



MEMORANDUM

TO: Deschutes County Board of County Commissioners

FROM: Kyle Collins, Associate Planner

DATE: December 8, 2021

SUBJECT: 2021 Housekeeping Amendments – Public Hearing

The Board of County Commissioners (Board) will conduct a public hearing on December 15, 2021 at 9:00 A.M. at the Deschutes Services Center, 1300 Wall Street, Barnes and Sawyer rooms to consider staff-initiated legislative text amendments (file no. 247-21-000862-TA). This public hearing will address text amendments correcting minor errors in the Deschutes County Code (DCC), incorporating recent changes to state law, and to provide clarification of existing regulations, procedures, and policies. The public hearing will be conducted in-person, electronically, and by phone.¹ The Deschutes County Planning Commission (Commission) reviewed the proposed legislative amendments at a public hearing on November 18, 2021 and provided recommendations to the Board at a deliberation session on the same date. Those recommendations are outlined below as part of this memo.

Attached to this memorandum are Ordinances outlining the text amendments and draft findings summarizing the proposed changes.

I. BACKGROUND

The Planning Division regularly amends Deschutes County Code and the Comprehensive Plan to correct minor errors identified by staff, other County departments, and the public. This process, commonly referred to as “housekeeping,” also incorporates updates from rulemaking at the state level through amendments to Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR), and allows for less substantive code changes to continue efficient County operations. The last time Deschutes County adopted housekeeping amendments occurred in July 2020.²

¹ See Deschutes County Board of County Commissioners December 15, 2021 Agenda for more information: <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-33>

² Ordinance 2020-007.

II. OVERVIEW OF AMENDMENTS

The proposed amendments are described in two Ordinances, one proposed for adoption by emergency and one proposed with a standard 90-day adoption timeline:

- Ordinance 2021-013 (Attachment 1)
- Ordinance 2021-014 (Attachment 2) – *Proposed Adoption by Emergency*

Draft Ordinance 2021-014 is proposed for emergency adoption beginning January 3, 2022, to accommodate new operating hours for the Community Development Department’s (CDD) main office at 117 NW Lafayette Ave, Bend. Based on Board direction, beginning December 1st, 2021, the main CDD office will close to visitors starting at 4:00 PM rather than 5:00 PM. Ordinance 2021-014 alters DCC 22.32.015(B) to accommodate the land use appeals process and notifies applicants of their obligations when filing a formal appeal. Adopting Ordinance 2021-014 by emergency will allow a smooth transition to the updated appeal requirements in coordination with new office operating hours starting in 2022.

Within these Ordinances and their respective attachments, added language is underlined and deleted shown as ~~strikethrough~~. Table 1 summarizes the amendments for Ordinance 2021-013 and Table 2 summarizes the amendments for Ordinance 2021-014.

Table 1 – Ordinance 2021-013 Summary of Amendments

Exhibit	Amendment	
A	Title 15 Buildings and Construction Chapter 15.04 Building and Construction Codes and Regulations	
	DCC 15.04.080	Update edition of International Fire Code with current standards
B	Title 17 Subdivisions Section 17.24 Final Plat	
	DCC 17.24.150	Update final plat recording requirements to reflect contemporary standards
C	Title 18 County Zoning Chapter 18.04 Title, Purpose and Definitions	
	DCC 18.04.030	Correct ORS reference error for “manufactured home” definition
	DCC 18.04.030	Adds new definition for “Facility for the processing of farm products,” as described in ORS 215.255
	DCC 18.04.030	Amends two incorrect internal references in the definition for “Current employment of land for farm use”
	DCC 18.04.030	Adds new definition for “Processing area,” as described in ORS 215.255

