



**MEMORANDUM**

**TO:** Deschutes County Board of Commissioners

**FROM:** Peter Gutowsky, AICP, Director  
CDD Management Team

**DATE:** May 4, 2022

**SUBJECT:** May 11 Public Hearing – Community Development Department Draft Fiscal Year 2022-23 Work Plan

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**I. SUMMARY**

The purpose of this Board of County Commissioners (Board) public hearing on the Community Development Department (CDD) 2022-23 Work Plan is to accept public comments for consideration in the adoption of the final CDD 2022-23 Work Plan (Attachment 1).

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

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 course of the year are prioritized and initiated.

The Board conducted a work session on the Draft CDD 2022-23 Work Plan on April 27.

**III. PLANNING COMMISSION RECOMMENDATIONS & PUBLIC COMMENTS**

The Planning Commission conducted a work session, public hearing, and deliberation on the Draft FY 2022-23 Planning Division Work Plan in March and April. The Planning Division and Commission received public

comments on the draft work plan.<sup>1</sup> Staff presented three tables (below) to facilitate the Planning Commission’s deliberation and recommendations. Staff acknowledged CDD is experiencing significant retention and recruitment challenges that may impact the Planning Division’s capacity to initiate projects in Tables 1-3 next fiscal year.

The Planning Commission on April 14 endorsed the projects listed in Table 1. Commissioners also recommended as resources become available developing work programs that address:

- Dark skies
- Destination resort eligibility
- Environmental sustainability
- Overnight lodging vacation rentals
- Temporary uses of recreational vehicles
- Water resources
- Wireless telecommunication

Table 1 captures priority discretionary and nondiscretionary projects that are:

- Supported by the Board;
- Grant funded; or
- In process.

**Table 1 – Priority Discretionary and Non-discretionary Projects**

Priority Projects	
1. Current Planning <sup>2</sup>	6. New Mule Deer Wildlife Inventory
2. Comprehensive Plan 2040 Update	7. SB 762, Wildfire Mitigation
3. Tumalo Community Plan Update (TGM Grant)	8. Transportation System Plan (TSP) Update
4. Sisters Country Trails (TGM Grant)	9. Historic Preservation (CLG Grant)
5. SB 391, Rural Accessory Dwelling Units	10. City of Bend Urban Growth Boundary (UGB), HB 4079, Affordable Housing Project

Table 2 identifies ongoing Planning Division operational responsibilities, regional coordination duties, and code maintenance tasks. These projects in their totality range from “minor” to “moderate”, requiring staffing resources that span 2 to 8 months to complete.

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<sup>1</sup> Residents requested: 1) Amending Deschutes County Code to prevent the siting of future destination resorts; and 2) Updating regulations pertaining to temporary use of recreational vehicles as dwellings to better address occupancy, sewage, waste, fire hazards, and wetland impacts.

<sup>2</sup> Current Planning responsibilities are non-discretionary. Local land use decisions are subject to specific deadlines per state law. ORS 215.427.

**Table 2 – Operational Responsibilities, Coordination Duties, and Code Maintenance**

Category	Projects
<b>Operational Responsibilities</b>	<ol style="list-style-type: none"> <li>1. Destination Resort and Overnight Lodging Reporting</li> <li>2. Marijuana inspections</li> <li>3. Population estimates and forecasting</li> <li>4. Staffing Historic Landmarks Commission (HLC), Bicycle and Pedestrian Advisory Committee (BPAC), and Mitigation and Advisory Committee (M&amp;E)</li> <li>5. Participate in 2023 Legislative Session</li> <li>6. Support internal County departments (new landfill siting, etc.).</li> </ol>
<b>Coordination Duties</b>	<ol style="list-style-type: none"> <li>7. City of Bend Coordination <ul style="list-style-type: none"> <li>• Update and adopt the Bend Airport Master Plan (BAMP) and amend the County’s Comprehensive Plan and Development Code</li> <li>• Coordinate on growth management issues.</li> </ul> </li> <li>8. City of La Pine Coordination <ul style="list-style-type: none"> <li>• Participate in updating County-owned New Neighborhood comprehensive plan designations, master plan, and zoning codes.</li> </ul> </li> <li>9. City of Redmond Coordination <ul style="list-style-type: none"> <li>• Coordinate with City of Redmond and Central Oregon Intergovernmental Council (COIC) on CORE3, a multi-stakeholder regional emergency coordination center</li> <li>• Coordinate on growth management issues.</li> </ul> </li> <li>10. City of Sisters Coordination <ul style="list-style-type: none"> <li>• Participate in the implementation of Sisters Country Vision Plan and City of Sisters Comprehensive Plan Update.</li> <li>• Coordinate on growth management issues.</li> </ul> </li> <li>11. Growth management committees, Bend Metropolitan Planning Organization (MPO), and Oregon Department of Transportation (ODOT)</li> <li>12. Sage Grouse Coordination (<b>proposed recently by the Board</b>)</li> </ol>
<b>Code Maintenance</b>	<ol style="list-style-type: none"> <li>13. Housekeeping Amendments</li> </ol>

Table 3 lists discretionary zoning text amendments. These are “lower” priority projects, requiring staffing resources that span 4 to 12 months or longer to complete.

**Table 3 – Low Priority Zoning Text Amendments**

Category	Projects
<p style="text-align: center;"><b>Zoning Text Amendments</b></p>	<ol style="list-style-type: none"> <li>1. Remove 10% reduction limit to property line adjustments in for farm and forest zoned properties</li> <li>2. Outdoor Mass Gatherings to be addressed more thoroughly (HB 2790, 2019, allows counties to treat OMG as land use decisions)</li> <li>3. Outdoor and Greenhouse Lighting Control Ordinance to comply with new technologies and Dark Skies best practices</li> <li>4. Introduce re-platting requirements for major serial lot line adjustments in subdivisions</li> <li>5. Sign code to become consistent with federal law by removing content limitations</li> <li>6. 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 (<b>proposed by Deschutes County Current Planning Section and Code Compliance</b>)</li> <li>7. Section 6409(a) of the Spectrum Act (Wireless Telecommunication Amendments)</li> <li>8. In conduit hydroelectric generation code amendments</li> <li>9. Revisit Ham Radio Tower regulations to reflect building code updates and other issues</li> <li>10. Amend Deschutes County Code to prevent the siting of future destination resorts (<b>proposed by a Deschutes County resident</b>)</li> <li>11. Update regulations pertaining to temporary use of recreational vehicles as dwellings to better address occupancy, sewage, waste, fire hazards, and wetland impacts. (<b>proposed by Deschutes County residents</b>)</li> </ol>

After thoughtful consideration, the Planning Commission felt it was important to endorse all of the projects listed in Table 1 without weighing one over another. They considered all of them noteworthy projects for the community. To the extent that resources become available, they recommended several projects that could lead to zoning text amendments pertaining to livability, economic development, and environmental sustainability. Beyond the Table 1 projects, the Planning Commission took special interest in projects relating to lighting/dark skies and destination resort remapping. The Planning Commission also emphasized interest in work plan projects that intersected with regional water issues, houselessness, wildfire, and wildlife.

The Board will ultimately prioritize projects based on their annual goals and objectives as planning resources become available.

#### **IV. ADDITIONAL PUBLIC INPUT**

The Planning Division received additional written comments prior to the Board's hearing (Attachment 2). It pertains to wireless telecommunication facilities in public right-of-way.

#### **V. BOARD DELIBERATION & ADOPTION OF THE CDD 2022-2023 WORK PLAN**

Following the public hearing, the Board may decide to:

1. Close the oral record, keep the written record open for one (1) or (2) weeks, and deliberate on Wednesday, June 1 (depending on the Board's schedule).
2. Close the oral and written records and deliberate at this meeting or at a subsequent meeting.
3. Continue the public hearing to a date certain.

#### **ATTACHMENTS**

1. Draft 2022-23 Work Plan
2. Additional Public Comments



# COMMUNITY DEVELOPMENT

## FY 2022-23 **DRAFT** Work Plan & 2021 Annual Report



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(541) 388-6575

Building Safety  
Code Compliance  
Coordinated Services  
Environmental Soils  
Planning

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# Introduction

## Mission Statement

The Community Development Department (CDD) facilitates orderly growth and development in the Deschutes County community through coordinated programs of Building Safety, Code Compliance, Coordinated Services, Environmental Soils, Planning and education and service to the public.

## Purpose

The 2021 Annual Report and 2022-23 Work Plan highlight the department's accomplishments, goals and objectives and are developed to:

- Report on achievements and performance.
- Implement the Board of County Commissioners (BOCC) goals and objectives.
- Implement the Deschutes County Customer Service "Every Time" Standards.
- Effectively and efficiently manage organizational assets, capabilities and finances.
- Fulfill the department's regulatory compliance requirements.
- Enhance the County as a safe, sustainable and highly desirable place to live, work, learn, recreate, visit and more; and
- Address changes in state law.

## Adoption

The BOCC adopted this report on [May / June XX, 2022](#), after considering public, stakeholder and partner organization input and Planning Commission and Historic Landmarks Commission recommendations. The Work Plan often includes more projects than there are resources available. CDD coordinates with the BOCC throughout the year to prioritize and initiate projects. Projects not initiated are often carried over to future years.

## Pandemic Operations

CDD continues to provide services under the State's health and safety framework following recommended safety measures to protect staff and customers while providing essential public services to support the Central Oregon economy.



# Elected & Appointed Officials

## **BOARD OF COUNTY COMMISSIONERS**

Patti Adair, Chair, January 2023  
Anthony DeBone, Vice Chair, January 2023  
Phil Chang, Commissioner, January 2025

## **COUNTY ADMINISTRATION**

Nick Lelack, County Administrator  
Erik Kropp, Deputy County Administrator  
Whitney Hale, Deputy County Administrator

## **PLANNING COMMISSION**

Jessica Kieras— Redmond Area (Chair), 6/30/26  
Susan Altman—Bend Area (Vice Chair), 6/30/24  
Steve Swisher—Sisters Area, 6/30/22  
Dale Crawford — At Large, 6/30/23  
Maggie Kirby—Bend Area, 6/30/23  
Toni Williams—South County Area, 6/30/25  
Nathan Hovekamp—At Large, 6/30/24

## **HISTORIC LANDMARKS COMMISSION**

Kelly Madden— Unincorporated Area (Chair), 3/31/24  
Sharon Leighty— Unincorporated Area (Vice Chair), 3/31/26  
Dan Ellingson—Pioneer Association, 3/31/26  
Christine Horting-Jones—Ex-Officio, 3/31/24  
Dennis Schmidling— City of Sisters (Secretary), 3/31/24  
Rachel Stemach— Bend Area, 3/31/24

## **HEARINGS OFFICERS**

Gregory J. Frank | Stephanie Hicks | Cable Huston LLP

## **BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE**

Dave Thomson—At Large (Chair), 6/30/24  
Christopher Cassard—At Large (Vice Chair), 6/30/24  
Wendy Holzman—At Large 6/30/23  
Ann Marland—Sisters 6/30/23  
Scott Morgan—La Pine 6/30/23  
Kenneth Piarulli—Redmond 6/30/23  
David Roth—Bend 6/30/23  
Mark Smith—At Large 6/30/24  
Rachel Zakem—At Large 6/30/23  
Mason Lacy—At Large 6/30/23  
David Green—At Large 6/30/23  
Emily Boynton—At Large 6/30/24  
Neil Baunsgard—Bend 6/30/24

# Board of County Commissioners

## FY 2023 Goals & Objectives

*Mission Statement: Enhancing the lives of citizens by delivering quality services in a cost-effective manner.*

**Safe Communities (SC):** Protect the community through planning, preparedness, and delivery of coordinated services.

- Provide safe and secure communities through coordinated public safety and crisis management services.
- Reduce crime and recidivism and support victim restoration and well-being through equitable engagement, prevention, reparation of harm, intervention, supervision and enforcement.
- Collaborate with partners to prepare for and respond to emergencies, natural hazards and disasters.

**Healthy People (HP):** Enhance and protect the health and well-being of communities and their residents.

- Support and advance the health and safety of all Deschutes County's residents.
- Promote well-being through behavioral health and community support programs.
- Help to sustain natural resources and air and water quality in balance with other community needs.
- Continue to support pandemic response and community recovery, examining lessons learned to ensure we are prepared for future events.

**A Resilient County (RC):** Promote policies and actions that sustain and stimulate economic resilience and a strong regional workforce.

- Update County land use plans and policies to promote livability, economic opportunity, disaster preparedness, and a healthy environment.
- Maintain a safe, efficient and economically sustainable transportation system.
- Manage County assets and enhance partnerships that grow and sustain businesses, tourism, and recreation.

**Housing Stability and Supply (HS):** Support actions to increase housing production and achieve stability.

- Expand opportunities for residential development on County-owned properties.
- Support actions to increase housing supply.
- Collaborate with partner organizations to provide an adequate supply of short-term and permanent housing and services to address housing insecurity.



