



MEMORANDUM

TO: Deschutes County Board of Commissioners

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

DATE: September 16, 2024

SUBJECT: Planning Division Work Plan Update / Long Range Planning / FY 2024-2025

I. WORK PLAN DIRECTION

The adopted Community Development Department (CDD) FY 2024-25 Work Plan contains several discretionary long range planning projects varying in complexity.¹ This memorandum summarizes upcoming 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 (Comprehensive Plan Update 2040), implements the Board's priorities within available resources. Tables 1-2, starting on page 2, list projects that are ongoing, and yet to be initiated. High profile projects anticipated for FY 24-25 include:

- Clear and Object Standards for Housing
- Newberry Country Plan Update²
- Dark Skies
- FEMA BiOp Code Updates

Request

Staff requests the Board acknowledge their priority projects for the remainder of the fiscal year, including specific guidance for the Urbanization Coordination for Land Divisions near Urban Growth Boundaries (UGB) project.³

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,

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

² Newberry Country Plan has been delayed as CDD awaits the results of the EPA Community Change Grant application.

³ Following a Board directed request for this project, DLCD just alerted CDD that a \$25,000 grant is available.

modifications, and possible re-prioritization. The work plan describes the most important 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 fiscal year are prioritized and undertaken. The Planning Division Work Plan consistently generates public interest.

III. ONGOING LONG RANGE PLANNING PROJECTS

Staff is currently processing or coordinating several long range land use projects noted in Table 1.

Table 1 – Ongoing Planning Projects

Project	Summary	Status
City of Bend Coordination	Coordinate with City of Bend on growth management issues.	<u>Ongoing.</u> Coordinate on growth management issues, including future UGB updates, improvements to the Outback water treatment facility, and technical analyses related to housing, and employment needs.
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. Participate in La Pine 2045 Comprehensive Plan Update process.	<u>Ongoing.</u> Staff is coordinating with the Property Manager and Strategic Initiatives Manager.
City of Redmond Coordination	Coordinate with City of Redmond on growth management issues.	<u>Ongoing.</u> Coordinate to implement their Comprehensive Plan Update. Coordinate on CORE3, a multi-stakeholder regional emergency coordination center. Coordinate to update the Joint Management Agreement and UH-10 zone lands per HB 3197. Coordinate planning efforts for McVey interchange on South Highway 97 to access Large Lot Industrial Lands.
City of Sisters Coordination	Coordinate with City of Sisters on growth management issues.	<u>Ongoing.</u> Participate in the implementation of Sisters Country Vision Plan, their Comprehensive Plan Update, and UGB Expansion process.

Project	Summary	Status
<i>Clear and Object Standards for Housing</i>	Initiate amendments in coordination with consultants funded through a Department of Land Conservation Development (DLCD) 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 an effective date of July 1, 2025.	<u>Ongoing.</u> Together with the consultant (MIG), staff is developing draft updates to Titles 17 and 18. Legislative amendments with the Planning Commission will begin in this fall or early winter.
<i>Comprehensive Plan Update (2040)</i>	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 Board is scheduled to complete deliberations and first reading on September 16. Staff will then bring forward the action plan for recognition by the Planning Commission and Board.
<i>Coordination Projects</i>	Destination Resort Overnight Lodging Unit Annual Reporting Marijuana Annual Reporting / Inspections Portland State University Annual Population Estimate	<u>Ongoing.</u> Staff coordinates with relevant stakeholders for these tasks and reports results to the Board annually.
<i>CORE 3 (Regional Emergency Training Center)</i>	Applicant-initiated UGB amendment for a 300-acre regional emergency training center in Redmond.	<u>Ongoing.</u> The Minor Partition application was approved in October 2023. The initial Hearing's Officer hearing was conducted on August 8, 2024 and a recommendation of approval to the Board was issued on August 30, 2024. Board hearing to be scheduled for fall 2024.
<i>Dark Skies</i>	Revisiting the County's existing Outdoor Lighting ordinance and public education/outreach.	<u>Ongoing.</u> Staff is preparing a summary report of steering committee comments and recommendations for the Board's consideration.
<i>EPA Community Change Grant</i>	Submission of \$20 million grant application to the U.S. Environmental Protection Agency (EPA) to fund activities in economically disadvantaged census block groups near La Pine. Activities include community engagement associated with the Newberry Country Plan update, fuels treatment on county owned lands, septic system upgrades, well deepening, and home weatherization.	<u>Ongoing.</u> Staff submitted the grant application in July. EPA notified staff in early August that the application is complete and would move forward for review. If the grant is awarded, significant staff time will need to be allocated for community engagement and project management activities.
<i>FEMA BiOp Code Updates</i>	Following the outcome of a 2016 Federal Emergency Management Agency (FEMA) Biological Opinion and associated litigation, Deschutes County is required to update its Floodplain ordinance. This update, prescribed by FEMA, is required to continue participation in the National Flood Insurance program. The new measures are intended to provide greater protection for endangered salmon and steelhead populations.	<u>Ongoing.</u> Staff is coordinating with FEMA and DLCD on a draft model code.

