



**MEMORANDUM**

**DATE:** August 17, 2023

**TO:** Deschutes County Planning Commission

**FROM:** Peter Russell, Senior Transportation Planner

**RE:** August 24, 2023, continued public hearing on Tumalo Community Plan update, File 247-23-000509-PA/510-TA

The Planning Division is updating the 2010-2030 Tumalo Community Plan (TCP) to 2020-2040 due to changes in the community and passage of time. Additionally, the County received a \$75,000 Transportation Grant Management (TGM) from the State, of which the bulk was dedicated to update the bike/pedestrian/transit, aka Active Transportation, element of the TCP. The County hired Kittelson and Associates (KAI) to do the work for the TGM grant.

The purpose of this memo is to summarize the public outreach process from May 17, 2023, forward; recap comments received at the Planning Commission (PC) at its August 10, 2023, public hearing; and provide next steps.

**I. BACKGROUND**

Tumalo is an Unincorporated Community under Oregon Administrative Rule (OAR) 660-022, meaning the land use pattern is quasi-urban in terms of density and land uses and predated the Oregon’s land use system, which began in 1973. The state classifies Tumalo as a Rural Unincorporated Community<sup>1</sup> and the County administers it under Deschutes County Code (DCC) 18.67. The Tumalo Community Plan is Section 4.7 of the Comprehensive Plan and appears as Appendix B of the Comprehensive Plan. Of the \$75,000 TGM grant, \$50,000 was earmarked for the Active Transportation segment of the TCP.

Staff prepared a website, [www.deschutes.org/tumaloplan](http://www.deschutes.org/tumaloplan), which featured a StoryMap that provided a narrative of the project, the community’s history, the purpose of the TCP, occasional surveys, and

---

<sup>1</sup> OAR 660-020-010(7) “Rural Community is an unincorporated community which consists primarily of permanent residential dwellings but also has at least two other land uses that provide commercial, industrial, or public uses (including but not limited to schools, churches, grange halls, post offices) to the community, the surrounding area, or to persons traveling through the area.”

an opportunity to leave a contact email. A second, project-specific website, <https://www.deschutescounty.gov/cd/page/tumalo-community-plan-update-2020-2040-247-23-000509-pa-510-ta>, was created to provide an additional source for project updates and to contain the record associated with the TCP update.

Staff provided numerous methods for the public to provide input on what they wanted in the TCP, the community vision statement, and specific draft goals and policies. These methods ranged from traditional meetings in the Tumalo School Gym to face-to-face meetings at a local coffeehouse to Zoom meetings. Public outreach included mailers to Tumalo residents initially then emails via Constant Contact based on information from attendance sheets, contact info left at the website, or phone calls and/or emails to Planning staff. Outreach for specific events included:

- Tumalo StoryMap #1, April 27-May 25, 2022
- Tumalo Community Plan Open House #1, May 11, 2022 (Kick Off meeting)
- Meet A Planner, Tumalo Coffeehouse, Zoom, or phone, June 13-24, 2022
- Tumalo StoryMap #2, June 29-July 27, 2022
- Tumalo Community Plan Open House, #2, August 22, 2022 (Draft TCP, 1<sup>st</sup> version)
- Meet A Planner, Tumalo Coffeehouse, Zoom, or phone, May 2-9, 2023
- Tumalo StoryMap #3, April 23, 2023, to present
- Tumalo Open House #3, May 17, 2023, (Draft TCP, 2<sup>nd</sup> version)

## II. PUBLIC OUTREACH, MAY 17 TO AUGUST 16, 2023

At the August 10 public hearing there was a fair amount of discussion regarding public outreach prior to the August 10 hearing. Below is a summary of the materials from the May 17 Open House #3 at the Tumalo School Gym; the published notice in the Bulletin; the use of the Constant Contact platform; and how the County has performed outreach for the August 24 continued public hearing in response to public testimony and comments from the PC.

For the May 17 Open House #3, staff provided handouts of a clean version of the TCP, a color-coded version of the TCP goals and policies, and a color-coded spreadsheet comparing the 2010 and 2020 TCPs.<sup>2</sup> (These are the same materials provided in the July 27 and August 10 PC packets.) Staff then verbally reviewed all the new language, i.e. the text shown in yellow, and answered questions from the attendees. Additionally, staff provided to attendees a memo which provided the following information:

Staff will present the draft goals and policies to the PC at a work session on July 27. **The PC will hold a public hearing on the draft 2020 TCP on August 10. Both the work session and the public hearing will be held at 5:30 p.m. in the Barnes and Sawyer Room in the Deschutes County Administrative Services Building, 1300 NW Wall St., Bend. (Emphasis added)**

---

<sup>2</sup> Staff notes May 17, 2023, is the 137<sup>th</sup> day of the year and August 10, 2023, was the 222<sup>nd</sup>. Attendees at Open House #3 received 85 days advance notice of the first evidentiary hearing, including time, date, and location as well as same materials that were presented at the Aug. 10 PC hearing (draft TCP; color-coded version; color-coded spreadsheet).

The TCP update is a legislative amendment and does not require notice to individual parties. Per Deschutes County Code (DCC) 22.12.020 (Notice) the date, time, and location was published in the Bulletin on July 20, 2023. This fulfilled the County's legal requirements for public notice. The County uses the Bulletin as it is the largest newspaper in the region and functions as the paper of record for Central Oregon.