# Board of County Commissioners

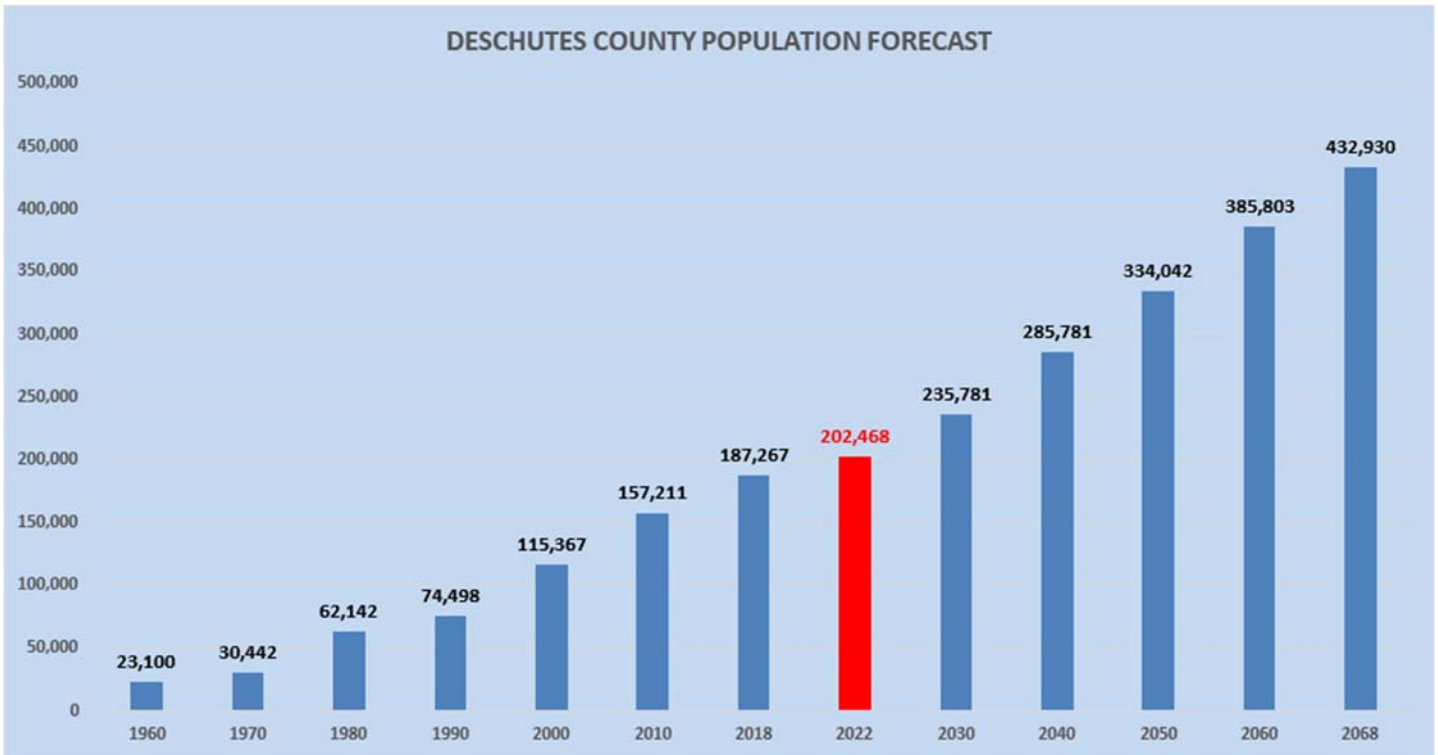
## FY 2022 & 2023 Goals & Objectives, Continued

Service Delivery (SD): Provide solution-oriented service that is cost-effective and efficient.

- Ensure quality service delivery through the use of innovative technology and systems.
- Support and promote Deschutes County Customer Service “Every Time” standards.
- Continue to enhance community participation and proactively welcome residents to engage with County programs, services and policy deliberations.
- Preserve, expand and enhance capital assets, to ensure sufficient space for operational needs.
- Maintain strong fiscal practices to support short and long-term county needs.
- Provide collaborative internal support for County operations with a focus on recruitment and retention initiatives.



# Population Growth



This graph provides a snapshot of the County's growth since 1960 and the preliminary 50-year Portland State University, Oregon Population Forecast Program, through 2068.

## HISTORICAL AND PORTLAND STATE UNIVERSITY FORECAST TRENDS

Geographic Area	2000	2010	*AAGR 2022-2043	2022	2043	2068
<b>Deschutes County</b>	<b>116,277</b>	<b>157,905</b>	<b>1.9%</b>	<b>202,468</b>	<b>301,999</b>	<b>432,930</b>
Bend	52,163	77,010	2.3%	100,176	162,362	255,291
Redmond	15,524	26,508	2.3%	32,138	51,617	82,575
Sisters	961	2,038	2.6%	2,987	5,169	8,431
La Pine	899	1,653	2.7%	2,041	3,954	5,894
Unincorporated	45,280	50,524	1.0%	64,798	79,248	80,739

\*AAGR: Average Annual Growth Rate



# Budget & Organization

## Fiscal Issues

- Ensure financial stability and sustained high quality services through establishing a financial contingency plan providing a clear course of action if CDD's reserve funds decline.
- CDD is responding to significantly increased inquiries regarding rural development opportunities. Many of these inquiries require research and in-depth responses, but do not result in permits and corresponding revenue. This "non-fee generating" work, a public good, is consuming limited resources to efficiently process a variety of permits.
- Significant staff turnover is creating additional costs to and resource re-allocations from service delivery to training in the department.

## Operational Challenges

- Maintaining productivity while experiencing near record high levels of permitting volumes and significant staff turnover. During 2021, CDD welcomed 14 new staff, internally promoted 11 staff and ended the year with 10 positions in various stages of the recruitment process. An estimated 63% of CDD staff have 5 years or less experience with the department.
- Coordinating with Human Resources to develop and implement strategies to retain and recruit staff.
- Succession planning for upcoming staff retirements. An estimated 11% of current staff will be eligible for retirement within the next 6 to 8 years based on length of service.
- Transitioning to and implementing post-pandemic business operations such as continued partial remote working, shared work spaces with increasing staff levels, adherence to ongoing public health and safety measures and continued expansion of CDD online services and meeting technologies.
- Improving post-pandemic public hearing and engagement strategies with in-person and remote/online participation opportunities.
- Implementing new laws from the 2022 Legislative Session.
- Processing complex and controversial code compliance cases.
- Addressing affordable housing through collaboration with cities, the County's Property Manager, and exploring rural strategies.
- Continuing improvement of the department's website and other electronic internal and external services to improve efficiencies and service delivery.

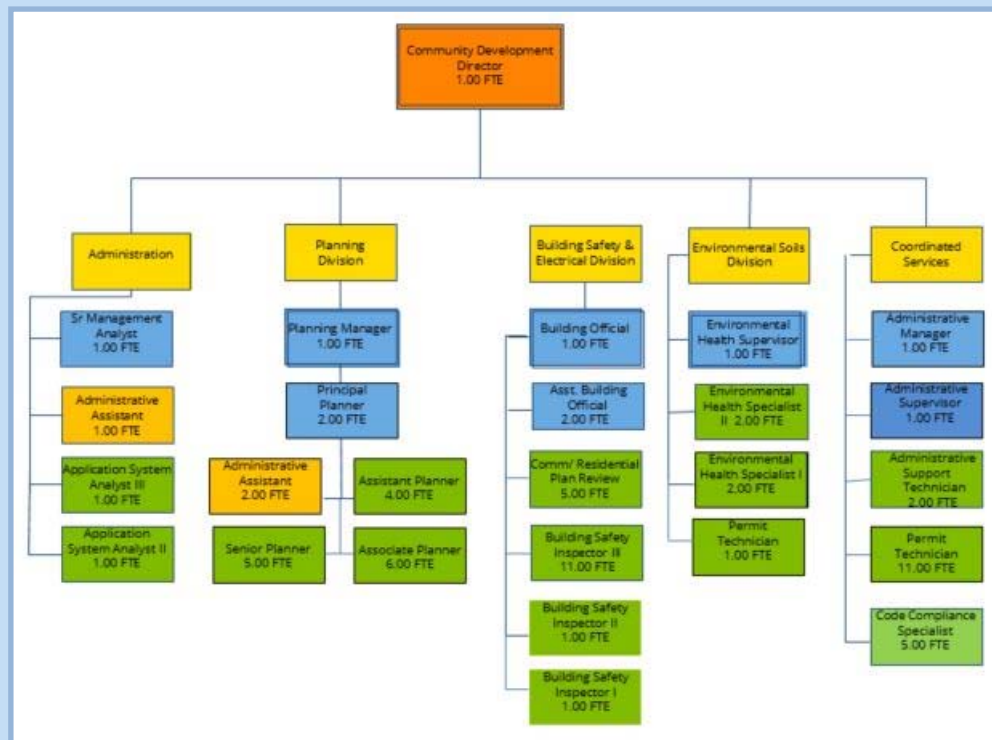


# Budget & Organization

## Budget Summary

	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Resources	\$10,657,457	\$10,550,824	\$9,457,684	\$11,302,683	\$13,912,023
Requirements	\$10,657,457	\$10,550,824	\$9,457,684	\$11,302,683	\$13,912,023

## Organizational Chart



## Staff Summary

	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Total FTE's	55.00	58.00	65.00	69.00	72.00



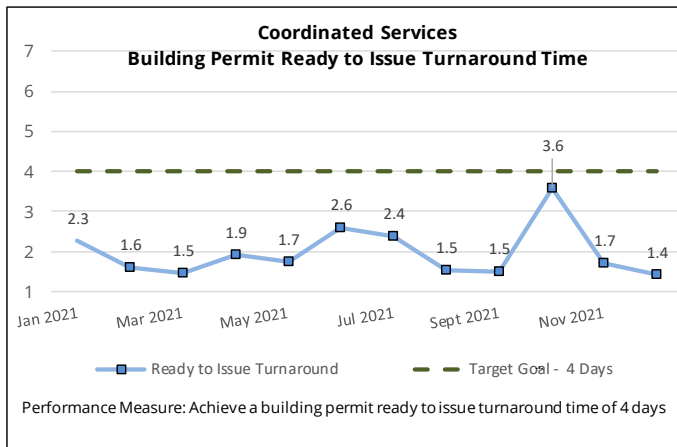
# Performance Management

CDD is committed to a comprehensive approach to managing performance. The department achieves its goals and objectives by strategically establishing and monitoring performance measures and by adjusting operations based on those results. The performance measures allow staff to:

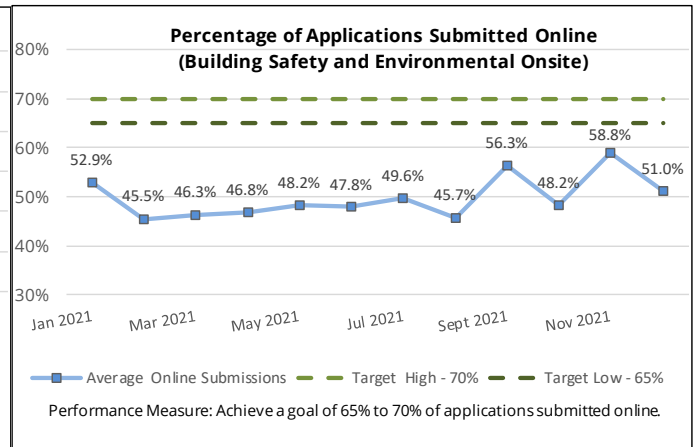
- Address service delivery expectations from the perspectives of CDD’s customers.
- Ensure the department fulfills its regulatory compliance requirements.
- Efficiently and effectively manage the organization’s assets, capacities and finances; and
- Preserve and enhance the County as a safe, sustainable and desirable place to live, visit, work, learn and recreate.

The following graphs represent a sample of CDD’s performance measures for 2021. For a complete review of performance measures, please follow this link: <https://deschutes.org/cd/>.

