



Community Development Department

Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005

(541)388-6575 FAX (541)385-1764

<http://www.co.deschutes.or.us/cdd/>

Memorandum

DATE: January 27, 2015

TO: Deschutes County Board of Commissioners

FROM: Nick Lelack, Director
Peter Gutowsky, Planning Manager
Peter Russell, Senior Planner
Matt Martin, Associate Planner

RE: Planning Division Work Plan Update / FY 2014-2015

I. Summary

This memorandum updates the Board of County Commissioners (BOCC) on the Planning Division's annual work plan specifically relating to long-range planning. It summarizes the status and timelines of existing projects while also making three requests. Staff asks the BOCC to consider directing the Planning Division to initiate a text amendment for the Alfalfa Rural Fire Protection District that would ultimately enable the siting of a fire station, as well as annual housekeeping amendments (see page 6). Table 2 provides an overview of the housekeeping amendments. Lastly, Staff will also be initiating a text amendment to regulate medical marijuana (see Table 1).

II. Existing Projects

Table 1 summarizes the status of ongoing long range planning projects.

Table 1 – Ongoing Long Range Planning Projects

Project	Summary / Status	Next Steps / Estimated Completion
<i>Medical Marijuana</i>	The BOCC on Jan. 27 directed staff to draft a text amendment regulating medical marijuana, prior to the statewide ban expiring on May 1.	April 2015
<i>Agricultural Lands</i>	<p>Based on BOCC direction in October, the Planning Commission continues to discuss two topics associated with the agricultural lands program: temporary hardship dwellings in the Conventional Housing Combining Zone and minor plan amendments clarifying that resource land parcels can be re-designated and rezoned to resource lands through a quasi-judicial application process, without taking an exception to Oregon Land Use Goals 3 or 4. In addition, staff received direction from the BOCC on November 24 to explore HB 2229, also known as the Big Look Bill, as it relates to correcting mapping errors of resource designated lands (includes forest lands).</p> <p>Two major developments have occurred over the past couple of weeks.</p> <ul style="list-style-type: none"> First, DLCD sent Deschutes County a letter in response to several interpretation questions regarding implementing this law. In short, the agency has several significant concerns/objections with the County's proposed approach. Based on DLCD's letter, County staff would be required to undertake a new approach requiring significantly more resources (staff, budget, and time) to implement 	Staff proposes the next step to be the development of a matrix for the BOCC and Planning Commission's consideration of options on whether and how to move forward at subsequent work sessions

Table 1 – Ongoing Long Range Planning Projects

Project	Summary / Status	Next Steps / Estimated Completion
	<p>this law.</p> <ul style="list-style-type: none"> Second, the Planning Commission asked staff to contact former CDD Director John Anderson (1978-85) regarding the County’s process to designate lands as resource and exception lands, in compliance with the then-new Statewide Planning Law. Please find attached a memorandum summarizing staff’s conversation with Mr. Anderson, which he also reviewed and approved. In short, the County thoroughly and thoughtfully designated every property based on the best available data at the time and per DLCD’s direction. The County asked the agency for more flexibility, but the agency did not grant it. 	
<i>Bend Airport Master Plan</i>	<p>The BOCC on October 27, voted unanimously to adopt Ordinance 2014-026 by emergency. The ordinance approved a City of Bend land use application amending the zoning map for the Airport Development (AD) zone in Deschutes County Code (DCC) 18.76 and its subzones of Airfield Operations District (AOD), Aviation-Related Industrial District (ARID), and Aviation Support District (ASD). It also corrected a procedural error from the 2003 adoption of the subdistricts and the 2002 Bend Airport Master Plan Update.</p>	<p>Later this year, a plan amendment initiated by the City of Bend is anticipated to formally update the Airport Master Plan. Completion is expected by end of 2015.</p>
<i>Bend Urban Growth Boundary Amendment</i>	<p>The Planning Division continues to coordinate with the City of Bend regarding their Urban Growth Boundary (UGB) Remand Order. Responsibilities are expected to significantly increase in FY 2015/2016 as the City prepares and processes its formal application.</p>	<p>2016</p>
<i>Central Oregon Large-lot Industrial Lands Project</i>	<p>Redmond staff is convening a work session with Redmond City Council on February 17 to discuss submitting a candidate site to Central Oregon Intergovernmental Council (COIC) for consideration.</p>	<p>If candidate site is submitted, Staff will coordinate with City and COIC on the required land use applications.</p>
<i>Code Enforcement Task Force</i>	<p>The BOCC directed staff to convene a group of stakeholder to explore whether consensus could be achieved on a conceptual text amendment to County Code to prohibit the issuance of permits for properties in violation of County Code or a prior land use decision. The direction was based both on testimony provided during the update of the Code Enforcement Manual and CDD 2014-15 Annual Work Plan. Included in the Division’s current work plan, Staff convened a stakeholders group on January 6 and reached consensus on a draft concept based on Multnomah County’s model. Staff is currently developing a draft text amendment for the stakeholder group’s consideration.</p>	<p>Once the stakeholder group agrees on a draft TA, staff will present it to the BOCC with group members in attendance to seek BOCC direction on next steps. Completion is estimated this spring.</p>
<i>Destination Resort Map Amendments</i>	<p>On September 2, Staff initiated a press release announcing a three-month window to accept applications to amend Deschutes County’s destination resort eligibility maps. The current maps became effective February 20, 2012. ORS 197.455(2) allows counties to remap eligible lands for destination resorts once every thirty months. The deadline for submitting applications was December 1. None were received.</p>	<p>Finished</p>

