



MEMORANDUM

TO: Deschutes County Board of Commissioners
FROM: Rachel Vickers, Associate Planner
DATE: August 9, 2023
SUBJECT: Public Hearing: Conventional Housing Combining Zone Repeal

The Board of County Commissioners (Board) will conduct a public hearing to consider legislative amendments to repeal the Conventional Housing Combining Zone (file no. 247-23-000391-TA) on August 9, 2023. The full record is available at the project website: <https://www.deschutes.org/cd/page/247-23-000391-ta-%E2%80%93-repeal-conventional-housing-combining-zone>.

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development on May 17, 2023. Staff presented the proposed amendments to the Planning Commission at a public hearing on June 22, 2023¹. Attached to this memorandum are the proposed text amendments and findings, which have not changed since the Planning Commission hearing. Within the proposed amendments, added language is shown underlined and deleted shown as strikethrough. The public hearing will be conducted in-person, electronically, and by phone.

I. BACKGROUND

The CHC Zone serves as an overlay zone and restricts placement of manufactured or prefabricated homes in specific areas of the County with the following stated purpose:

"To provide a variety of residential environments in rural areas by maintaining areas reserved for conventional and modular housing permanently attached to real property".

Deschutes County adopted the CHC Zone in 1979 as part of Ordinance PL-15, the County's Zoning Ordinance. The CHC Zone applies to three areas – an area to the east of Tumalo, west of Tumalo and east of Bend as shown in the map in Attachment 3. From staff research, this overlay zone appears to have been created by petition of property owners, although specific findings for the intent of the zone and its location are not available in county records.

¹ <https://www.deschutes.org/bc-pc/page/planning-commission-30>

In 2020, the County produced a Rural Housing Profile, which outlined several potential strategies for removing barriers to housing production in rural Deschutes County. The repeal of the CHC Zone was listed as a strategy as it would give those properties the potential to provide affordable housing in the form of mobile or manufactured homes, which are less expensive alternatives to stick-built or modular housing.

In addition to this, on March 23, 2022, Oregon House Bill 4064 became effective. The bill amended several sections of Oregon Revised Statute which clarified that local governments may not prohibit siting of prefabricated structures in residential zones where traditional single-family homes or other common dwelling types were allowed. Although the amendments were primarily targeted toward cities and urban growth boundaries, Section 4, ORS 197.312 OR was revised to limit both city and county jurisdictions' ability to prohibit manufactured prefabricated homes in residential zones.

The purpose of these amendments is twofold: to implement the recommendation of the 2020 housing profile to allow for an affordable housing option where stick-built residential structures are otherwise allowed and also to bring the Deschutes County Code into compliance with HB 4064 by specifically removing this combining zone from residentially zoned properties.

II. PROPOSAL

This is a legislative text amendment to Deschutes County Code (DCC), Title 18 County Zoning, to repeal Chapter 18.92, Conventional Housing Combining (CHC) Zone.

Staff is proposing the following revisions to complete this text amendment:

- Repeal of section 18.92 Conventional Housing Combining Zone from the Deschutes County Code
- Zoning Map Amendment to repeal the Conventional Housing Combining Zone

The applicant, in this case Deschutes County Community Development, has provided the draft text amendments and findings as attachments to this memorandum. The findings summarize the amendments and demonstrate compliance with the Statewide Planning Goals, and applicable policies of the Deschutes County Comprehensive Plan.

III. PLANNING COMMISSION RECOMMENDATION

Notice of Public Hearing was mailed on July 14, 2023 to all property owners within the Conventional Housing zone as well as those property owners within 250 feet of the zone. The Notice of Public Hearing was also published in the Bend Bulletin on July 16, 2023. Staff received one comment in opposition to the proposed amendments prior to the Planning Commission hearing. The comment raised concerns regarding the availability of time for community members to respond, lack on information on the origin of the zone, and its actual impact on affordable housing.

The Deschutes County Planning Commission held the public hearing on June 22, 2023. No oral or written testimony was provided during the public hearing.

The Planning Commission closed the oral and written portions of the hearing on July 22, 2023 and voted 4-1 to approve the proposed amendment.

IV. NEXT STEPS

At the conclusion of the public hearing, the Board can choose one of the following options:

- Continue the hearing to a date and time certain;
- Close the oral portion of the hearing and leave the written record open to a date and time certain;
- Close the hearing and commence deliberations; or
- Close the hearing and schedule deliberations for a date and time to be determined.

ATTACHMENTS:

1. Proposed Text Amendments
2. Proposed Findings
3. CHC Zone Map
4. Draft Ordinance 2023-034
5. Draft Ordinance 2023-034 Emergency