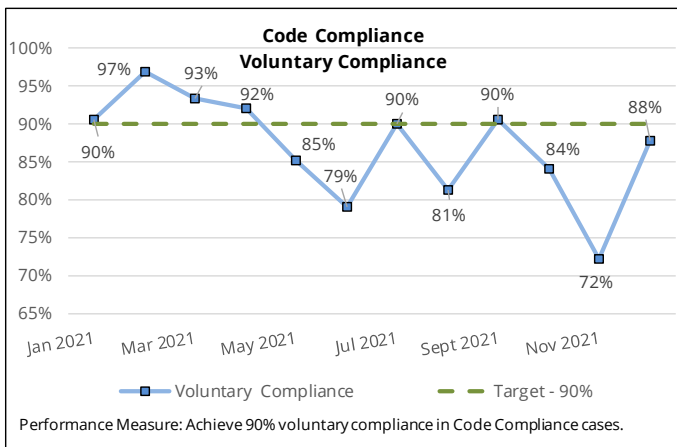
## 2021 Performance Management Results



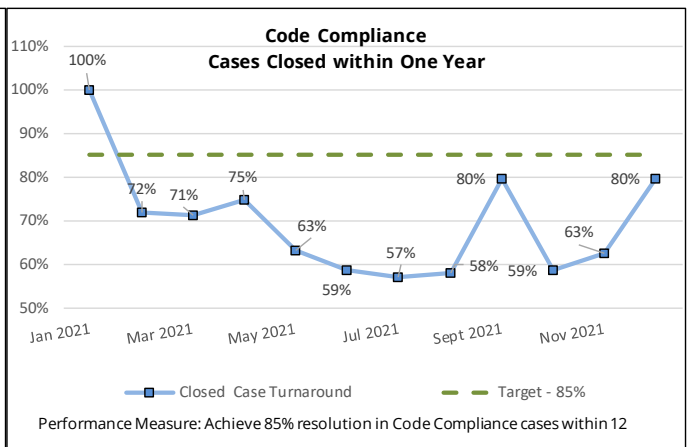
Annual Average of 1.9 Days - Target Achieved



Annual Average of 49.5% Submitted Online- Target Not Achieved

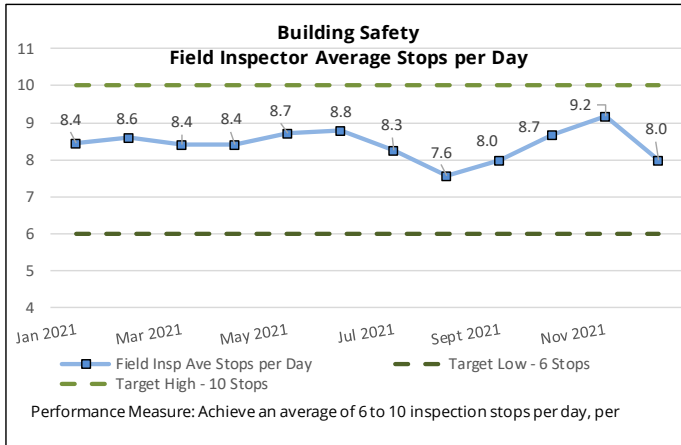


Annual Average of 88% Compliance - Target Within Range

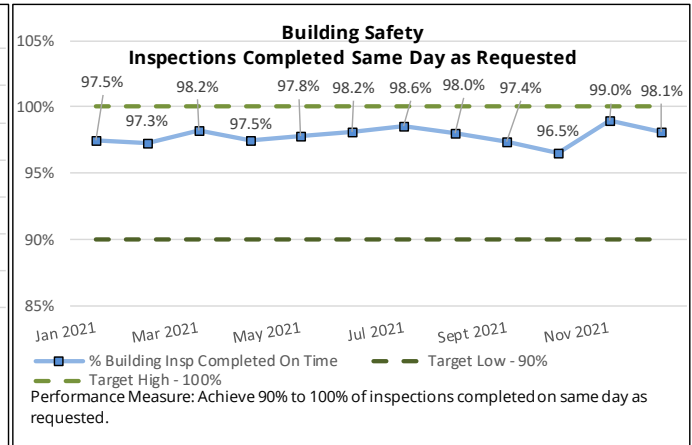


Annual Average of 69% Closed within 1 Year- Target Not Achieved

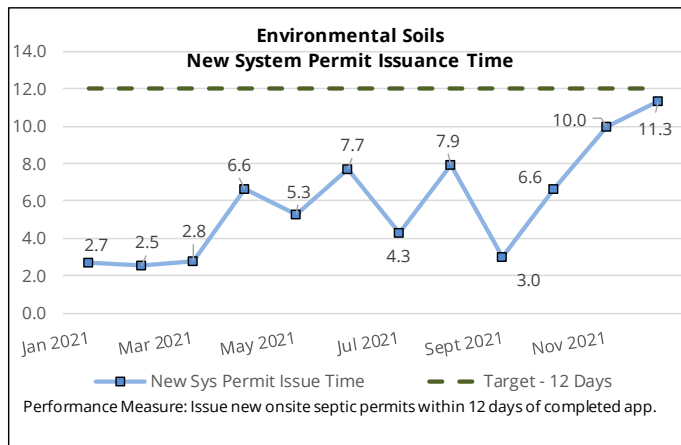
## 2021 Performance Management Results, continued



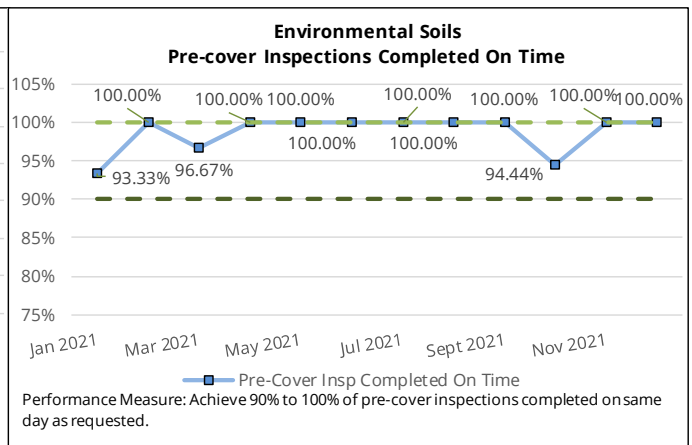
Annual Average of 8.4 per Day - Target Achieved



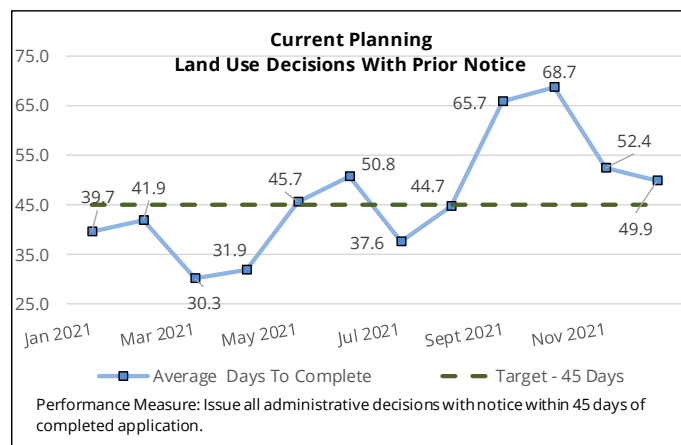
Annual Average of 97.8% Completed - Target Achieved



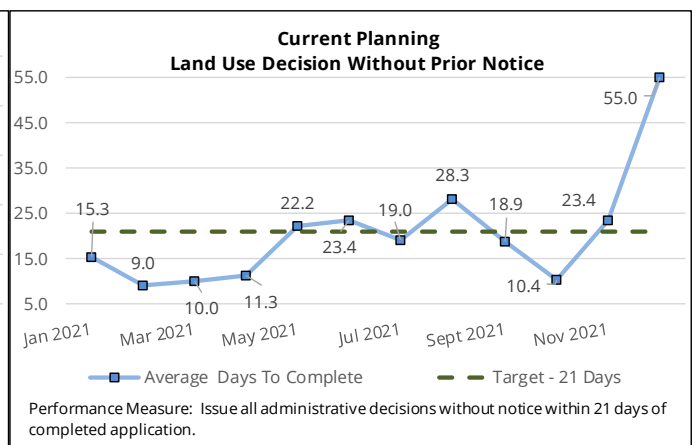
Annual Average of 5.8 Days - Target Achieved



Annual Average of 98.6% Completed - Target Achieved



Annual Average of 45.1 Days - Target Achieved



Annual Average of 19.9 Days - Target Achieved

# Performance Management

## 2021 Year in Review

- Continued to provide essential services to the public while implementing pandemic related safety measures, such as socially distanced interactions, remote work and inspectors dispatched from home.
- Revised office lobby hours, closing to the public at 4:00 p.m. to provide staff opportunity to respond to an increased number of calls, email inquiries and online application submissions.
- Coordinated with State and County staff to promote and educate customers on how to apply for online permits and inspections.
- Implemented use of standardized templates for administrative determinations.

## 2022-2023 Performance Measures By Division

CDD's 2022-23 performance measures align the department's operations and work plan with BOCC annual goals and objectives and the County's Customer Service "Every Time" Standards. <https://intranet.deschutes.org/Pages/Customer-Service-Standards.aspx>

### Building Safety

- Achieve 6-10 inspection stops per day to provide quality service. (BOCC Goal & Objective SD-1)
- Achieve an average turnaround time on building plan reviews of 8-10 days to meet or exceed state requirements. (BOCC Goal & Objective SD-1)
- Achieve 50-80% of inspections scheduled online. (BOCC Goal & Objective SD-1)
- Achieve 90-100% of inspections completed the same day as requested. (BOCC Goal & Objective SD-1)
- Provide community training opportunities for online application submission to obtain a goal of 60% of application submittals conducted online. (BOCC Goal & Objective SD-1)

### Code Compliance

- Achieve 90% voluntary compliance in Code Compliance cases. (BOCC Goal & Objective SC-1)
- Achieve 85% resolution of Code Compliance cases within 12 months. (BOCC Goal & Objective SC-1)

### Coordinated Services

- Expand community training opportunities for online application submission to obtain a goal of 50-60% of application submittals conducted online. (BOCC Goal & Objective SD-1)
- Achieve structural permit ready-to-issue turnaround time for Coordinated Services of 4 days. (BOCC Goal & Objective SD-1)



# Performance Management

## Environmental Soils

- Achieve compliance with the Alternative Treatment Technology (ATT) Septic System Operation and Maintenance (O&M) reporting requirements of 95% to protect groundwater. (BOCC Goal & Objective HP-3)
- Achieve the issuance of onsite septic system permits within 12 days of completed application. (BOCC Goal & Objective SD-1)
- Achieve 50% of inspections scheduled online. (BOCC Goal & Objective SD-1)
- Achieve 90-100% of Pre-cover inspections completed the same day as requested. (BOCC Goal & Objective SD-1)

## Planning

- Sustain the issuance of land use administrative decisions with notice within 45 days and without notice within 21 days of completed application. (BOCC Goal & Objective SD-1)
- City of Bend Coordination:
  - Amend the City of Bend Urban Growth Boundary and County zoning to implement HB 4079, Affordable Housing Project. (BOCC Goal & Objectives RC-1 and HP-1)
- Housing Strategies:
  - Amend County Code to implement SB 391, Rural Accessory Dwelling Units (ADU). (BOCC Goal & Objectives RC-1 and HP-1)
- Natural Resources:
  - Natural Hazards— Develop a work plan to amend the Comprehensive Plan and County Code requiring defensible space and fire-resistant building materials per SB 762—Wildfire Mitigation. (BOCC Goal & Objectives SC-3, HP-3, and RC-1)
  - Wildlife Inventories—Amend Comprehensive Plan and Zoning Code to incorporate a new mule deer winter range inventory from Oregon Department of Fish and Wildlife (ODFW). (BOCC Goal & Objectives HP-3)





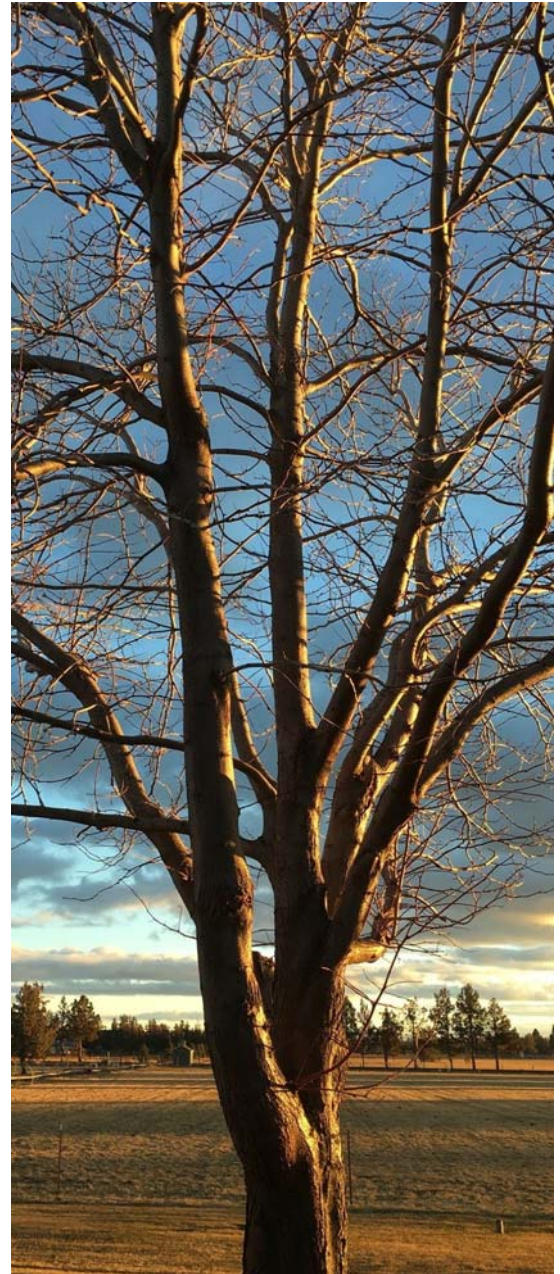
# Administrative Services

## Overview

Administrative Services consists of the Community Development Director, Senior Management Analyst, two Systems Analysts and one Administrative Assistant. The Administrative Services Division provides oversight for all departmental operations and facilities, human resources, budget, customer services, technology and performance measures. Analyst staff are responsible for the integration of technology across all CDD divisions, coordination with the cities as well as providing direct service to the public via application training and support, web-based mapping, reporting services and data distribution.

