



## MEMORANDUM

**TO:** Deschutes County Board of Commissioners

**FROM:** Tarik Rawlings, Senior Transportation Planner

**DATE:** June 18, 2025

**SUBJECT:** Consideration of First and Second Reading: Clear and Objective Housing Text Amendments – Title 17 (Subdivisions)

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On June 25, 2025, staff will present Ordinance No. 2025-008 to the Board of County Commissioners (Board) for consideration of first and second reading. On May 28, 2025<sup>1</sup>, the Board conducted a public hearing and deliberations to consider legislative text amendments establishing “clear and objective” housing development standards pursuant to House Bill (HB) 3197<sup>2</sup> (file no. 247-25-000110-TA). The ordinance provided here reflects the decisions made during those deliberations.

Staff submitted an initial 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on February 20, 2025. An initial public hearing was held before the Deschutes County Planning Commission on March 27, 2025<sup>3</sup>. At that time, both the oral and written records were continued to a subsequent hearing on April 10, 2025<sup>4</sup>. The Commission held deliberations and provided recommendations on April 24, 2025<sup>5</sup>.

### I. RECORD

The record, which contains all memoranda, notices, and written testimony received, is available at the following website: <https://bit.ly/DeschutesClearAndObjectiveTitle17>

### II. OVERVIEW OF ORDINANCE

Numerous sections and language in the Deschutes County Code (DCC) affecting the development of housing do not currently meet the identified thresholds for “clear and objective” standards outlined in HB 3197. The primary focus of the Clear and Objective Code Compliance Project is to ensure the DCC complies with state statute and the objectives of the Deschutes County Comprehensive Plan.

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<sup>1</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-234>

<sup>2</sup> <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB3197/Enrolled>

<sup>3</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-64>

<sup>4</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-65>

<sup>5</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-66>

With the assistance of consultants from MIG, County Road Department staff, and the County Surveyor, planning staff have identified areas of the DCC that are not in compliance with statute and drafted packages of text amendments to address each issue. These packages have been broken into distinct segments to provide the public, the Deschutes County Planning Commission, and the Board the opportunity to review and vet the proposed changes in a more structured and confined way.

Where possible, planning staff have endeavored to draft amendments that are a policy-neutral conversion of existing discretionary language to non-discretionary language. This ensures the original intent and desired outcome is preserved. When not possible, in certain limited circumstances alternative standards or criteria have been proposed. Additionally, while not exclusively associated with housing development, as part of this process certain amendments have been proposed to broadly remove ambiguity from implementing sections of the DCC, maintain conformity across all development standards, and ensure review clarity for staff and members of the public.

Following the first amendment module (Definitions, Dimensional Standards, Accessory Uses), the subject amendment package proposed through this process will broadly cover the following areas of the DCC:

- Provisions of Title 17 (Subdivisions) specific to housing and housing development.
- Provisions of Title 17 related to certain lot configuration standards

### **III. NEXT STEPS & STAFF RECOMMENDATION**

As noted in the language of Ordinance No. 2025-008, staff has recommended that the Board vote on and adopt the ordinance by emergency, with an immediate effective date upon adoption (June 25, 2025). This proposed action requires a unanimous vote. Staff proposed adoption by emergency due to the July 1, 2025 deadline for clear and objective housing standards outlined in HB 3197 and forthcoming amendment packages under the Clear and Objective Code Compliance Project.

Alternatively, if the vote is not unanimous, the Board will hold first and second readings at least 14 days apart, and then the ordinance will be effective 90 days after second reading. Should the Board elect to follow an approach different than that offered by staff, the existing ordinance language will need to be modified for a future Board meeting concerning first reading.

#### Attachments:

- Ordinance No. 2025-008 and Corresponding Exhibits – Emergency