



MEMORANDUM

DATE: December 28, 2021

TO: Board of County Commissioners

FROM: Kyle Collins, Associate Planner

RE: Housekeeping Amendments Second Reading (file no. 247-21-000862-TA)

The Board of County Commissioners (Board) held a public hearing on December 15, 2021 concerning housekeeping amendments to Deschutes County Code (DCC). The amendments correct minor errors and incorporate updates from rulemaking at the state level through amendments to Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR). The proposed amendments are described in two Ordinances, one proposed for adoption by emergency and one proposed with a standard 90-day adoption timeline:

- Ordinance 2021-013
- Ordinance 2021-014 – *Proposed Adoption by Emergency*

One person, Annunziata Gould, provided public testimony during the hearing related to the following:

- A proposed amendment for new deadlines when submitting formal appeals of local land use decisions. This amendment was proposed by staff to accommodate new visitor hours for the main Community Development Department (CDD) office and to notify applicants of their obligations when filing a formal appeal.
- A proposed amendment for open record period requirements during land use action hearings. Specifically, the amendment alters DCC 22.24.030(D) to match the requirements of ORS 197.763(6) regarding open record periods.

Ms. Gould's testimony raised concerns that the proposed amendments would render Deschutes County Code noncompliant with relevant ORS and OAR requirements. Additionally, Ms. Gould's testimony raised concerns that shorter hours for the main CDD office along with the accompanying appeal filing deadline adjustments would create hardships for those wishing to provide public input during relevant land use proceedings.

Staff reiterated to the Board that the proposed amendments to DCC 22.24.030(D) are specifically offered to align Deschutes County Code with the relevant ORS language governing open record periods during land use action hearings. Additionally, staff reiterated that the proposed changes to deadlines for filing formal appeals is necessary to provide conformance with the new CDD office hours, which began closing at 4:00 PM rather than 5:00 PM on December 1, 2021. This change in office hours was undertaken to allow additional resources for staff responding to significant volumes of customer inquiries identified over the past several months.

Following the conclusion of the hearing, the Board voted in favor of approving the proposed amendments as drafted. The Board conducted first and second reading of Ordinance 2021-014 after staff recommended adoption by emergency. Ordinance 2021-014 contains the amendment altering the deadlines for filing formal appeals of local land use decisions. Ordinance 2021-014 will take effect on January 3, 2022. Additionally, the Board conducted first reading of Ordinance 2021-013. Second reading of Ordinance 2021-013 is scheduled for Wednesday, January 5, 2022. The remaining amendments will take effect on April 5, 2022, if approved on January 5, 2022.

Attachment

- Ordinance 2021-013 with Exhibits