## 2021 Year in Review

- ✓ Welcomed a new CDD Director in the fall of 2021.
- ✓ Revised office lobby hours, closing to the public at 4:00 p.m. to provide staff opportunity to respond to an increased number of calls, email inquires and online application submissions.
- ✓ Continued remote work options for approximately 75% of staff.
- ✓ Revised CDD's Fee Waiver Policy with BOCC approval.
- ✓ Enhanced CDD's Planning Division's webpage to provide more information about land use public hearings, application materials and opportunities for the public to submit comments on pending applications.
- ✓ Began a reorganization of office spaces and small remodel on CDD's first floor in an effort to better utilize available square footage.



## 2022-23 Work Plan Projects

- Reconfigure Accela to improve code compliance case management and planning land use module interoperability.
- Continue to participate in a County-led effort to create a county-wide Pre-disaster Preparedness Plan.
- Update Continuity Of Operation Plan (COOP), as necessary, based on lessons learned during the pandemic.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet increasing service demands in a highly competitive market.
- Explore and research opportunities to increase CDD’s sustainable business practices while maximizing the efficiency of operations in a cost effective manner.
- Reorganize and enhance CDD’s website to be more customer-centric. Provide enhanced content that will allow customers to better understand CDD’s policies and procedures and create an improved customer experience that acts as a guide for understanding the process of development in Deschutes County while also expanding online application instruction content.
- Government software integration—Improve system interoperability of Accela and DIAL software systems, increasing efficiency and improved service through implementation of a software connector which will allow “real time” document upload.
- Complete analysis of installation of electric vehicle charging stations and purchase of electric vehicles to ensure quality service delivery through the use of innovative technology and systems.
- Implement a new employee onboarding process to acclimate new employees to their role and an exit interview process for departing staff to learn where department improvements can be made and make sure the employee feels satisfied about their service.
- Implement process to invoice non-residential transportation system development charges and send annual notice of amount due and potential rate increases.

### ***Staff Directory***

Peter Gutowsky	Community Development Director	(541) 385-1709	Peter.Gutowsky@deschutes.org
Tim Berg	Applications System Analyst III	(541) 330-4648	Tim.Berg@deschutes.org
Ines Curland	Applications System Analyst II	(541) 317-3193	Ines.Curland@deschutes.org
Tracy Griffin	Administrative Assistant	(541) 388-6573	Tracy.Griffin@deschutes.org
Sherri Pinner	Senior Management Analyst	(541) 385-1712	Sherri.Pinner@deschutes.org

# Building Safety

## Overview

Building Safety consists of one Building Official, one Assistant Building Official and eighteen Building Safety Inspectors. The Building Safety Division administers and implements the state and federal building codes through a process of education and a clear and consistent application of the specialty codes. The division provides construction plan reviews, consultation and inspection services throughout the rural county and the cities of La Pine and Sisters. The division also provides services to Lake, Jefferson, Klamath and Crook counties, the cities of Bend and Redmond, and the State of Oregon Building Codes Division on an as-needed basis.

## 2021 Year in Review

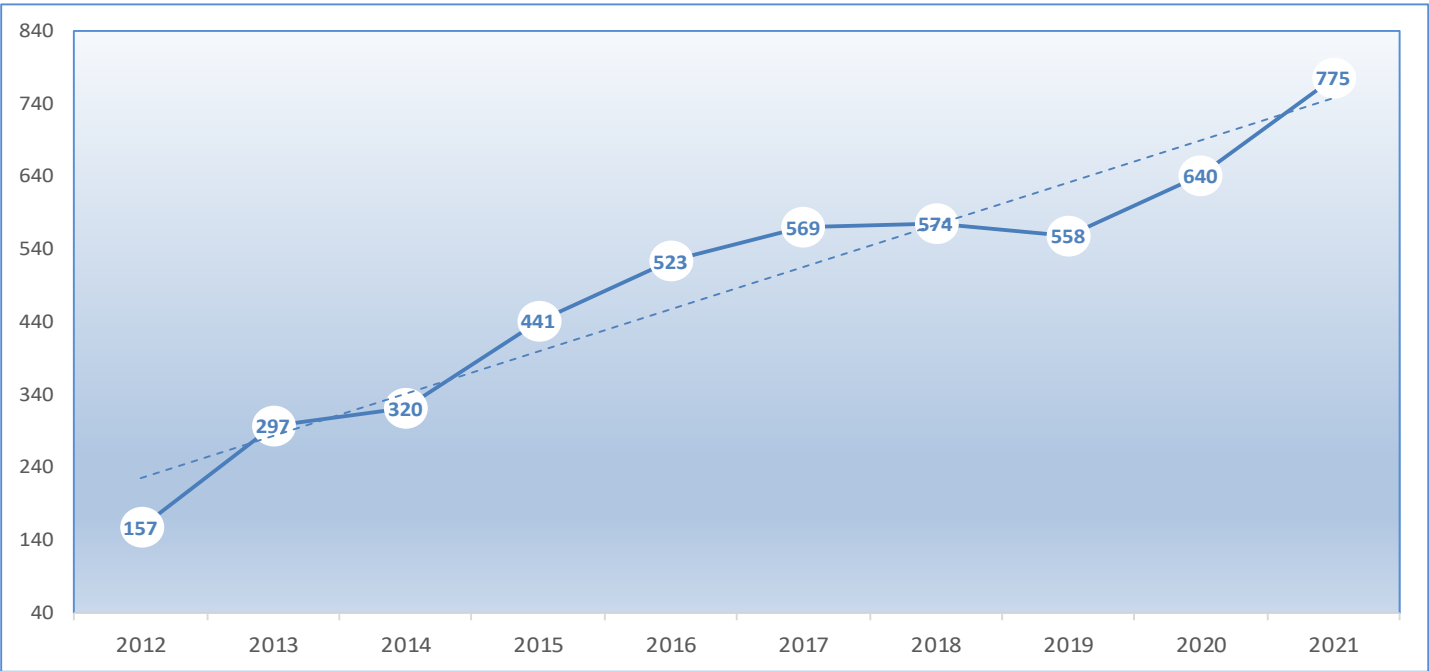
- ✓ Issued 775 new single-family dwelling permits in 2021. The distribution of these new homes for Deschutes County's building jurisdiction included:
  - Rural/unincorporated areas: 541
  - City of La Pine: 120
  - City of Sisters: 114
- ✓ Completed major building plan reviews for:
  - Wetlands Taphouse in La Pine
  - Preble Way Mobile Home Park in La Pine
  - Sisters Coffee New Production Facility
  - McKenzie Meadows Village in Sisters
  - Oxbow Flats in Sisters
  - Replacement Crematorium at Deschutes Memorial Garden
  - Black Butte Ranch Lodge Dining Facility
- ✓ Obtained BOCC approval revising the process to legitimize undocumented residential structures (Resolution 2021-069).
- ✓ Facilitated the successful transition of field inspection staff to dispatch from home during a record breaking building season.
- ✓ Participated in SB 391—Rural ADU, legislative discussions.
- ✓ Coordinated local discussions regarding most recent building code updates.
- ✓ Participated in public, community and customer-specific education and outreach efforts such as Oregon Administrative Rule (OAR) 918-480-0125 Uniform Alternate Construction Standards for mitigation due to a lack of firefighting water supplies.
- ✓ Coordinated with State and County staff to promote and educate customers on how to apply for online permits and inspections.
- ✓ Continued succession planning, cross-training and technology investments to maintain and improve efficiencies.
- ✓ Continued to serve in regional and statewide leadership positions to support Deschutes County and Central Oregon interests.
- ✓ Transitioned staff to remote work locations while maintaining productivity and improving operational efficiencies.



## 2021 Year in Review, continued

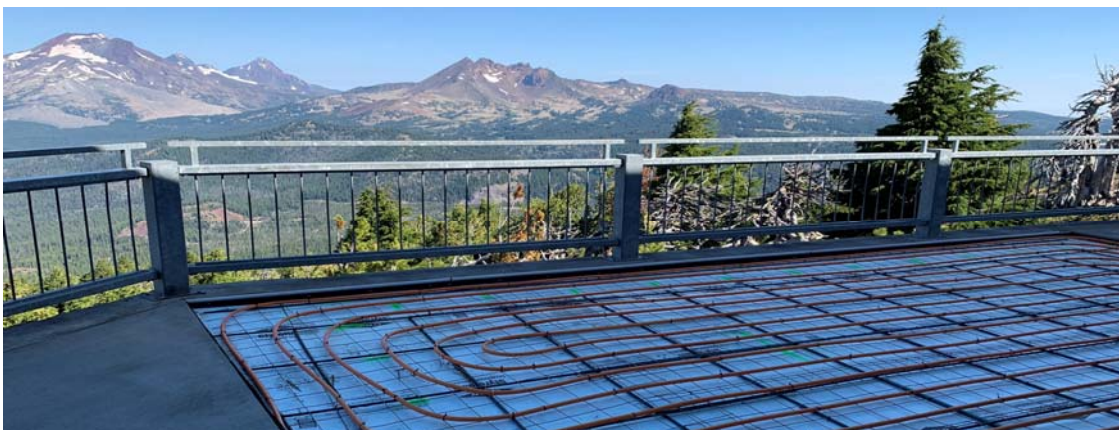
- ✓ Actively participated in discussions relating to:
  - SB 762, Wildfire Mitigation, and forthcoming requirements to apply ORSC 327.4 to new development.
  - Newly created requirements for daycare and adult foster care facilities located in private residential homes.
  - Local contractors in regards to the new American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) ventilation requirements.
- ✓ Provided A-level electrical inspection services, electrical plan review and customer contact support for commercial and residential electrical questions for Jefferson County.

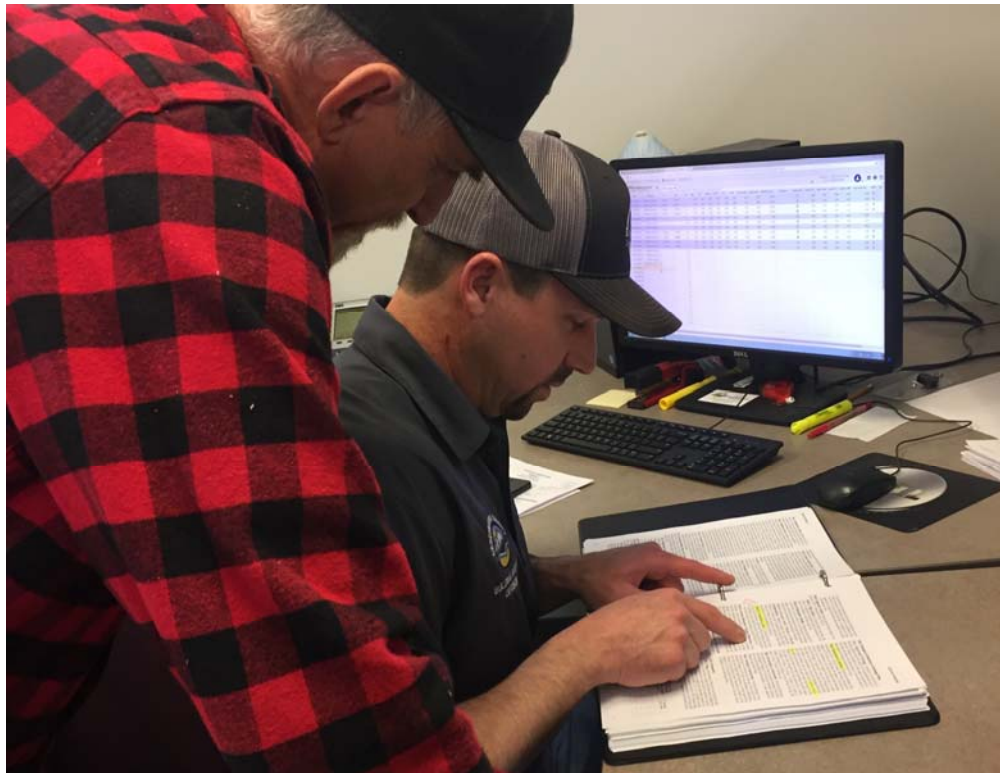
### New Single Family Dwelling Permits



## 2022-23 Work Plan Projects

- Implement succession planning for future retirements and explore staffing needs due to unprecedented business needs and remote work options.
- Provide certification cross-training for all new hires to maintain the division's goal of having fully certified residential inspection staff.
- Explore options to reduce the carbon footprint associated with field inspection duties such as:
  - Alternative fuel options and All-Wheel Drive electric vehicles.
  - Charging stations for electric vehicles (one station per 2 vehicles).
- Work with Oregon e-Permitting to help test the new app for inspections prior to the roll out.
- Implement the use of drones and other technologies to accomplish high risk inspections such as:
  - Roof diaphragm nailing
  - Chimney Construction
  - PV Solar Installations
  - High lift concrete masonry unit (CMU) grouting
- Continue participation in SB 762, Wildfire Mitigation and the forthcoming process of implementing additional construction standards to reduce hazards presented by wildfire (Oregon Residential Specialty Code (ORSC) R327.4), and/or defensible space requirements into Deschutes County Code.
- Participate in SB 391 discussions regarding Rural ADUs in Deschutes County.
- Produce new informational brochures as required by OAR 918-020-0090 to help customers navigate code changes such as Energy Code and Daycare Facility updates.
- Host Chemeketa Community College Building Inspection Technology students for summer Cooperative Work Experience program which provides an opportunity to demonstrate the county's customer friendly, service-oriented approach as a regulatory agency.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet increasing service demands in a highly competitive market.