Project	Summary	Status
Growth Management Committees	Coordinate and/or participate on Deschutes County Bicycle and Pedestrian Committee (BPAC), Project Wildfire, Mitigation and Enhancement Committee, and Bend MPO Technical Advisory Committee (TAC).	<u>Ongoing</u> . These meetings occur monthly except for the Mitigation and Enhancement Committee, which is annual, and Bend MPO TAC meetings which are quarterly.
Historic Preservation	Administer 2024-25 Certified Local Government Grant from SHPO. Coordinate and participate in Historic Landmarks Commission meetings, develop agendas, train commissioners, manage recruitment as needed.	<u>Ongoing</u> . HLC meetings are held quarterly, with additional meetings as needed.
Housekeeping Amendments	Initiate housekeeping amendments to ensure County Code complies with State law and/or fix scrivener's errors to maintain code consistency.	<u>Ongoing</u> . The Board will hold a public hearing on September 25.
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 every fall and during the short and regular legislative sessions. Monitor rulemaking as it pertains to Goal 5 - Cultural Areas, Farm and Forest Conservation Program Improvements, and Eastern Oregon Solar Siting.
Mini-Storage Text Amendments	Two applicant-initiated amendments to allow storage units in the Multiple Use Agricultural-10 zone in certain areas adjacent to Highway 97 and Highway 20, respectively.	<u>Ongoing</u> . The Board held a hearing on August 28 to consider the Highway 20 proposal and will hold a hearing on September 25 to consider the Highway 97 proposal. Deliberations are anticipated for early October on each one.
Nonresource Land Amendments	Applicant-initiated Plan Amendment and Zone Change applications to change Exclusive Farm Use (EFU) zoning. Staff is currently processing six applications, with 1,363 proposed rezoned acres.	<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.
Recreational Vehicles as Rental Dwellings Amendments	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 Board held a public hearing on May 8 and began deliberating on June 10. On August 14, the Board reopened the record until November 1 to receive additional input. Staff anticipates continued deliberations on November 13.

Project	Summary	Status
Road Naming	Process Road Naming requests associated with certain types of development on a semi-annual basis.	<u>Ongoing</u> . Coordination with relevant fire protection districts is currently underway to identify high priority roads requiring new names. Coordination efforts with Redmond Fire District will take place in winter 2024-25 to identify potential for text amendments to DCC 16.16 for Road Naming requests within Redmond Fire & Rescue boundaries.
2024 Rural Housing Profile	Update of 2020 Rural Housing Profile report, which summarized recent demographics pertaining to housing in the rural county, vacant lands, market trends, and current and future Deschutes County housing initiatives.	<u>Ongoing</u> . Staff is currently updating the report with recent data and will share with the Board in November.
Sage Grouse Coordination	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. In December 2023, the Oregon Fish and Wildlife Commission adopted updated habitat maps for sage-grouse. DLCD will adopt rulemaking in 2024 to require local governments to recognize these new maps.	<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. Following rulemaking from DLCD, staff will initiate a plan and map amendment for the Greater Sage-Grouse Combining Zone.
Wildfire Mitigation	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 final State Wildfire Hazard Map is released on October 1, 2024. Staff anticipates all relevant regulations associated with the Hazard Map will become effective in Spring 2025.

IV. PROJECTS NOT YET INITIATED

Table 2 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 2 – Non-initiated Long Range Planning Projects

Project	Summary	County Resources
Newberry County Plan Update	Develop a scope of work to update the Newberry Country Plan. Public engagement will kick-off in fall 2024 or winter 2025.	Significant

Project	Summary	County Resources
Terrebonne Community Plan Update	Develop a scope of work to update the Terrebonne Community Plan. Public engagement could kick-off in 2026.	Significant
Urbanization Coordination for Land Divisions near UGBs	Numerous land use applications for plan amendment/zone changes have resulted in significant areas being rezoned from EFU to rural residential (either RR-10 or MUA-10). For properties closer to the Bend UGB, it is important to anticipate future urbanization to ensure orderly development once those properties are annexed into the City of Bend. This project would explore code amendments that require land divisions to be completed as cluster developments within a certain distance-likely two miles-of a UGB. This change could allow some rural development now while retaining the greater proportion of a site for future urban development. \$25,000 in DLCD grant support is available.	Moderate
Zoning Amendments⁴	<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	

V. BOARD DIRECTION

Staff requests the Board acknowledge their priority projects for the remainder of the calendar year, including specific guidance for the Urbanization Coordination for Land Divisions near UGB project.

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

⁴ Detailed descriptions of Zoning Amendment projects are provided as attachments to this memo, as noted.

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
- O. Urbanization Coordination for Land Divisions near UGBs