



MEMORANDUM

TO: Deschutes County Board of Commissioners

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

DATE: December 4, 2023

SUBJECT: Planning Division Work Plan Update / Long Range Planning / FY 2023-2024

I. WORK PLAN DIRECTION

The adopted Community Development Department (CDD) FY 2023-24 Work Plan contains several discretionary long range planning projects varying in complexity.¹ This memorandum summarizes upcoming work plan projects and asks for any comments and revisions from the Board of County Commissioners (Board). The purpose is to ensure that the Planning Division, which has emerging capacity following completion (or near completion) of prior projects, implements the Board’s priorities within available resources.²

Tables 1-3, starting on page 2, list projects that are completed, ongoing, and yet to be initiated. Staff requests the Board assign priority to Work Plan projects for the remainder of the fiscal year. Three are listed below for consideration:

- Initiate clear and objective standards for housing (HB 3197).
- Scope Newberry Country Plan **or** Terrebonne Community Plan for initiation in FY 2024-25.
- Initiate legislative amendments.

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 enables the Planning Commission, County Administration, CDD’s customers, partner agencies, and the Board the opportunity to provide input, including additions, modifications, and possible re-prioritization. The work plan describes the most important projects in each CDD division based on:

¹ https://www.deschutes.org/sites/default/files/fileattachments/community_development/page/18781/2023-24_work_plan_annual_report.pdf. Pages 35-38.

² The Tumalo Community Plan Update and Transportation System Plan Update will be completed in January or February 2024. The Comprehensive Plan Update is anticipated to be completed in March or April 2024.

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 fiscal year are prioritized and undertaken. The Planning Division Work Plan consistently generates public interest.

III. COMPLETED LONG RANGE PLANNING PROJECTS

Table 1 lists completed long range planning projects identified in the FY 2023-24 work plan.

Table 1 – Completed Long Range Planning Projects

Project	Summary	Status
<i>Conventional Housing Combining Zone Amendment</i>	Staff-initiated amendment clarifying that the siting of prefabricated structures in residential zones are treated similarly with traditional single-family homes or other common dwelling types.	<u>Completed</u> . The Board adopted an ordinance repealing the Conventional Housing Combining Zone on August 23.
<i>Destination Resort Text Amendment</i>	Applicant-initiated amendment to add language from Oregon Revised Statute (ORS) 197.455(1)(a), limiting residential uses to those necessary for the staff and management of the resort at any new Destination Resort allowed within 24 air miles of an urban growth boundary population of at least 100,000.	<u>Completed</u> . The Board declined to consider the amendment on August 9.
<i>Historic Landmarks Commission Amendment</i>	Staff-initiated amendment suspending the Historic Landmarks Commission and for review authority to be vested with the Planning Division.	<u>Completed</u> . The Board adopted an ordinance on November 29. Applications for the HLC have been received and a selection process is forthcoming.
<i>Nonresource Land Amendments</i>	Applicant-initiated Plan Amendment and Zone Change applications to change Exclusive Farm Use (EFU) zoning.	<u>Completed</u> . The Board approved two applications, adopting ordinances on August 30 and September 13.
<i>Petition for Incorporation (City of Mountain View)</i>	Petitioner-initiated to establish a city near Millican.	<u>Completed</u> . The Board adopted an order declining the petition on September 28.
<i>Rural Accessory Dwelling Unit Amendment</i>	Staff-initiated amendment. Senate Bill 391 and SB 644 adopted into law in 2021 and 2023 authorize a county to allow an owner of a lot or parcel within a rural residential zone to construct one Accessory Dwelling Unit subject to certain restrictions and limitations.	<u>Completed</u> . The Board adopted an ordinance on November 1.
<i>Short Term Rentals</i>	Staff produced a summary of opportunities and challenges associated with residential short-term rentals.	<u>Completed</u> . Staff presented a white paper to the Board on September 18.

Project	Summary	Status
Wildfire Hazard Zone Amendment	Staff-initiated amendment clarifying Title 15, Buildings & Construction, Section 15.04.085 prohibits wooden-shake roofing for newly constructed rural residences and residential accessory structures.	<u>Completed</u> . The Board adopted an ordinance on September 13.
Wildlife Inventory Update	Staff-initiated amendment adding a new mule deer winter range inventory from the Oregon Department of Fish and Wildlife to the County's Goal 5 protected resources.	<u>Completed</u> . The Board declined to consider the amendments on June 26.
Conventional Housing Combining Zone Repeal	Staff-initiated amendment to comply with Oregon House Bill 4064 which limited jurisdictions' ability to prohibit manufactured prefabricated homes in residential zones.	<u>Completed</u> . The Board adopted an ordinance on August 23.