## Staff Directory

Randy Scheid	Building Safety Director	(541) 317-3137	Randy.Scheid@deschutes.org
Chris Gracia	Assistant Building Official	(541) 388-6578	Chris.Gracia@deschutes.org
Krista Appleby	Building Inspector III	(541) 385-1701	Krista.Appleby@deschutes.org
Keri Blackburn	Building Inspector III	(541) 388-6577	Keri.Blackburn@deschutes.org
Mark Byrd	Building Inspector III	(541) 749-7909	Mark.Byrd@deschutes.org
Rainer Doerge	Building Inspector III	(541) 480-8935	Rainer.Doerge@deschutes.org
Ami Dougherty	Building Inspector I	(541) 385-3217	Ami.Dougherty@deschutes.org
Scott Farm	Building Inspector III	(541) 480-8937	Scott.Farm@deschutes.org
David Farrin	Building Inspector III	(541) 385-1702	David.Farrin@deschutes.org
Anthony Friesen	Building Inspector III	(541) 213-0653	Anthony.Friesen@deschutes.org
Owen Gilstrap	Building Inspector III	(541) 480-8948	Owen.Gilstrap@deschutes.org
Erik Johnson	Building Inspector III	(541) 480-8940	Erik.A.Johnson@deschutes.org
Brandon Jolley	Building Inspector III	(541) 797-3581	Brandon.Jolley@deschutes.org
John Kelley	Building Inspector III	(541) 797-3582	John.Kelley@deschutes.org
Michael Liskh	Building Inspector III	(541) 280-0342	Michael.Liskh@deschutes.org
Brian Moore	Building Inspector III	(541) 385-1705	Brian.Moore@deschutes.org
Aaron Susee	Building Inspector II	(541) 749-7370	Aaron.Susee@deschutes.org
Laurie Wilson	Building Inspector III	(541) 383-6711	Laurie.Wilson@deschutes.org

## Overview

Code Compliance consists of five Code Compliance Specialists. The program is managed by the Coordinated Services Administrative Manager and is supported by a law enforcement deputy from the Sheriff's Office and CDD's operating divisions. The Code Compliance Division is responsible for investigating code violation complaints to ensure compliance with land use, onsite wastewater disposal, building and solid waste codes (by contract with the Solid Waste Department), and provides direct service on contract to the City of La Pine for solid waste violations. The program's overriding goal is to achieve voluntary compliance. If necessary, cases are resolved through Circuit Court, Justice Court or before a Code Compliance Hearings Officer proceeding. The program continues to adapt to the County's challenges of growth and diversification, incorporating new measures to ensure timely code compliance.

While voluntary compliance is the primary objective, an ever-growing number of cases require further code compliance action because of delayed correction or non-compliance. Through the refinement of departmental procedures for administrative civil penalty, Code Compliance is obtaining compliance from citations rather than court adjudication, resulting in greater cost recovery. A disconcerting trend is the need for County abatement in some cases. In abatement, the County corrects the violations. Abatement action is reserved for matters of chronic nuisance and public health and safety. In response to this trend, Code Compliance is closely coordinating with other County departments in the development and enactment of abatement plans.

## 2021 Year in Review

- ✓ During 2021, 788 new cases were received and 742 cases were resolved. This is a 10% decrease in new cases from the previous year.
- ✓ Implemented the Noxious Weed Program.
- ✓ Revised the Code Compliance Policy and Procedures Manual with direction from the BOCC.
- ✓ Continued to partner with County departments to resolve difficult cases. Coordination ensures efficient operations and avoids overlapping efforts, thus allowing staff to conduct a thorough investigation on behalf of community members.
- ✓ Provided staff with field safety classes in coordination with Deschutes County Sheriff's Office.
- ✓ Created an internal volunteer program to assist with clean up of properties in violation of Solid Waste codes.

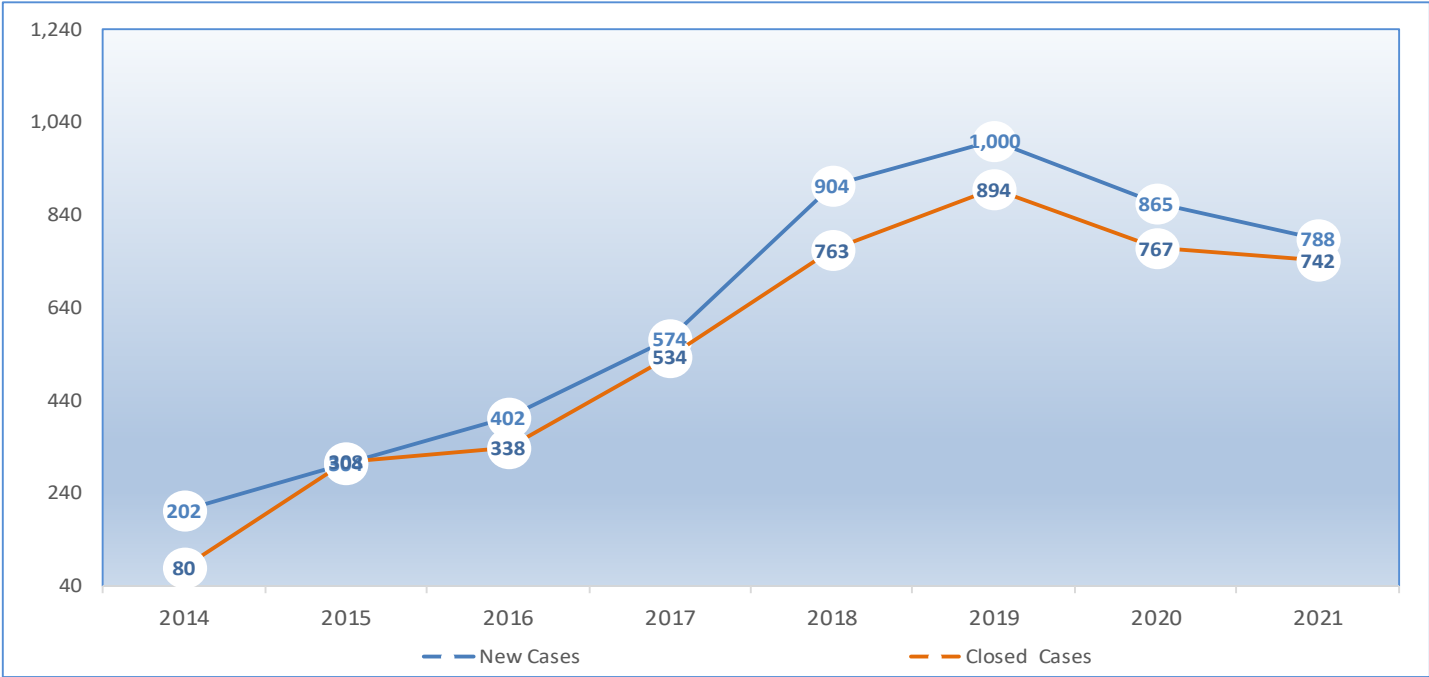
## 2022-23 Work Plan Projects

- Analyze the compliance program in an effort to create efficiencies in how cases are assigned, managed and proceed through the compliance process.
- Enhance involvement in Oregon Code Enforcement Association (OCEA) next annual conference through presentation participation.
- Continue to improve training program for new hires to include training efficiencies.
- Update and revise the Standard Operating Procedures manual as processes change.

## 2022-23 Work Plan Projects, continued

- Automate the process for medical hardship notification and out-of-compliance O&M contracts performed by administrative staff.
- Revise CDD’s Voluntary Compliance Agreement and updating templates for Pre-Enforcement Notices to ensure clear communication.
- Explore ideas to ensure staff safety such as radio communication and purchase of safety tools.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet increasing service demands in a highly competitive market.

### Annual Cases Opened and Closed





## Internal Volunteer Program



### Staff Directory

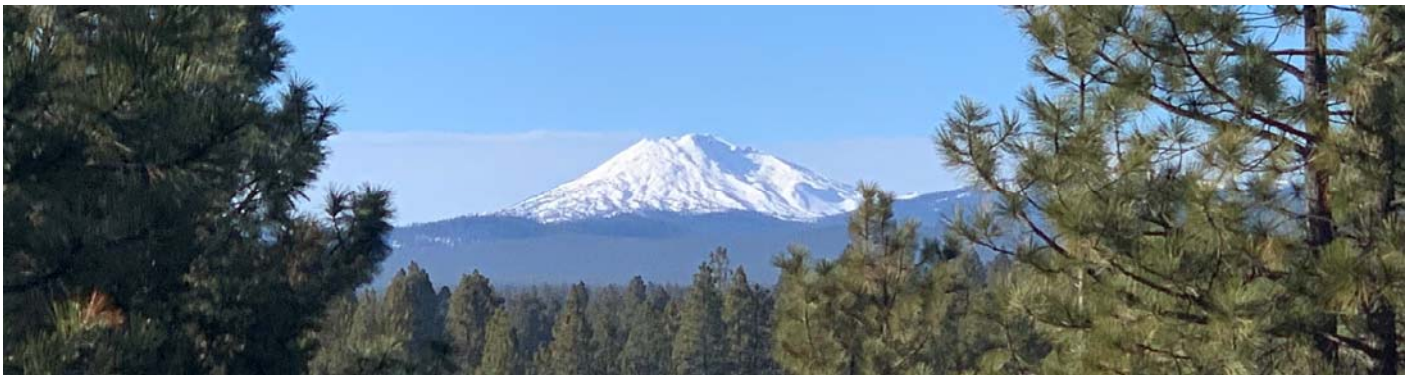
Scott Durr	Code Compliance Specialist	(541) 385-1745	Scott.Durr@deschutes.org
Carolyn Francis	Code Compliance Specialist	(541) 617-4736	Carolyn.Francis@deschutes.org
John Griley	Code Compliance Specialist	(541) 617-4708	John.Griley@deschutes.org
Dan Smith	Code Compliance Specialist	(541) 385-1710	Daniel.Smith@deschutes.org
Jeff Williams	Code Compliance Specialist	(541) 385-1745	Jeff.Williams@deschutes.org

## Overview

Coordinated Services consists of an Administrative Manager, one Administrative Supervisor, eleven Permit Technicians and two Administrative Support Technicians. The Coordinated Services Division provides permitting and “front line” direct services to customers at the main office in Bend as well as in the La Pine and Sisters city halls. While coordinating with all operating divisions, staff ensure accurate information is provided to the public, while minimizing wait times and ensuring the efficient operation of the front counter and online portal.

## 2021 Year in Review

- ✓ The Administrative Supervisor position created during the FY 22 budget process was through an internal recruitment.
- ✓ Permit Technicians continued to provide exceptional customer service during the pandemic.
- ✓ Continued to refine a more efficient staff training process.
- ✓ Continued updating the manual of Standard Operating Procedures as an additional resource for staff consistency and succession planning.
- ✓ Revised role of Administrative Support staff to include assistance with record maintenance and assistance to other operating divisions.
- ✓ Increased electronic permit submittals through public education and outreach to licensed professionals. During 2021, CDD received 49.4% of applications online in comparison to 39.7% in 2020.
- ✓ Transitioned submittal of commercial plans to online acceptance.
- ✓ As Accela continued to evolve and new tools became available, Deschutes County continued to be a statewide leader in offering training opportunities to customers and regional agency partners. Coordinated Services continued to hosted in-house and one-on-one training opportunities.
- ✓ Reopened satellite office locations in City of Sisters and City of La Pine.
- ✓ Implemented First Interstate Bank remote deposit feature in main office and satellite locations.
- ✓ Completed process to electronically scan building plans to property development records.
- ✓ The Oregon Building Officials Association awarded Jennifer Lawrence the Permit Technician of the Year award for exemplifying the best of the best in Oregon’s city and county building departments.





## 2022-23 Work Plan Projects

- Update and revise the Standard Operating Procedures manual as processes change.
- Continue to improve training program for new hires to include training efficiencies.
- Revise lead permit technician role.
- Transition submittals of residential plans to online acceptance.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet increasing service demands in a highly competitive market.

