



MEMORANDUM

TO: Deschutes County Board of County Commissioners

FROM: Kyle Collins, Associate Planner

DATE: February 7, 2023

SUBJECT: 2023 Housekeeping Amendments – Work Session

The Board of County Commissioners (Board) will conduct a public hearing on February 15, 2023 at 9:00 A.M. at the Deschutes Services Center, 1300 Wall Street, Barnes and Sawyer rooms to consider housekeeping amendments (file no. 247-22-000922-TA). The Board conducted a work session in preparation for this public hearing on February 13, 2023¹. Attached to this memorandum are the proposed text amendments and a staff report summarizing the changes. Within the proposed amendments, added language is shown underlined and deleted shown as ~~striketrough~~. The public hearing will be conducted in-person, electronically, and by phone.²

The record is available for inspection at the Planning Division and at the following website: <https://www.deschutes.org/cd/page/2023-housekeeping-text-amendments>.

I. BACKGROUND

The Planning Division regularly amends Deschutes County Code (DCC) and the Comprehensive Plan to correct minor errors identified by staff, other County departments, and the public. This process, commonly referred to as housekeeping, also incorporates updates from rulemaking at the state level through amendments to Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR). The last time Deschutes County adopted housekeeping amendments occurred in December 2021 and January 2022.³

¹ See Board of County Commissioners February 13, 2023 Agenda for more information: <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-84>

² See Board of County Commissioners February 15, 2023 Agenda for more information: <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-80>

³ Ordinances 2021-013 and 2021-014.

II. OVERVIEW OF AMENDMENTS

The proposed text amendments will affect the following chapters of the Deschutes County Code and the Comprehensive Plan:

Title 17, Subdivisions

Chapter 17.24. FINAL PLAT

Title 18, County Zoning

Chapter 18.04. TITLE, PURPOSE AND DEFINITIONS

Chapter 18.16. EXCLUSIVE FARM USE ZONES

Chapter 18.32. MULTIPLE USE AGRICULTURAL ZONE; MUA

Chapter 18.36. FOREST USE ZONE; F-1

Chapter 18.40. FOREST USE ZONE; F-2

Chapter 18.48. OPEN SPACE AND CONSERVATION ZONE; OS AND C

Chapter 18.60. RURAL RESIDENTIAL ZONE; RR-10

Chapter 18.61. URBAN UNINCORPORATED COMMUNITY ZONE; LA PINE

Chapter 18.65. RURAL SERVICE CENTER; UNINCOPORATED COMMUNITY ZONE

Chapter 18.76. AIRPORT DEVELOPMENT ZONE; A-D

Chapter 18.80. AIRPORT SAFETY COMBINING ZONE; A-S

Chapter 18.96. FLOOD PLAIN ZONE; FP

Chapter 18.100. RURAL INDUSTRIAL ZONE; R-I

Chapter 18.108. URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER

Chapter 18.116. SUPPLEMENTARY PROVISIONS

Chapter 18.124. SITE PLAN REVIEW

Title 22, Deschutes County Development Procedures Ordinances

Chapter 22.04. INTRODUCTION AND DEFINITIONS

Title 23, Deschutes County Comprehensive Plan

Chapter 23.01. COMPREHENSIVE PLAN

Deschutes County Comprehensive Plan

Chapter 5. SUPPLEMENTAL SECTIONS

III. TRANSPORTATION ANALYSIS

Senior Transportation Planner Peter Russell reviewed the application and findings concerning Statewide Land Use Planning Goal 12 and the Transportation Planning Rule, and provided the following comments:

"I have reviewed all of the exhibits for potential Transportation Planning Rule (TPR) effects. If the proposed use generates less traffic than other uses already allowed outright in the zone, then by definition there is no adverse effect and thus the amendment complies with the TPR. Conditionally allowed uses are typically not assessed for TPR compliance as there are

subsequent land use review processes required, such as site plan review and the County's traffic study requirements.

In the zones where a land disposal site is a conditional use, there are no TPR findings needed for the reason stated above as the use will go through subsequent land use review and typically other conditional uses generate more traffic as they are more intense uses.

In the three instances where a land disposal site is an outright permitted use (DCC 18.36 (F-1; 18.40 (F-2); and 18.108 (Sunriver Forest)), the use must be auxiliary to the forest use. To me, that means subordinate which typically means less traffic than the primary use, which again would be TPR compliant.

In terms of RVs as permanent residence, the trip assumption is still the same as it's a single-family residence. Whether stick-built or a manufactured home or an RV, the home site will generate the same number of trips. Again, there would not be an adverse effect and thus the amendment complies with the TPR."

IV. AGENCY COMMENTS

As of the submission date of this memorandum (February 7, 2023), the following section summarizes written comments which have been received from agency partners:

Deanna Wright, Department of Land Conservation and Development, National Flood Insurance Program Coordinator:

- Received feedback regarding necessary changes to the temporary RV residency code provisions in designated floodplain areas to maintain compliance with the mandated standards of the National Flood Insurance Program (NFIP)
- Changes to the proposed amendments were made based on NFIP standards

Randy Scheid, Deschutes County Building Official:

- Request to prohibit permanent additions (such as cabanas, ramadas, etc.) to temporary use structures, including manufactured homes used as medical hardship dwellings
- Permanent, fixed additions can challenge removal of temporary residences when they are required to be moved offsite
- Proposed amendments currently limit permanent additions to RVs utilized as temporary residences following past practice and DCC provisions
- Additional limitations for manufactured homes likely constitute policy decisions at a County level and move beyond standard housekeeping

V. PUBLIC COMMENTS

As of the submission date of this memorandum (February 7, 2023), the following section summarizes written comments which have been received from members of the public:

Dianne Lozito and Nunzie Gould:

- Received comments concerning the Lynch and Roberts Store Advertisement, a listed cultural and historic resource as part of the County's Goal 5 inventory
- County should ensure that the correct location for the listed resource is entered into the Comprehensive Plan
- The current amendments include a correction to the listed location for the Lynch and Roberts Store Advertisement in the Comprehensive Plan

VI. PLANNING COMMISSION REVIEW

The Planning Commission held a work session on this item on January 12, 2023, followed by a public hearing on January 26, 2023⁴. No written comments were received and no parties testified during the hearing. The Planning Commission closed the oral and written portions of the hearing on January 26, 2023 and voted to unanimously to recommend approval of the proposed amendments during the same meeting.

VII. NEXT STEPS

At the conclusion of the public hearing, the Board 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) Ordinance 2023-001 (Non-Emergency) with Corresponding Exhibits

⁴ See Planning Commission January 26, 2023 Agenda for more information: <https://www.deschutes.org/bc-pc/page/planning-commission-32>