant
	• Revisit Amateur Radio Tower regulations.	Minor
	• Temporary use of recreational vehicles as dwellings	Minor to Moderate
	• Destination resort map amendment to prevent future siting of destination resorts	Moderate
	• Repeal Conventional Housing Combining Zone	Minor
• Define family for unrelated persons HB 2538, Non-familial Individuals	Minor	

³ CDD, after coordinating with Legal Counsel, is recommending not initiating the ODOT cell tower / right-of-way (ROW) amendment given that utilities in the ROW are likely protected by *Brentmar v. Jackson County*, 321 Or. 481, 496, 900 P.2d 1030 (1995) as a sub-1 use in the Exclusive Farm Use zone. Land uses (including a cell tower in the ROW) identified under ORS 215.283(1) are known as “sub-1” uses. *Brentmar* clarified that counties have very little ability to constrain these uses beyond safety regulations.