### Office Locations & Lobby Hours

**Main Office**—117 NW Lafayette Ave, Bend, OR 97703

Monday, Tuesday, Thursday, Friday 8:00 AM—4:00 PM, Wednesday 9:00 AM—4:00 PM

**La Pine City Hall**—16345 Sixth St., La Pine, OR 97739

Thursday 9:00 AM—4:00 PM

**Sisters City Hall**—520 E. Cascade St., Sisters, OR 97759

Tuesday 9:00 AM—4:00 PM

## Staff Directory

Angie Havniar	Administrative Manager	(541) 317-3122	Angela.Havniar@deschutes.org
Jennifer Lawrence	Administrative Supervisor	(541) 385-1405	Jennifer.L.Lawrence@deschutes.org
Tara Alvarez	Permit Technician	(541) 383-4392	Tara.Campbell-Alvarez@deschutes.org
Katie Borden	Permit Technician	(541) 385-1741	Katie.Borden@deschutes.org
Mikaela Costigan	Permit Technician	(541) 385-1714	Mikaela.Costigan@deschutes.org
Ian Cullen	Permit Technician	(541) 388-6680	Ian.Cullen@deschutes.org
Taylor Eagan	Permit Technician	(541) 388-6562	Taylor.Eagan@deschutes.org
Robert Graham	Administrative Support	(541) 385-3217	Robert.Graham@deschutes.org
Miu Green	Permit Technician	(541) 385-3200	Miu.Green@deschutes.org
Terese Jarvis	Permit Technician	(541) 383-4435	Terese.Jarvis@deschutes.org
Jean Miller	Administrative Support	(541) 383-6711	Jean.Miller@deschutes.org
Jessie Waugh	Permit Technician	(541) 385-1730	Jessica.Waugh@deschutes.org

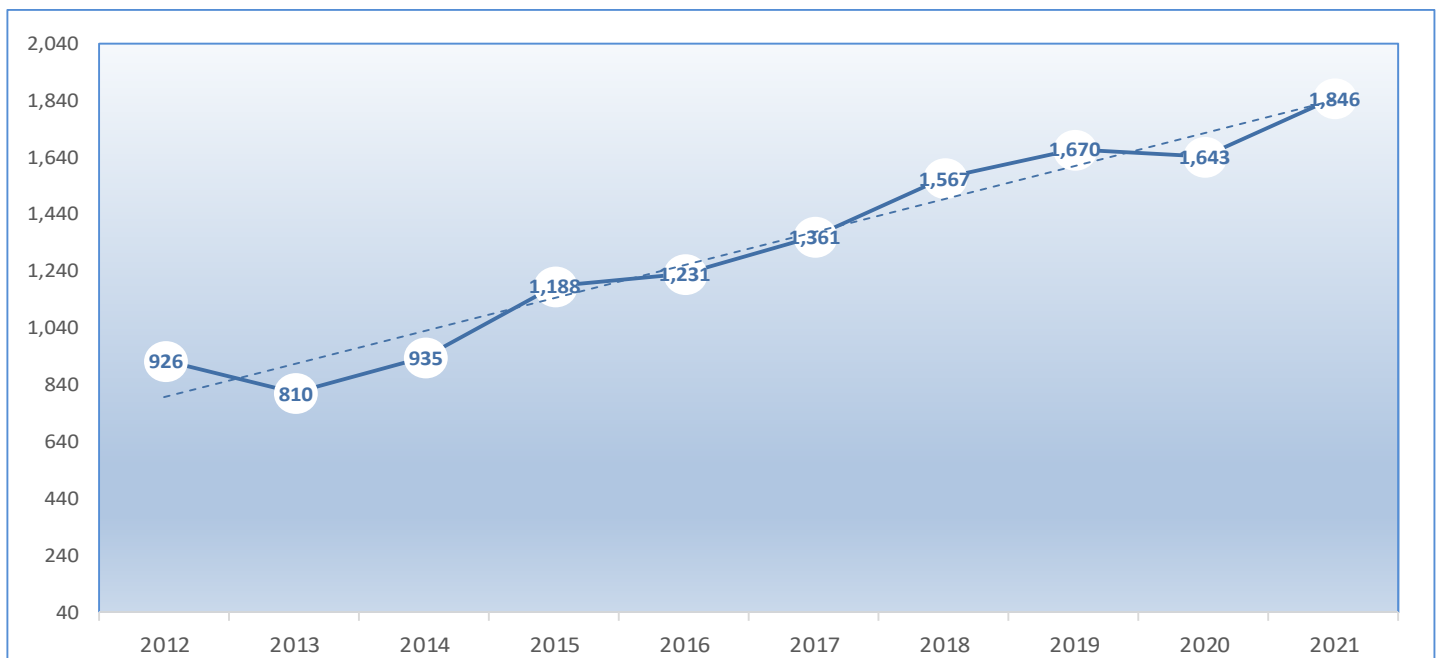
## Overview

Environmental Soils consists of one Environmental Health Supervisor, two Environmental Health Specialists II, two Environmental Health Specialist I and one Permit Technician. The Environmental Soils Division regulates on-site wastewater treatment systems (septic) to assure compliance with state rules, and monitors environmental factors for public health and resource protection. They provide site evaluations, design reviews, permitting, inspections and education and coordination with the Oregon Department of Environmental Quality (DEQ) for onsite wastewater treatment and dispersal systems. Staff inspects sewage pumper trucks, reports on the condition of existing wastewater systems, maintains an O&M tracking system, provides the public with information on wastewater treatment systems and regulations and investigates sewage hazards to protect public health and the environment. Staff are also engaged in the proactive pursuit of protecting the groundwater in Deschutes County and continue to work with DEQ on permitting protective onsite wastewater systems in Southern Deschutes County.

## 2021 Year in Review

- ✓ Assessed 382 sites for onsite wastewater treatment and dispersal systems, an increase of 29.1% from 2020, and issued 1,846 permits and authorizations for new and existing onsite treatment and dispersal systems, an increase of 12% from 2020. Assessed sites included several new subdivisions. Applications continue to increase in complexity and technical requirements.
- ✓ Repaired 290 failing or substandard systems correcting sewage health hazards and protecting public health and the environment.
- ✓ Increased electronic permit submittal and inspection scheduling through outreach and education of customers, particularly licensed professionals. During 2021, the division received 43.2% of applications online compared to 43.6% in 2020.

## Onsite Permits Issued



## 2021 Year in Review, continued

- ✓ Provided ten property owners in South County with rebates of \$3,750 per property for upgrading conventional onsite wastewater treatment systems to nitrogen-reducing pollution reduction systems.
- ✓ Provided assistance and information regarding onsite wastewater treatment systems in Terrebonne to Parametrix, engineering consultant, for the Terrebonne Sewer Feasibility Study.
- ✓ Coordinated with the City of Bend and DEQ staff regarding the septic to sewer program, and the impact on homeowners with onsite wastewater systems.
- ✓ Worked with DEQ on permitting protective onsite wastewater systems in South Deschutes County. Participated in dozens of variance hearings for modified advanced treatment systems on severely limited sites.
- ✓ Adapted to COVID-19 limitations by remote working, electronic permitting, computer technologies, electronic communications and deploying staff from home. Staff was able to sustain performance measures, permit and inspection turnaround times and maintain high service levels demonstrating resilience, team work and professionalism to continue to serve the community.
- ✓ Hired two new Environmental Health Specialist trainees to fill a vacancy and expand the team.



## 2022-23 Work Plan Projects

- Coordinate with DEQ for a South County Groundwater sampling event and funding of a planned existing network of wells.
- Train new staff trainees to become fully integrated team members knowledgeable about permitting, inspections and other onsite wastewater tasks.
- Work with DEQ staff on planning for and funding of long term and regular well sampling events approximately every 10 years to monitor changes in water quality in the aquifer.
- Apply for American Rescue Plan Act (ARPA) funding allocated to address problems related to failing and outdated septic systems through Oregon DEQ. If selected, work in coordination with NeighborImpact to implement and manage the grant program through 2026.
- Continue technical support as necessary toward the completion of the Terrebonne Sewer Feasibility Study.
- Participate in the Upper Deschutes Agricultural Water Quality Management Area Local Advisory Committee.
- Continue to participate in the City of Bend Storm Water Public Advisory Group and the Upper Deschutes Agricultural Water Quality Management Area Local Advisory Committee (Oregon Department of Agriculture).
- Provide financial assistance opportunities to South County property owners to upgrade conventional systems to nitrogen reducing pollution reduction systems through Nitrogen Reducing System Rebates and the NeighborImpact Non-conforming Loan Partnership.
- Review current groundwater protection policies for South County and continuing variance applications with DEQ onsite staff to ensure goals of water resource protection are addressed. Highest risk areas may require greater scrutiny.
- With development occurring in the Newberry Neighborhood in La Pine, review financial assistance programs for groundwater protection efforts. This may include creation of a financial advisory group process to include community members.
- Amend Deschutes County Code Chapter 11.12, Transferable Development Credit Program to implement changes from BOCC Resolution 2019-040.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet increasing service demands in a highly competitive market.

## Staff Directory

Todd Cleveland	Environmental Health Supervisor	(541) 617-4714	Todd.Cleveland@deschutes.org
Keoni Frampton	Environmental Health Specialist I	(541) 330-4666	Keoni.Frampton@deschutes.org
Kevin Hesson	Environmental Health Specialist II	(541) 322-7181	Kevin.Hesson@deschutes.org
Lindsey Holloway	Environmental Health Specialist I	(541) 388-6596	Lindsey.Holloway@deschutes.org
Kiley Rucker-Clamons	Environmental Health Specialist II	(541) 383-6709	Kiley.Rucker-Clamons@deschutes.org
Martha Shields	Permit Technician	(541) 385-1706	Martha.Shields@deschutes.org

# Planning

## Overview

Planning consists of one Planning Director, one Planning Manager, two Principal Planners, two Senior Planners, two Senior Long Range Planners, one Senior Transportation Planner, six Associate Planners, four Assistant Planners and one Administrative Assistant. The Planning Division consists of two operational areas: Current Planning and Long Range Planning. Current Planning processes individual land use applications and provides information to the public on all land use related issues. Long Range Planning addresses the future needs of the county through updates to the comprehensive plan, changes to the County Code and other special projects

## Current Planning

Responsible for reviewing land use applications for compliance with Deschutes County Code (DCC) and state law, including zoning, subdivision and development regulations, and facilitating public hearings with Hearings Officers and the BOCC. Staff is also responsible for verifying compliance with land use rules for building permit applications and septic permits; coordinating with Code Compliance to respond to complaints and monitor conditions of approval for land use permits; performing road naming duties; providing assistance at the public information counter, over the telephone and via email; and addressing in the rural County and City of Redmond under contract.

## Long Range Planning

Responsible for planning for the future of Deschutes County, including developing and implementing land use policy with the BOCC, Planning Commission, community and partner organizations. It is in charge of updating the County Comprehensive Plan and zoning regulations, coordinating with cities and agencies on various planning projects taking place in the region, including population forecasts with Portland State University and cities. Staff also monitors and participates in annual legislative sessions, and serves on numerous local, regional and statewide committees primarily focusing on transportation, natural resources, growth management and economic development.

## Transportation Planning

Provides comments and expertise on land use applications, calculates System Development Charges (SDC's) as part of land use application review process or upon request; provides comments to the County's Risk Management Department regarding traffic issues for permitted events; participates in the annual County Capital Improvement Plan (CIP) process with the Road Department; applies for grants for enhanced bicycle and pedestrian facilities in coordination with the Bicycle and Pedestrian Advisory Committee (BPAC); participates in Oregon Department of Transportation (ODOT) funded refinement planning; coordinates road issues with Bureau of Land Management (BLM) and the United States Forest Service (USFS) for urban interface plans; and serves on several local and regional transportation committees, most notably BPAC, the Bend Metropolitan Planning Organization Technical Advisory Committee, and Central Oregon Area Commission on Transportation Technical Advisory Committee (TAC).

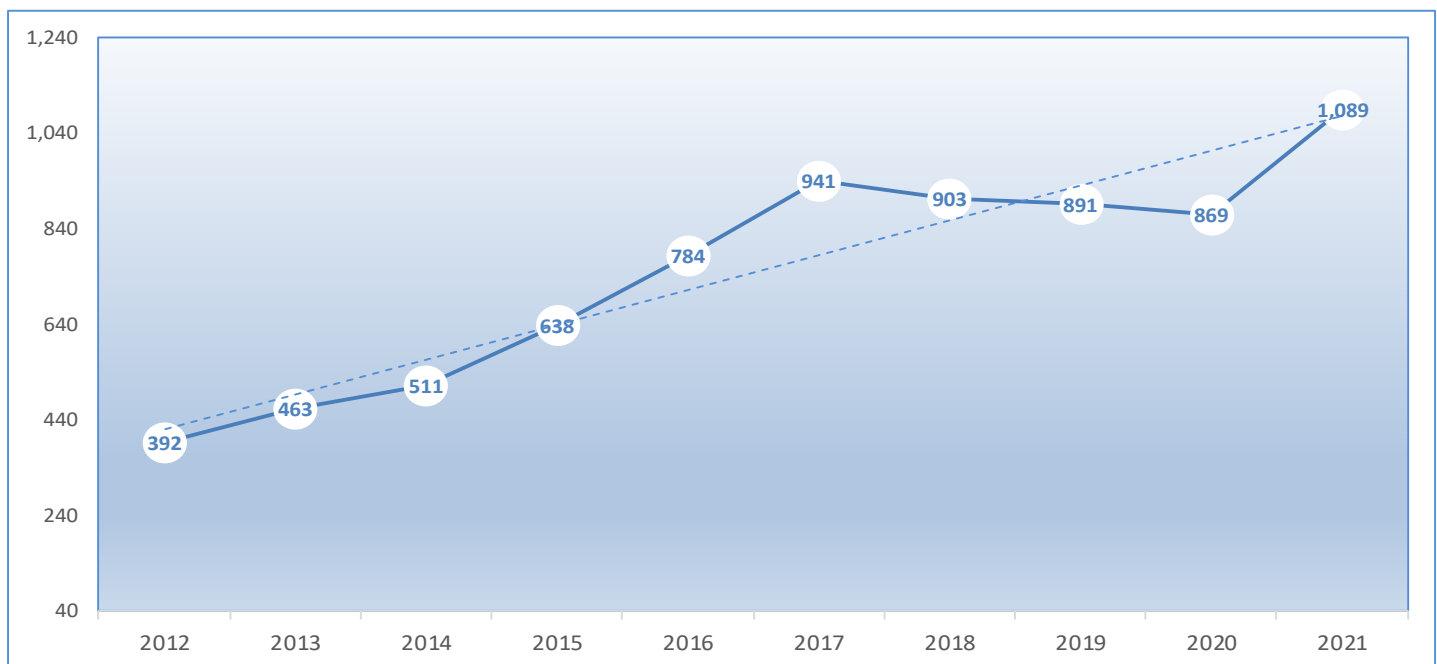
## Floodplain & Wetlands Planning

Responsible for providing comments and expertise on land use applications, code compliance, and general property inquiries that require development, fill, or removal in mapped floodplain and wetland areas. Staff maintains certification as an Association of State Floodplain Managers (ASFPM) Certified Floodplain Manager to provide customers with up-to-date and accurate information regarding Federal Emergency Management Agency (FEMA) regulations, surveying requirements, and construction requirements. Coordination is frequently required with external agencies including FEMA, US Army Corps of Engineers, Oregon Department of State Lands, Oregon Department of Fish and Wildlife (ODFW), and USFS.