The PC held a work session on July 27 and the draft TCP and supporting materials were available to the public. The work session was carried live online as well as being recorded.

As an additional courtesy and good faith effort to provide additional public outreach, the County used the TCP mailing database and sent out a notice via Constant Contact, an electronic distribution service, on Aug. 3, 2023. The Constant Contact notice contained the file number, date, and time of the August 10, 2023, public hearing. The Constant Contact included a link to the Deschutes County meeting portal, which contained the PC agenda for the meeting. The PC agenda also includes the address of where the PC hearing would be held. Staff notes the Planning Division uses this same template for all hearings, whether the review body is the Board of County Commissioners, the Planning Commission, or a Hearings Officer.

At the hearing, there was testimony about difficulties using the Constant Contact to find the physical location of the hearing and questions about why other social media outlets were not utilized. In response, staff sent out on August 11, 2023, a Constant Contact notice for the continued hearing on August 24 which included the physical location of the hearing as well as the usual information.

Additionally, staff worked with the public information office to send out notice on August 14, 2023, of the August 24, 2023, public hearing including time, date, and place information via various social media outlets. An additional round of social media notices was scheduled to go out on August 16 for the August 24 public hearing. (Staff notes due to scheduling in the PIO office, that was the earliest the notice could go to certain social media outlets.) The intent was to provide more time between the notice and the date of the hearing to address the frustration expressed during public testimony. The County used its Facebook page, Instagram account, and Nextdoor. We also have included the time, date, and place information of the August 24 PC hearing on the TCP webpage at this link:

<https://www.deschutescounty.gov/cd/page/tumalo-community-plan-update-2020-2040-247-23-000509-pa-510-ta>

Finally, the August 10, 2023, hearing was available both live online and recorded. Thus, the PC's decision to continue the hearing to August 24, 2023, allowing both oral and written testimony, was available to the public. Written testimony was due by 4:00 p.m., August 24, 2023, and oral testimony can be given at the hearing itself.

Staff hopes the usage of the additional outreach suggested by the public will result in more people in Tumalo being aware of the TCP 2020-2040 plan and the ability to comment upon the plan at the August 24, 2023, 5:30 p.m. hearing in the Barnes and Sawyer Room, 1300 NW Wall St., Bend, OR.

### **III. RECAP OF COMMENTS RECEIVED AT PC AUG. 10, 2023 HEARING**

The bulk of the hearing revolved around the County's public outreach and public notice, which were discussed above. The other topics briefly mentioned were concerns about recreation in Tumalo and whether Tumalo is going to become more like Bend.

The TCP does not change the zoning in Tumalo. Deschutes County Code (DCC) 18.67 (Tumalo Rural Community) controls what land uses are allowed outright or conditionally in Tumalo. The TCP is not used in current planning such as site plans, lot line adjustments, home occupations, or similar land use applications. The TCP would only be utilized for plan amendments such as proposed changes to the Deschutes County Comprehensive Plan or the zoning map or text amendments to the development code that would change the language regarding uses allowed in DCC 18.67. Any plan amendment or text amendment in the burden of proof would have to address how the proposal is consistent with the TCP, the Comprehensive Plan, and as relevant Statewide Planning Goals.

There was a concern expressed about the TCP promoting additional water-based and bicycle tourism in Tumalo and the possibility of Tumalo becoming more like Bend. Staff notes the County does not control use of the Deschutes River as it is a public waterway. Staff is aware of the challenges of put in/take out points and informal boat ramps. Staff notes bicycles are allowed on public roads as they are a legal vehicle. The TCP tries to address the community's concerns in the goals and policies of the Natural Resources, Recreation, and Open Space section but staff encourages suggestions from the public and/or PC.

### **IV. COMMENTS RECEIVED AS OF AUGUST 17, 2023**

PC packets materials are due by noon on August 17. In total, staff has received 5 public comments regarding the TCP as of the writing of this memo. The public comments received express a desire for an extended public hearing process, more communication through the Constant Contact format, recommendations for road improvements around Cook Avenue, and recommendations for roundabout art in the Tumalo roundabouts. If staff receives comments prior to the deadline of 4 p.m., August 24, staff will bring them to that night's continued PC hearing.

### **V. NEXT STEPS**

The Planning Commission continued the hearing until August 24, leaving both the oral and written record open. Staff will provide a brief review of the TCP process; the PC can then ask if there are any public agencies present that may wish to provide comment, then request comments from the public. This can include those present and those on Zoom or the telephone. The Planning Commission has several options at the conclusion of the public comments. The PC can ask if staff has any responses to the comments from agencies or the public. The Planning Commission then may:

- Hold the oral and written record open and continue the hearing to a date certain
- Close the oral record and hold the written record open to a date certain
- Close both the oral and written record and set a date certain for deliberations
- Close both the oral and written record and begin deliberations

## **VI. CONCLUSION**

Staff is prepared to answer any questions.

### **ATTACHMENTS:**

1. Memo for May 17, 2023, Tumalo Open House #3
2. Findings for 247-23-000509-PA, 510-TA
2. Draft Tumalo Community Plan (2020-2040)
3. Color-coded version of goals and policies
4. Spreadsheet of 2020 and 2010 TCP text with notes