Exhibit	Amendment	
D	Title 18 County Zoning Chapter 18.16 Exclusive Farm Use Zones	
	DCC 18.16.023	Update replacement dwelling standards in conformance with OAR 660-033-0130
	DCC 18.16.025	Update farm building/dog training standards in conformance with OAR 660-033-0130
	DCC 18.16.025	Update farm crop processing standards in conformance with OAR 660-033-0130
	DCC 18.16.030	Update hardship dwelling standards in conformance with OAR 660-033-0130
	DCC 18.16.050	Correct internal reference error for "dwellings customarily provided in conjunction with farm use"
	DCC 18.16.050	Update dwelling standards in conformance with OAR 660-033-0135 to add "Except for seasonal farmworker housing approved prior to 2001" to all references of "no other dwelling on the subject tract"
E	Title 18 County Zoning Chapter 18.32 Multiple Use Agricultural Zone	
	DCC 18.32.030	Correct OAR 660-004-0040 reference which outlines Goal 14 exceptions for new manufactured home parks
F	Title 18 County Zoning Chapter 18.36 Forest Use Zone; F-1	
	DCC 18.36.050	Update template dwelling standards in conformance with OAR 660-006-0027
G	Title 18 County Zoning Chapter 18.40 Forest Use Zone; F-2	
	DCC 18.40.050	Update template dwelling standards in conformance with OAR 660-006-0027
H	Title 18 County Zoning Chapter 18.67 Tumalo Rural Community Zoning Districts	
	DCC 18.67.020	Correct a DCC 18.67.020(D)(2)(b) reference that was unintentionally established by Ordinance 2020-010
	DCC 18.67.040	Correct a DCC 18.67.040(D) reference that was unintentionally established by Ordinance 2020-010
I	Title 18 County Zoning Chapter 18.74 Rural Commercial Zone	
	DCC 18.74.020	Correct a DCC 18.74.020(B) reference to accurately address the Site Plan chapter of County Code (DCC 18.124)
J	Title 18 County Zoning Chapter 18.80 Airport Safety Combining Zone	
	DCC 18.80.044	Replace a reference to FAA Order 5100.38A, which no longer exists, with an updated FAA Order 5100.38D reference

Exhibit	Amendment	
K	Title 18 County Zoning Chapter 18.84 Landscape Management Combining Zone	
	DCC 18.84.010	Correct scrivener's error to note the correct chapter title
L	Title 18 County Zoning Chapter 18.108 Urban Unincorporated Community Zone; Sunriver	
	DCC 18.108.110	Correct a DCC 18.108.110(D) reference that was unintentionally established by Ordinance 2012-002 and Ordinance 2019-008
M	Title 18 County Zoning Chapter 18.116 Supplementary Provisions	
	DCC 18.116.330	Edit code language to clarify intent for the relocation of approved marijuana production or processing facilities
N	Title 18 County Zoning Chapter 18.120 Exceptions	
	DCC 18.120.010	Correct a DCC 18.120.010(F)(3) reference to accurately address alterations of a nonconforming use
O	Title 19 Bend Urban Growth Boundary Zoning Ordinance Chapter 19.76 Site Plan Review	
	DCC 19.76.090	Replaces references of "Bend Urban Area Planning Commission" (a defunct review body) with a reference to DCC 22.24.020 to determine an appropriate review body for projects requiring site plan review in the Deschutes River Corridor
P	Title 22 Deschutes County Development Procedures Ordinance Chapter 22.04 Introduction and Definitions	
	DCC 22.04.020	Removes the unnecessary "A" reference in DCC 22.040.030(A), which was repealed by previous Ordinances
Q	Title 22 Deschutes County Development Procedures Ordinance Chapter 22.24 Land Use Action Hearings	
	DCC 22.24.130	Alters DCC 22.24.030(D) to match the requirements of ORS 197.763(6) regarding open record periods

Table 2 - Ordinance 2021-014 Summary of Amendments

Exhibit	Amendment	
A	Title 22 Deschutes County Development Procedures Ordinance Chapter 22.32 Appeals	
	DCC 22.32.015	Alters DCC 22.32.015(B) to accommodate new visitor hours for the main CDD office in regards to the appeals process and notify applicants of their obligations when filing a formal appeal

III. TRANSPORTATION ANALYSIS

Senior Transportation Planner Peter Russell reviewed the application and findings concerning Statewide Land Use Planning Goal 12 and the Transportation Planning Rule, and provided the following comments:

“Reviewed the materials and didn’t see any red flags...”

IV. PUBLIC AND AGENCY COMMENTS

As of the submission date of this memorandum (December 8, 2021), no written comments have been received from the public or respective public agencies.

V. PLANNING COMMISSION DISCUSSION AND RECOMMENDATIONS

Following a public hearing and deliberations on November 18, 2021, the Planning Commission voted unanimously to recommend approval of the proposed housekeeping amendments.

VI. RECORD

The full record for File 247-21-000862-TA is as presented at the following Deschutes County Community Development Department website:

<https://www.deschutes.org/cd/page/247-21-000862-ta-text-amendments-clarify-existing-standards-and-procedural-requirements-0>

VII. NEXT STEPS

At the conclusion of the public hearing, the Board may:

- Continue the hearing to a date certain;
- Close the hearing and leave the written record open to a date certain; or
- Close the hearing, and commence deliberations.

Attachments

- 1) Ordinance 2021-013 (Proposed Amendments and Draft Findings)
- 2) Ordinance 2021-014 (Proposed Amendments and Draft Findings)
- 3) 247-21-000862-TA Notice of Public Hearing