Table 1 – Ongoing Long Range Planning Projects

Project	Summary / Status	Next Steps / Estimated Completion
<i>Goal 11 Exception for Southern Deschutes County</i>	On December 11, 2014, Department of Land Conservation and Development (DLCD) and Department of Environmental Quality (DEQ) submitted draft findings on a Goal 11 Exception. The findings include a rationale for the exception and a map of the proposed area. The Goal 11 Exception would allow sewers in rural Southern Deschutes County to address nitrates in shallow groundwater. DEQ, DLCD, and County staff discussed the draft findings and next steps at a December 29 BOCC work session.	The three agencies will set dates for public meetings in Southern Deschutes County over the winter to discuss the Goal 11 Exception. Afterward, DEQ, DLCD, and the County will fine tune the findings and prepare a formal land use application for Planning Commission and BOCC consideration during a public process. Completion is estimated in late 2015.
<i>Harper Bridge Safe Access</i>	The Harper Bridge Task Force issued a report in the fall looking at each of the four quadrants of the bridge as a potential long-term solution to the challenges of access to the Deschutes River	Staff is coordinating with the Sunriver Owners Association and stakeholders on next steps, likely to be initiated this spring.
<i>Historic Resources - Certified Local Government Grant</i>	Every 24 months, the State Historic Preservation Office (SHPO) offers matching grants to cities and counties that have been “certified” as historic preservation partners with both the state and federal governments. Deschutes County is a Certified Local Government (CLG). CLG grants assist local governments with their historic preservation programs on a non-competitive basis in order to ensure that all localities benefit. The maximum award for each locality is \$13,000.00 based on fund availability and requires a 50/50 match of local funds or donated services/supplies. State and federal requirements regulate the CLG grant, including project budget, project timeline, inspections and audits, reports and billings, consultant/contractor standards, etc. The Planning Division is preparing, with the support of the BOCC and HLC, an application for the 2015-2016 grant.	To be determined at this Work Session under a separate agenda item. If BOCC authorizes staff to proceed, the application will be submitted prior to the February 27, 2015 deadline. Completion is estimated in August 2016 per the grant deadline.
<i>Historic Resources - Strategic Plan</i>	Staff developed a historic preservation strategic plan for rural Deschutes County and the City of Sisters. The plan provides a framework for shaping the rural county and Sisters’ preservation programs and services over the next five years and creates a blueprint for allocating CLG grant funding. The final plan will be presented to the HLC for review and recommendation on Feb. 2. The plan will be brought to the BOCC on Feb. 4 and Sisters City Council at a TBD date for acknowledgment.	To be determined at this Work Session under a separate agenda item. Implementation to follow.