IV. ONGOING LONG RANGE PLANNING PROJECTS

Staff is currently processing or coordinating several long range land use projects.

Table 2 - Ongoing Planning Projects

Project	Summary	Comments
City of Bend Coordination	Coordinate with City of Bend on growth management issues.	<u>Ongoing</u> . A Hearings Officer hearing was held on October 2 to consider an applicant-initiated amendment to modify County Code to allow for an air traffic control tower at the Bend Airport. Decision pending. The Board declined to hold a second hearing on November 29. First and second readings are forthcoming. A Hearings Officer hearing for HB 3318 was held on October 11 to consider an applicant-initiated amendment to expand Bend's urban growth boundary for the Stevens Road Tract consisting of 261 acres. Second Reading completed November 29.
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. Coordinate with City of La Pine's comprehensive planning efforts.	<u>Ongoing</u> . Staff is coordinating with the Property Manager.
City of Redmond Coordination	Coordinate with City of Redmond on growth management issues.	<u>Ongoing</u> . A Hearings Officer has recommended approval of the Redmond Airport Master Plan and Airport Safety Combining Zone. Board hearing dates to be scheduled shortly.

Project	Summary	Comments
Comprehensive Plan Update (2040)	Staff-initiated amendment to its Comprehensive Plan. This update provides overarching policy guidance on land use and planning related issues for the years 2020-2040. A draft has been released for public review.	<u>Ongoing</u> . The Planning Commission held two public hearings on October 26 and November 9. A third hearing is scheduled for December 14. Deliberations and recommendations to the Board are anticipated in February 2024.
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> . Staff coordinates with relevant stakeholders for these tasks and reports news, updates, and results to the Board annually.
CORE 3 (Regional Emergency Training Center)	Applicant-initiated urban growth boundary amendment for a 300-acre regional emergency training center in Redmond.	<u>Ongoing</u> . The Minor Partition application was approved on October 13 and the County decision was final on October 25. The supporting Plan Amendment and Zone Change applications were deemed incomplete on July 28. Staff is awaiting an incomplete response from the applicant. These applications will require public hearings. An initial hearing date and time is to be determined.
Dark Skies	Revisiting the County's existing Outdoor Lighting ordinance.	<u>Ongoing</u> . Staff is preparing a summary report of steering committee comments and recommendations for the Board's consideration.
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 except for the Mitigation and Enhancement Committee, which is annual.
Legislative Session	Participate in legislative or rulemaking work groups to shape state laws to benefit Deschutes County.	<u>Ongoing</u> . Coordination with Administration, Board, and Association of Oregon Counties occurs in the fall and into the short and regular legislative sessions.
Multiple Use Agricultural Text Amendment	Applicant-initiated amendment to allow storage units in the Multiple Use Agricultural 10 zone as a permitted use subject to site plan review.	<u>Ongoing</u> . Deschutes County has a long-standing policy to timely process applicant-initiated text amendments.

Project	Summary	Comments
<i>Nonresource Land Amendments</i>	Applicant-initiated Plan Amendment and Zone Change applications to change Exclusive Farm Use (EFU) zoning. Staff is processing four applications. Two are incomplete and two received a public hearing before Hearings Officers in mid-November.	<u>Ongoing</u> . Deschutes County has a long-standing policy to timely process applicant-initiated plan amendment, zone changes. These plan amendments and zone changes require significant resources and are becoming increasingly common.
<i>Recreational Vehicles as Rental Unit Amendments</i>	Staff-initiated amendments based on Senate Bill 1013 authorizing counties to allow an owner of a lot or parcel in a rural area to site on the property one recreational vehicle that is used for residential purposes and is subject to a residential rental agreement and additional criteria.	<u>Ongoing</u> . The Planning Commission held a public hearing on November 9. A second hearing will occur on December 14.
<i>Road Naming</i>	Process Road Naming requests associated with certain types of development on a semi-annual basis.	<u>Ongoing</u> .
<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 sagebrush habitats on federal lands.	<u>Ongoing</u> . Staff will continue to represent the County at multi-agency coordination meetings as part of the BLM's Greater Sage Grouse planning process.
<i>Transportation System Plan 2020-2040</i>	Staff-initiated plan and text amendments to update the 2010-2030 Deschutes County Transportation System Plan (TSP) and accompanying map to 2040. The 2020-2040 TSP provides new traffic volumes and prioritizes improvement projects including but not limited to: motor vehicles, bicycles, and pedestrians; new goals and policies; and resetting the functional reclassifications of selected County roads.	<u>Ongoing</u> . The Board held a public hearing on November 29 with a one-week open record period. Board deliberation will follow.
<i>Tumalo Community Plan Update</i>	Staff-initiated plan and text amendments to the Tumalo Community Plan (TCP) to reflect a 20-year period from 2020-2040. The TCP provides a guide for development, capital improvements, and land use planning specific to the area within and surrounding the Tumalo Unincorporated Community.	<u>Ongoing</u> . The Board will hold a public hearing on December 6.
<i>Wildfire Mitigation</i>	Certain properties in rural Deschutes County will be subject to new wildfire mitigation measures as approved under Senate Bill (SB) 762 and ultimately amended pursuant to SB 80. One of the primary pieces of SB 762 and SB 80 is the creation of a comprehensive Statewide Wildfire Hazard Map to guide new wildfire regulations for development.	<u>Ongoing</u> . Staff in coordination with the County Forester is monitoring and will provide regular updates to the Board when the draft State Wildfire Hazard Map is released for public input.