## 2021 Year in Review

- ✓ Counter coverage averaged 219 customer visits a month compared to 197 in 2020.
- ✓ Staff responded to 2,332 emails and 2,920 phone call inquiries. This equates to over 194 emails and 243 phone calls per month during 2021.
- ✓ Received 1,089 land use applications compared to 869 in 2020, an increase of 25.3% over prior year.
- ✓ The Planning Division received 27 non-farm dwelling applications compared with 29 for 2020.
- ✓ 18 final plats were recorded in 2021 or are in the process of being recorded, creating a total of 154 residential lots.
- ✓ Issued a Request for Proposal (RFP) for a Comprehensive Plan Update.
- ✓ The Planning Division continued to offer electronic meetings for pre-application, Hearings Officer, Historic Landmarks Commission, and Planning Commission proceedings. Significant efforts were made to ensure each body, applicants, and members of the public could utilize this new technology. Meetings were also available by phone. Staff utilized social distancing protocols when members of the public met in-person. Throughout this transition, the division continued to meet its performance measures related to processing land use applications.

## Land Use Applications





## 2021 Year in Review, continued

Twenty (20) land use applications were reviewed by Hearings Officers in 2021 compared to 15 in 2020. They include:

- ✓ Caldera Springs Resort Final Master Plan
- ✓ Cell Tower (2 applications)
- ✓ Measure 49—Modification of Conditions
- ✓ Non-farm Dwelling (2 applications)
- ✓ Plan Amendment/Zone Change (2 applications)
- ✓ Private Air Strip
- ✓ Replacement Dwelling
- ✓ Sunriver Wastewater Treatment Facility
- ✓ Template Dwelling (3 applications)
- ✓ Thornburgh Destination Resort LUBA Remand
- ✓ Thornburgh Destination Resort Master Plan Modification
- ✓ Thornburgh Destination Resort Site Plan for Lodging
- ✓ Thornburgh Destination Resort Tentative Plat
- ✓ Variance
- ✓ Wildlife Area Dwelling Siting Requirement

The BOCC conducted 16 quasi-judicial land use hearings or proceedings in 2021 compared to 14 in 2020. Three involved appeals heard by the BOCC (\*):

- ✓ Campground\*
- ✓ Consideration of Appeal—Non-farm Dwelling (2 applications)
- ✓ Consideration of Appeal—Private Airstrip (2 applications)
- ✓ Consideration of Appeal—Replacement Dwelling
- ✓ Consideration of Appeal—Thornburg LUBA Remand
- ✓ Hydroelectric Facility\*
- ✓ Improvement Agreement—Westgate Subdivision
- ✓ Noise Variance
- ✓ Reconsideration of a Tentative Plat\*
- ✓ Redmond UGB Amendment—Affordable Housing Project
- ✓ Road Naming (4 applications)

Eleven (11) appeals were filed with the Land Use Board of Appeals (LUBA) in 2021, compared to 7 in 2020:

- ✓ Hydro Electric Facility
- ✓ Nonfarm Dwelling (2 applications)
- ✓ Plan Amendment / Zone Change
- ✓ Replacement Dwelling
- ✓ Tentative Plat
- ✓ Thornburgh Destination Resort—Tentative Plat & Site Plan
- ✓ Thornburgh Destination Resort—Quasi-Municipal Water right (4 applications)





## 2021 Year in Review, continued

The Planning Division processed two applicant-initiated Plan Amendment/Zone Changes and one zoning text amendment in 2021:

- ✓ Plan amendment and zone change for Exclusive Farm Use (EFU) property near 27th Street.
- ✓ Plan amendment and zone change for EFU property near the Bend Airport.
- ✓ Zoning text amendment to clarify slope setbacks in the Westside Transect Zone.

## Legislative Amendments

The BOCC adopted:

- ✓ *Guest Ranch / Subdivision Road Design Amendments*—Staff-initiated legislative amendments to update the guest ranch sunset clause consistent with changes to state law and correct existing regulations related to subdivision road design requirements.
- ✓ *Housekeeping Amendments*—Staff-initiated legislative amendments to correct minor errors in the DCC.
- ✓ *Marijuana Housekeeping Amendments*—Staff-initiated legislative amendments to clarify existing regulations related to marijuana.
- ✓ *Marijuana Retail / Annual Inspection Amendments*— Staff-initiated legislative amendments to extend recreational marijuana retail hours of operation and modify annual reporting requirements for marijuana production businesses.
- ✓ *Westside Transect Amendments*— Applicant-initiated legislative amendments to clarify slope definition.



## 2021 Year in Review, continued

### Grants

#### Certified Local Government Grant

Planning staff administered an 18-month \$11,500 Certified Local Government (CLG) Grant from the State Historic Preservation Office (SHPO) to assist Deschutes County with its historic preservation programs.

#### Technical Assistance Grant

Planning staff completed an 18-month \$12,000 Technical Assistance (TA) Grant from the Department of Land Conservation and Development (DLCD) to discuss WMAC recommendations and begin updating Goal 5 wildlife habitat inventories.

#### Transportation Growth Management Grant

Planning staff coordinated with the ODOT to execute a \$75,000 Transportation and Growth Management (TGM) Grant to update the Tumalo Community Plan and implement the rural trails portion of the Sisters Country Vision Action Plan.

### Coordination with Other Jurisdictions, Agencies and Committees

#### Bicycle and Pedestrian Advisory Committee

BPAC met 12 times, commenting on regional Transportation System Plan (TSP) updates, trail connections between cities and recreation areas, bicycle and pedestrian safety issues and ODOT projects, among others.

#### Cascade East Transit

Served on stakeholder committee for Bend to Mt. Bachelor/Elk Lake Summer Shuttle.

#### Oregon Department of Transportation

Participated in Terrebonne Refinement Plan TAC; Parkway Facility Management Refinement Plan TAC; Wickiup Jct. Refinement Plan (with City of La Pine); Bend US 97 North Corridor Planning; TAC for potential US 97 interchange slightly north of Bend; quarterly meetings with ODOT, Road Dept., and cities of Bend and Sisters to review traffic modeling needs; participated in ODOT Highway Safety Plan goal setting; stakeholder committee for ODOT study on wildlife passages for US 20 between Bend and Santiam Pass; and served as Central Oregon representative to Governor's Advisory Committee on Motorcycle Safety.

#### Deschutes River Mitigation and Enhancement Committee

Convened a Deschutes River Mitigation and Enhancement Committee meeting to receive updates from ODFW and Central Oregon Irrigation District (COID).



## 2021 Year in Review, continued

### Coordination with Other Jurisdictions, Agencies and Committees

#### City of Bend—Coordinated with City staff regarding:

- Bend Airport Master Plan.
- Bend Urban Growth Boundary (UGB) Amendment / HB 4079 / Affordable Housing Project.
- RFP for Real Property Disposition and Development for Simpson Property.
- Bend Metropolitan Planning Organization TAC.

#### City of La Pine—Coordinated with City staff regarding:

- Land use applications for effects on county road system.
- Wickiup Junction Refinement Plan.
- Preparing TGM grant to update the master plan for County-owned property in the Newberry Neighborhood.
- RFPs for Real Property Disposition and Development for Newberry Neighborhood Quadrant 2a and 2d.

#### City of Redmond—Coordinated with City staff regarding:

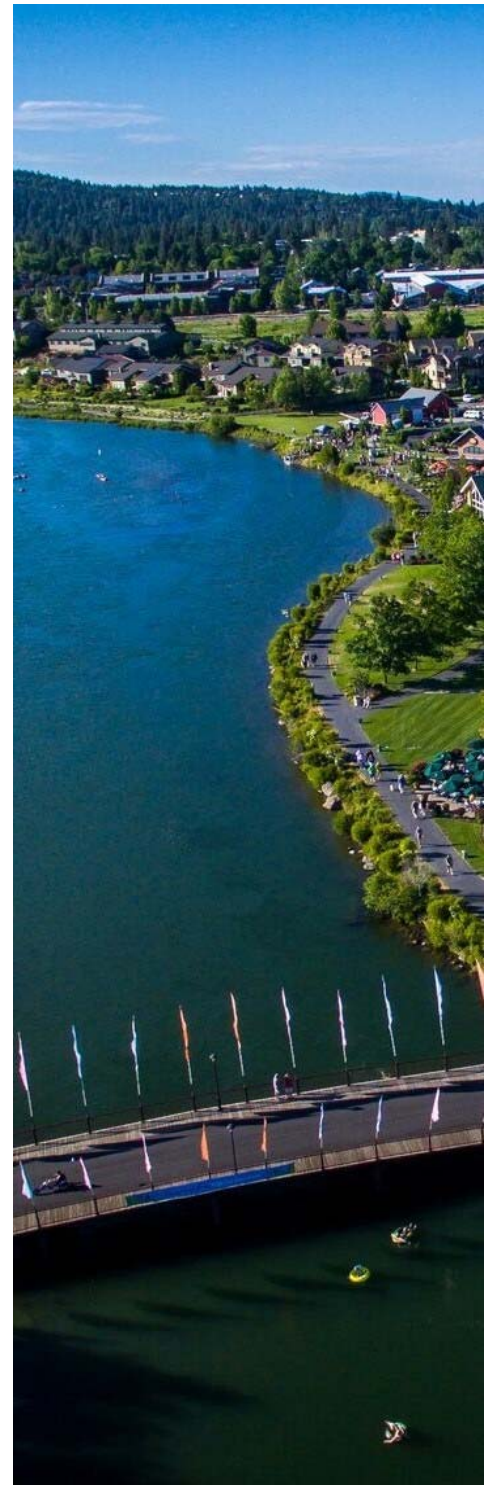
- Redmond UGB Amendment / HB 236 / Affordable Housing Pilot Project.

#### City of Sisters—Coordinated with City staff regarding:

- Implementing Sisters Country Vision Plan.

#### Deschutes County

- Participated in Special Transit Funding Advisory Committee to review grant applications and award funds for transit providers and social service agencies.
- Convened a Cannabis Advisory Panel per HB 3295.
- Provided updates to BOCC regarding Non-resource lands, Natural Resource Stewardship Position, SB 391 (Rural ADUs), SB 762 (Wildfire Mitigation), wildlife inventories produced by ODFW, and dark skies project.
- Provide updated to BOCC for RV park, manufactured home park, and campground expansions, and Agri-tourism opportunities.



## 2022-23 Work Plan Projects

### Development Review

- Respond to phone and email customer inquiries within 48 to 72 hours.
- Issue all administrative (staff) decisions for land use actions that do not require prior notice within 21 days of determination of a complete application.
- Issue all administrative (staff) decisions for land use actions requiring prior notice within 45 days of determination of a complete application.
- Process Hearings Officer decisions for land use actions and potential appeals to the BOCC within 150 days per State law.
- Develop websites accessible to the public to view records associated with complex land use applications.
- Develop an interactive map for the Bend Airport that links land use approvals to specific structures and hangars.
- Develop an interactive map for destination resorts that links land use approvals to specific phases.

### Comprehensive Plan Update

- Administer a multi-year process to update the Comprehensive Plan.
- Engage Terrebonne and Newberry County residents to determine if community plans, goals, and policies meet the current and future needs of the area and whether there is an interest and readiness for a community plan update.

### Natural Resources

- *Natural Hazards*—Develop a work plan to amend the Comprehensive Plan and County Code requiring defensible space and fire-resistant building materials per SB 762 (2021, Wildfire Mitigation).
- *Wildlife Inventories*—Amend the Comprehensive Plan and Zoning Code to incorporate a new mule deer winter range inventory from ODFW.
- *Sage Grouse*—Participate as a cooperating agency with the Bureau of Land Management (BLM) to evaluate alternative management approaches to contribute to the conservation of the Greater Sage-grouse and sagebrush habitats on federal lands.