Table 1 – Ongoing Long Range Planning Projects

Project	Summary / Status	Next Steps / Estimated Completion
<i>Natural Hazards Goal 7 Plan</i>	The University of Oregon’s Community Service Center (CSC) is reviewing County codes and policies regarding natural hazards and mitigation. CSC will focus on Comprehensive Plan Section 3.5. The CSC will also conduct a national review of other jurisdictions’ codes and policies to gauge whether some may be suitable for the County to adopt as well as identifying best practices and model ordinances. CSC’s work will ultimately aid in determining what needs to be updated in the County’s Natural Hazards Mitigation Plan and Community Wildfire Plans. CPW review started in January and will conclude in late June with a report.	Staff is coordinating with the CPW team in an ongoing basis. Completion is estimated in June 2015
<i>Oregon Spotted Frog¹</i>	Last August, the U.S. Fish and Wildlife Service extended protection to the Oregon spotted frog as a federally threatened species under the Endangered Species Act (ESA). The final rule designating critical habitat is expected in April. Upon its release, CDD will schedule a BOCC work session and use a matrix to discuss options for responding to critical habitat from a land use standpoint.	To be Determined
<i>Sage Grouse Conservation¹</i>	Staff is participating with the Bureau of Land Management (BLM), which in Nov. 2013 released a draft Environmental Impact Statement (EIS) for federal land use and resource management plan (RMP) amendments to incorporate sage-grouse conservation measures in Central and Eastern Oregon. The Final EIS and Record of Decision are expected in 2016. Staff is also participating with the Governor’s Office, Sage-Grouse Conservation Partnership. This involves interagency coordination related to sage-grouse habitat on non-federal lands. The State’s goal is to demonstrate that listing the sage-grouse as a federally threatened or endangered species is unnecessary. On Jan. 23, LCDC initiated rulemaking to address large scale development and sage grouse habitat. All seven counties will be invited to participate on a Rules Advisory Committee (RAC) to assist in the development of a draft rule. The RAC will meet over a six month period between February and July 2015. If rule-making is successful, Staff will convene a work session with BOCC to discuss updating County Code.	LCDC Rulemaking, including County staff participation. Completion is estimated in 2016

¹ Last November, during the Land Use Board of Appeals (LUBA) remand public hearing on 4-R Equipment (Millican Mining Site), the BOCC expressed interest in updating the Comprehensive Plan to recognize new wildlife inventories. The Community Development Department (CDD) is aware of three new wildlife habitat inventories: 1) Critical habitat for Oregon spotted frog, a federally threatened species, will be announced in April 2015; 2) Core Area and Low Density habitat for sage-grouse, a candidate species under the federal ESA; and, 3) Big game habitat for deer and elk winter range.

Last summer, the Oregon Department of Fish and Wildlife informed Deschutes County and the City of Bend of a 2009 Big Game Deer and Elk Winter Range Habitat inventory. The City of Bend is obligated to consider this information as it relates to the Urban Growth Boundary remand (OAR 660-024-0020). The City of Bend’s UGB remand proposal is expected in Spring 2016.

If updating the County’s Goal 5 wildlife habitat inventories is a BOCC priority, CDD recommends a phased approach. Staff retains capacity to update the Comprehensive Plan and implementing ordinances for the Oregon spotted frog and sage grouse. Both items are already on the Planning Division’s FY 2014-2015 work plan. Regarding Big game habitat for deer and elk winter range, staff recommends postponing this effort until the South County Goal 11 Exception and Bend UGB remand are completed.

