



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Tanya Saltzman, Senior Planner

DATE: June 11, 2025

SUBJECT: Consideration of First and Second Reading: Clear and Objective Housing Text Amendments
– Goal 5 (Title 18)

On June 18, 2025, staff will present Ordinance No. 2025-009 to the Board of County Commissioners (Board) for consideration of first and second reading. On May 28, 2025¹, the Board conducted a public hearing and deliberations to consider legislative text amendments establishing “clear and objective” housing development standards pursuant to House Bill (HB) 3197² (file no. 247-25-000171-TA). The ordinance provided here reflects the decisions made during those deliberations.

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on March 19, 2025. Staff presented the proposed amendments to the Planning Commission at a work session on April 10, 2025.³ An initial public hearing was held before the Commission on April 24, 2025.⁴ At that time, the oral portion of the public hearing was closed and the written record was held open until April 30, 2025 at 4:00 p.m. The Commission held deliberations on May 8, 2025⁵, issuing a recommendation for approval to the Board and requesting staff to relay the main topics of the Planning Commission discussion to the Board.

All record materials can be found on the project website:

<https://bit.ly/DeschutesClearAndObjectiveGoal5>

II. OVERVIEW OF ORDINANCE

Numerous sections and language included in the Deschutes County Code (DCC) do not currently meet the identified thresholds for “clear and objective standards.” The primary focus of the Clear and Objective Code Compliance Project is to ensure the DCC complies with state statute and the objectives of the Deschutes County Comprehensive Plan.

¹ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-234>

² <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB3197/Enrolled>

³ <https://www.deschutes.org/bc-pc/page/planning-commission-65>

⁴ <https://www.deschutes.org/bc-pc/page/planning-commission-66>

⁵ <https://www.deschutes.org/bc-pc/page/planning-commission-61>

With the assistance of consultants from MIG, planning staff have identified areas of the DCC that are not in compliance with statute and drafted packages of text amendments to address each issue. These packages have been broken into distinct segments to provide the public, the Deschutes County Planning Commission (Commission), and the Deschutes County Board of Commissioners (Board) the opportunity to review and vet the proposed changes in a structured manner.

Where possible, planning staff have drafted amendments that effectuate a policy-neutral conversion of existing discretionary language to non-discretionary language. This ensures the original intent and purpose of each amended code provision are preserved. Where that approach is not viable, alternative standards or criteria have been proposed. Additionally, certain amendments have been proposed to broadly remove ambiguity from implementing sections of the DCC, maintain conformity across all development standards, and ensure review clarity for staff and members of the public.

This amendment package encompasses areas of the DCC that address Goal 5 resources and related language, including cluster and planned developments, in Title 18, specifically:

- Definitions for the Deschutes County Zoning Code – DCC 18.04
- Multiple Use Agricultural Zone – DCC 18.32
- Surface Mine Impact Area (SMIA) – DCC 18.56
- Rural Residential Zone – DCC 18.60
- Terrebonne Rural Community Zoning District – DCC 18.66
- Landscape Management Combining Zone – DCC 18.84
- Wildlife Area Combining Zone – DCC 18.88
- Sensitive Bird and Mammal Habitat Combining Zone – DCC 18.90
- Urban Unincorporated Community Zone; Sunriver – DCC 18.108
- Supplementary Provisions – DCC 18.116
- Exceptions – DCC 18.120
- Conditional Use – DCC 18.128

Changes Since Hearing and Deliberations

Staff made two minor changes to the code since the public hearing based on internal review and coordination:

Driveway access in Landscape Management Combining Zone: Staff modified the proposed language in DCC 18.84.081(F) Design Review Standards – Clear and Objective, to require consolidation of driveway access (original proposed language unintentionally disallowed all driveways).

DCC 18.08 “switching station”: Previously, the amendments contained a new section, DCC 18.08.050, Review Pursuant to ORS 197A.400. This provided base language describing the procedural difference between general/discretionary standards and clear and objective standards. This section has been moved to Title 22, which addresses procedures for land use applications and therefore is a more appropriate location. References throughout the title have been changed accordingly.

III. NEXT STEPS & STAFF RECOMMENDATION

As noted in the language of Ordinance No. 2025-009, staff recommends that the Board conduct first and second reading and adopt the ordinance by emergency with an effective date of July 1, 2025, which is the effective date of the state legislation (HB 3197) and allows for planning staff time to coordinate implementation.

Attachments:

- Ordinance No. 2025-009 and Corresponding Exhibits – Emergency