V. 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>Clear and Object Standards for Housing</i>	Initiate amendments in coordination with consultants funded through a Department of Land Conservation Development grant. The Oregon Legislature recently enacted HB 3197 into law. It requires counties to adopt and apply clear and objective standards, conditions, and procedures regulating housing in unincorporated communities, Rural Residential Exception Areas, and nonresource lands. It has a two-year effective date of July 1, 2025	Significant
<i>Newberry County Plan Update</i>	Develop a scope of work to update the Newberry County Plan. Public engagement could kick-off in summer 2024.	Significant
<i>Terrebonne Community Plan Update</i>	Develop a scope of work to update the Terrebonne Community Plan. Public engagement could kick-off in summer 2024.	Significant
<i>Zoning Amendments³</i>	<ul style="list-style-type: none"> • Minor variance 10% lot area rule for farm and forest zoned properties. (Attachment A) 	Minor
	<ul style="list-style-type: none"> • Outdoor Mass Gatherings update. (Attachment B) 	Moderate
	<ul style="list-style-type: none"> • Lot Line Adjustments and Re-platting. (Attachment C) 	Moderate
	<ul style="list-style-type: none"> • Sign code to become consistent with federal law. (Attachment D) 	Moderate
	<ul style="list-style-type: none"> • 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. (Attachment E) 	Moderate
	<ul style="list-style-type: none"> • Section 6409(a) of the Spectrum Act. (Attachment F) 	Minor
	<ul style="list-style-type: none"> • Define family for unrelated persons HB 2538, Non-familial Individuals. (Attachment G) 	Moderate
	<ul style="list-style-type: none"> • Allow “self-serve” farm stands in Rural residential Exception Areas. (Attachment H) 	Minor
	<ul style="list-style-type: none"> • Comply with House Bill 3109 (2021) pertaining to establishment of childcare facilities in industrial zones. (Attachment I) 	Minor
	<ul style="list-style-type: none"> • Medical Hardship Dwellings—review for consistency with state law. (Attachment J) 	Minor
	<ul style="list-style-type: none"> • Title 19, 20, 21—Language related to Class I, II, and III road projects as allowed uses. (Attachment K) 	Minor
	<ul style="list-style-type: none"> • Title 22—Procedures Ordinance for consistency with state law and planning department interpretations. (Attachment L) 	Minor
	<ul style="list-style-type: none"> • Wetland Regulation Clarification for Irrigation or Artificially Created Wetlands. (Attachment M) 	Significant
	<ul style="list-style-type: none"> • Improve internal and statutory consistency for Forest Zoning Code (Attachment N) 	Moderate

VI. BOARD DIRECTION

Staff seeks Board direction on the priority of the following projects:

³ Detailed descriptions of Zoning Amendment projects are provided as attachments to this memo, as noted.

- Initiate clear and objective standards for housing (HB 3197).
- Scope Terrebonne **or** Newberry Country Plan for initiation in FY 2024-25.
- Initiate legislative amendments.

Given the level of interest in the work plan, the Board may decide to provide direction to CDD at a subsequent meeting.

Attachments

- A. Minor Variance /10% Lot Area Rule
- B. Outdoor Mass Gathering Update
- C. Lot Line Adjustment and Replatting
- D. Sign Code
- E. Accessory Structures
- F. Spectrum Act / Section 6409(a)
- G. Family Definition for Unrelated Persons (HB 2538)
- H. Self-serve Farm Stands
- I. Childcare Facilities
- J. Medical Hardship Dwellings
- K. Title 19, 20, 21 and Road Projects
- L. Procedures Ordinance and Interpretations
- M. Wetland Regulation Clarification
- N. Forest Zoning Code Update