Table 1 – Ongoing Long Range Planning Projects

Project	Summary / Status	Next Steps / Estimated Completion
<i>Transferable Development Credit Advisory Committee</i>	The TDC Advisory Committee convened on August 21 and conducted a total of five meetings. On December 18, members reviewed a matrix of options and identified their top two choices: 1) Maintain the status quo; and, 2) Reconvene the committee in 24 to 36 months.	To be determined at this Work Session under a separate agenda item.
<i>Transport. Planning - Bicycle Guide Update</i>	The Planning Division finalized a Deschutes County Bicycle and Pedestrian on-line map (https://deschutes.maps.arcgis.com)	Finished
<i>U.S. EPA Brownfield Community-Wide Assessment Grant</i>	<p>The Brownfield grant dedicates \$90,000 for Area Wide Planning (AWP). AWP offers resources to conduct research, technical assistance and training that can result in an area-wide plan and implementation strategy for key brownfield sites. This information can then help inform the assessment, cleanup and reuse of brownfield properties and promote area-wide revitalization. Recognizing that an overwhelming majority of eligible brownfield sites are located in Bend and Redmond, Apex Companies (consultant) met with city representatives from both jurisdictions in June to discuss opportunities to perform AWP. Based on the results of those discussions, it was determined that the Mid-Town area of Redmond’s downtown warranted the resources. The timing and readiness to utilize AWP funding offer extraordinary advantages in Redmond. It dovetails with the City’s existing efforts to revitalize the area, including an urban renewal district, market analysis, and recently completed housing study. The City of Redmond is contributing an in-kind match of \$44,700 to maximize the AWP effort.</p> <p>Brownfield redevelopment often requires environmental site assessments (ESAs) and regulatory review. To help property owners navigate these processes and access resources that can help pay for the assessments and review, approximately \$264,000 of the brownfield grant provides ESAs for eligible properties, and gives technical assistance to property owners, citizens, businesses and other stakeholders. The County provided funding for Phase I Environmental Site Assessments (ESAs) on all of the eligible properties, with the exception of the Cline Falls Power Plant (where a Phase I ESA is unnecessary). The Phase I studies cost in the range of \$3,500 per property; therefore, the total costs for these initial studies are in the range of \$25,000. U.S. EPA is currently reviewing the reports prepared by Apex Companies, LLC. Following completion of the Phase 1 ESAs, a subset of the properties, including the Cline Falls Power Plant, will likely be targeted for a Phase 2 ESA. The costs for Phase 2 ESAs can be significantly higher than Phase 1 ESAs.</p> <p>Staff anticipates five requests for Phase 2 ESAs:</p> <ul style="list-style-type: none"> • 412-426 6th Street, Redmond • 437 SW 9th Street, Redmond (Evergreen School Property) • Central Oregon Irrigation District / Cline Falls Power Plant • City of Redmond City Hall • Redmond Municipal Airport 	A meeting with a Brownfield Advisory Committee to solicit input regarding prioritization and funding for Phase 2 ESAs and cleanup planning at selected properties is scheduled for February 18.

III. Alfalfa Rural Fire Protection District / Text Amendment

Staff is asking the BOCC to consider directing Staff to initiate a text amendment on behalf of the Alfalfa Rural Fire District. The amendment to Deschutes County Code (DCC) 18.65.022, Alfalfa Rural Service Center – Residential District, would allow the minimum lot size (currently 5 acres) to be 1 acre for the exclusive purpose of siting a rural fire protection station as a use subject to site plan review.

IV. Minor Amendments

Staff recommends a series of housekeeping amendments to correct scrivener’s errors and make minor corrections to Deschutes County Code to maintain accuracy and consistency for the benefit of staff and the public. Staff does not believe any proposed amendment involves a policy change, but will publicize and circulate the list among stakeholder organizations, social media and the website, and individuals prior to formally initiating the application. Table 2 provides an overview of the proposed amendments.

Table 2 – Housekeeping Amendment Overview

Project	Status
<p><i>Housekeeping Text Amendments</i></p>	<p>Housekeeping amendments include:</p> <ul style="list-style-type: none"> ○ Removing outdated references in zoning code citing the old Comprehensive Plan ○ Correcting references so they cite the new Comprehensive Plan ○ Adding references to applicable code in the EFU zone relating to limitations on conditional uses and lawfully established dwelling replacements ○ Updating procedural code to enable the appeal hearings body to waive the requirement that appellant provide a complete transcript for the appeal hearing ○ Correcting typos in the Landscape Management zone that incorrectly reference Squaw (Whychus) Creek, the height exception for agricultural buildings, and other clerical errors. ○ Correcting language in the Landscape Management zone that clarifies that it does not apply to interior alterations ○ Correcting procedural code allowing staff to require a Hearings Officer deposit after an incomplete letter is mailed but before application is deemed complete. ○ Correcting the procedural code as it pertains to the duration of approval for replacement dwellings (2 year expiration date). ○ Correcting the procedural code enabling an applicant to request an extension of the 90 day deadline for a final decision relating to a LUBA remand ○ Correcting typos in the Comprehensive Plan that incorrectly cite the Tumalo and Terrebonne Community Plans ○ Correcting a typo in the Transferable Development Credit Program relating to transactions ○ Correcting a typo to correctly reference the 2.5:1 ratio for overnight lodging units in the Destination Resorts Zone ○ Adding a policy to Tumalo’s Industrial Area Policies pertaining to accessory uses subordinate to industrial development, to be consistent with OAR 660-022-0030(3)(g) (Planning and Zoning in Unincorporated Communities) ○ Correcting a typo relating to river setbacks in the Tumalo Community Zone

Attachment:

John Anderson Conversation Notes