### Transportation Growth Management (TGM) Grant

- Update the Tumalo Community Plan.
- Implement the rural trails portion of the Sisters Country Vision Action Plan.

### Transportation Planning

- Amend Comprehensive Plan to incorporate TSP update in coordination with Road Department and ODOT.
- Process Road Naming requests associated with certain types of development on a semi-annual basis.



## 2022-23 Work Plan Projects, continued

### City of Bend Coordination

- Amend the City of Bend UGB and County zoning to implement HB 4079, affordable housing project.
- Adopt the Bend Airport Master Plan (BAMP) and amend the County's Comprehensive Plan and Development Code to incorporate the updated BAMP and implementation measures to allow new airport-related businesses.
- Coordinate with City of Bend on growth management issues, including technical analyses related to housing and employment needs.

### City of La Pine Coordination

- Participate with Property Management and the City of La Pine process to update and amend the County-owned Newberry Neighborhood comprehensive plan designations, master plan and implementing regulation.

### City of Redmond Coordination

- Coordinate with City of Redmond to implement their Comprehensive Plan update.
- Coordinate with City of Redmond and Central Oregon Intergovernmental Council on CORE3, multi-stakeholder regional emergency coordination center.

### City of Sisters Coordination

- Participate in the implementation of Sisters Country Vision Plan and City of Sisters Comprehensive Plan Update.





## 2022-23 Work Plan Projects, continued

### Growth Management Committees

- Coordinate and/or participate on Deschutes County BPAC, Project Wildfire, and Mitigation and Enhancement Committee.

### Historic Preservation—Certified Local Government Grant

- Administer the 2021-2022 CLG Grant from the SHPO.
- Apply for 2023-2024 CLG Grant, including coordination with the Historic Landmarks Commission and the City of Sisters on priority projects to include in the grant proposal.

### Housekeeping Amendments

- Initiate housekeeping amendments to ensure County Code complies with State law.

### Housing Strategies

- Amend County Code to implement SB 391, Rural ADUs.
- Amend County Code to remove barriers to the placement of small manufactured homes that otherwise meet building code specifications.
- Amend County Code to repeal Conventional Housing Combining Zone.
- Amend County Code to define family for unrelated persons HB 2538, Non-familial Individuals
- Explore options and approaches to address rural housing and homelessness as allowed under State law.
- Monitor Terrebonne and Tumalo Sewer Feasibility Studies.

### Legislative Session (2022-23)

- Participate in legislative or rulemaking work groups to shape State laws to benefit Deschutes County.

### Planning Commission Coordination

- Coordinate with the BOCC to establish strategic directions for the Planning Commission.



# Planning

## 2022-23 Work Plan Projects, continued

### Zoning Text Amendments

- Minor variance 10% lot area rule for farm and forest zoned properties.
- Outdoor Mass Gatherings to be addressed more thoroughly.
- Re-platting.
- Sign code to become consistent with federal law.
- 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.
- Section 6409(a) of the Spectrum Act (Wireless Telecommunication Amendments).
- In conduit hydroelectric generation code amendments.
- Revisit Amateur Radio Tower regulations.

### Staff Directory

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# Community Involvement Report

## 2021

Statewide Planning Goal 1, Citizen Involvement, requires cities and counties to create a citizen involvement program that provides opportunities for community participation in land use planning processes and decisions.

Land use legislation, policies and implementation measures made by Oregonians nearly 50 years ago helped shape Oregon's urban and rural environments. Likewise, choices made today will ultimately shape these areas in the future. Successful land use planning occurs through an open and public process that provides room for information gathering, analysis and vigorous debate. Deschutes County's Community Involvement program is defined in Section 1.2 of the Comprehensive Plan.

This chapter identifies the County Planning Commission as the committee for citizen involvement. It also contains the County's Community Involvement goal and corresponding five policies that comply with Goal 1. This report briefly discusses the noteworthy community involvement actions undertaken by the Planning Division in 2021. The report is intended to provide county residents and stakeholders with a tool to assess its effectiveness and offer additional suggestions the County can utilize to ensure that its diverse communities remain actively involved in land use planning discussions.



# Community Involvement Report

**2021**

## **Planning Commission**



The Planning Commission convened 21 times to consider:

- ✓ CDD FY 2021-22 Annual Report & Work Plan
- ✓ Dark Skies Update
- ✓ Deschutes County Noxious Weed Program
- ✓ Deschutes 2040—Orientation to Statewide Planning Goal 8
- ✓ Deschutes 2040—Orientation to Statewide Planning Goal 9
- ✓ Deschutes 2040—Orientation to Statewide Planning Goals 10, 11, 13 and 14.
- ✓ DLCD TA Grant / Update / Progress Report
- ✓ Guest Ranch and Title 17 Amendments
- ✓ Hemp and Title 17 Amendments
- ✓ Hemp Panel Discussion
- ✓ Joint BOCC / Planning Commission Work Session
- ✓ Marijuana Housekeeping Amendments
- ✓ Marijuana Retail and Annual Reporting Text Amendments
- ✓ Natural Resource Stewardship Position
- ✓ Planning Division Work Plan Update
- ✓ Rural Economic Development Discussion
- ✓ Rural Economic Development Opportunities Panel Discussion
- ✓ SB 391—Rural ADU Legislation
- ✓ TGM Grant Update
- ✓ TSP Update
- ✓ Tumalo Roundabout Update
- ✓ Water Panel Discussion and Preparation
- ✓ Westside Transect Amendment
- ✓ Wildlife Inventory Update & Virtual Open Houses
- ✓ Wildfire Mitigation Amendments and SB 762



**2021**

## **Historic Landmarks Commission**



Convened 4 times in 2021 to consider:

- ✓ Camp Polk Pioneer Cemetery
- ✓ CDD FY 2021-22 Annual Report & Work Plan
- ✓ Certified Local Government Grant Application
- ✓ City of Sisters Check-In
- ✓ Field Trip Discussion
- ✓ Historic Landmarks Commission Policies and Procedures Manual
- ✓ Regional Coordination
- ✓ Updates from Bend and Redmond Historic Landmarks Commission



Meeting May 11<sup>th</sup>.

Hello, my name is Gary Sherman and I live at 61585 K Barr Road about 8 Miles East of Bend directly off Highway 20. I'm here today to ask the Deschutes County Commissioners to draft a legislative amendment on the existing code: DCC 18.84.050 and add this item to the Deschutes County Commissioners Workplan to prevent the possibility of AT&T placing any future Cellular Towers on ODOT land in Deschutes County.

My wife and I moved out to K Barr Road six years ago and we did our due diligence before we purchased our property. We have detrimentally relied on Deschutes County Code to prevent any nuisance structures (anything over 30 feet) that could be built affecting our home. Before we purchased our home, we looked up the zoning which is EFU and we also found out that this entire corridor was protected by DCC 18.84.050. Nothing could be built over 30 feet because of the Land Management Overlay which extends ¼ mile from the center of Highway 20 in both directions. This was particularly important to both my wife and I because years ago we lived in a home; that at the time, had undeveloped land behind our house. The land sold, and two-story homes were built with almost no set back from our rear property line. This ruined our privacy and vistas of the hills behind our home. Ever since that happened, we have been careful to understand the land use laws that might have some affect to our property. We felt confident that after understanding and relying on Deschutes County Code DCC 18.84.050 we would be able to live in our current location free of development and our views would be forever protected and kept pristine.

AT&T and ODOT are taking advantage Deschutes County with a loophole they found. Because ODOT doesn't require a building permit in their ROW property and Deschutes County said a building permit is what triggers the LM Overlay they are trying to build a 150 Foot Cellular tower without a permit. Deschutes County and Planning Staff should have never allowed this to take place. DCC 18.84.050 was written specifically to maintain scenic vistas. Staff and county attorneys should have researched the history of DCC 18.84.050 and realized that what both AT&T and ODOT are trying to get away with is against the intent of DCC 18.84.050. Throughout my many conversations with Staff, and having conversations throughout the entire planning department, not one person knew the history of the code or for that fact even knew the current version of DCC 18.84.050.

In my eyes this entire Land Use process is flawed. This case went to a hearings officer and his decision never considered the history of DCC 18.84.050 nor did he investigate the true intent the authors had in mind when writing the Land Management Overlay code. Deschutes County Staff as well as staff attorneys at the very beginning of this should have gone back through the history of the code and should have determined that the code never intended to allow a 150-foot cellular tower to be built dead in the middle of the LM Overlay.

DCC 18.84.050 has changed approximately five times since 1990 and this loophole has literally been created because a comma was left out of the first sentence of DCC 18.84.050. This code throughout time has changed to prevent the "Site Plan Review Process" from being triggered by minor alterations and changes to a structure that no one cared about. Building a deck, adding a window, or a pergola. A New Structure was always supposed to be subject to reviews. Anyone with any common sense would realize this.

The following is from DCC 18.84.010. It is the Purpose of the LM Combining Zone. It reads as follows.

18.84.010 Purpose. The purpose of the Landscape Management Combining Zone is to Maintain scenic and natural resources of the designated areas and to maintain and enhance scenic vistas important to the local economy.

The purpose clearly states that the code was written to prevent something like a 150-foot cell tower from being built.

The current version of the code reads like this.

18.84.050. Use limitations. A. Any new structure or substantial alteration of a structure requiring a building permit, or an agricultural structure, within an LM Zone shall obtain site plan approval in accordance with DCC 18. 84 and DCC 18. 124, Site Plan Review, prior to construction. As used in DCC 18. 84 substantial alteration consists of an alteration which exceeds 25 percent in the size or 25 percent of the assessed value of the structure.

I believe Staff is misreading the code. Any new structure has always been subject to plan review, where as “or substantial alteration of a structure requiring a building permit” is the part of the sentence that should only be tied to the building permit. The authors never anticipated a ODOT loophole that does not require them to obtain a permit. Also, I’m sure the authors never intended for the code to be interpreted the way it is currently be interpreted.

It's important to understand the changes of the code and why they were made.

1979 Version PL-15 11/1/1979 (Original)

5) Use Limitations. No structure, including agricultural buildings, shall be erected, or substantially altered externally within one-quarter mile (measured at right angles from centerline of any identified landscape management roadway or within 200 feet of the mean high-water mark of any identified landscape management corridor along a river) without first obtaining the approval of the "Planning Director”

This version included everything which I’m sure overwhelmed staff.

1992 Version 92-034 4/28/1992 This is when the (Building Permit is tied to substantial alteration).

18. 84. 050 Use Limitations. 1. [ No] Any new structure or substantial alteration of a structure requiring a building permit, or [ structure including] an agricultural structure[ s,] within an LM Combining Zone shall obtain site plan approval in accordance with this Chapter and Chapter 18. 124, Site Plan Review, prior to construction. As used in this chapter substantial alteration consists of an alteration which exceeds 25% in the size or 25% of the assessed value of the structure. [ one- quarter mile (measured at right angles from centerline of any identified landscape management roadway or within 200 feet of the ordinary high-water mark of any identified landscape management corridor along a river) without first obtaining the approval of the Planning Director or Hearings Body.] 2. Structures which are not visible from the designated roadway, river, or stream and which are assured of remaining not visible because of

vegetation, topography, or existing development are exempt from the provisions of Section 18. 84. 080 (Design Review Standards) and Section 18. 84. 090 (Setback Standards). An applicant for site plan review in the LM zone shall conform with the provisions of this Chapter, or may submit evidence that the proposed structure will not be visible from the designated roads river or stream. Structures not visible from the designated road, river or stream must meet setback standards of the underlying zone.

It is very clear that this version was written to exclude unnecessary review from the planning Director. Minor alterations and structures that were not visible, are changes that were made to the code to eliminate staff from the burden of having to waste time reviewing unnecessary alterations. Was the comma just left out by mistake by not understanding proper English grammar or the misinterpretations it could cause?

Regardless, when you read the code, Any new structure-stands alone in all the prior versions of the code, and staff is the one that has attached the building permit to, “any new structure and a structure requiring a building permit”.

I am requesting that the commissioners add this item to your workplan so you can draft a legislative amendment to add a comma to the current version of DCC 18.84.050 to clarify that any new structure is always subject to the LM Overlay. If only a comma had been added to the current version of the code we would not even be having this discussion.

If it were written as follows there would not be any misinterpretation.

18.84.050. Use limitations. A. Any new structure, or substantial alteration of a structure requiring a building permit, or an agricultural structure, within an LM Zone shall obtain site plan approval in accordance with DCC 18. 84 and DCC 18. 124, Site Plan Review, prior to construction. As used in DCC 18. 84 substantial alteration consists of an alteration which exceeds 25 percent in the size or 25 percent of the assessed value of the structure.

Thank you for your time on this especially important matter to hopefully stop this egregious cell tower and any future possibilities of Deschutes County allowing ODOT and ATT to build towers on their property without permits.

Regards,

Gary and Karen Sherman

61585 K Barr Road  
Bend, OR 97702

