

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/>

STAFF REPORT

FILE NUMBER: TA-14-2

APPLICANT: Gary Knight
P.O. Box 6147
Bend, OR 97708

REQUEST: Text Amendment to Deschutes County Code (DCC), Title 18, Chapter 18.32, Multiple Use Agricultural Zone (MUA-10) to allow new manufactured home parks.

STAFF CONTACT: Paul Blikstad, Senior Planner

HEARING DATE: Wednesday, March 4, 2015

The Deschutes County Board of Commissioners (Board) will hold a public hearing on March 4, 2015 at the Deschutes Service Center, starting at 10:00 a.m. to consider legislative text amendments to Deschutes County Code (DCC) Title 18.¹

ISSUE:

Shall the Board adopt text amendments to allow the possibility of new manufactured home parks in the MUA-10 zone (Attachment 2).

RECOMMENDATION:

TA-14 was reviewed by the Deschutes County Planning Commission. They recommended approval of the proposed text amendment on October 9, 2014, finding it to be consistent with the MUA-10 zone, as well as with the Deschutes County Comprehensive Plan (Attachment 4).

BACKGROUND:

Applicant Gary Knight owns property immediately adjacent to the Bend Urban Growth Boundary (UGB) that is zoned MUA-10. Mr. Knight would like to establish a new manufactured home park on his MUA-10 zoned property, 17-12-9A, 200, 300, 400, 500 (Attachment 5). Currently DCC Chapter 18.32 (MUA-10 Zone) does not provide for or allow a new manufactured home park. This prohibition is not based on any specific State regulation, or County Comprehensive Plan policy. A new manufactured home park does however, require the approval of an exception to

¹ A public notice, announcing the March 4th Board hearing was published in the *Bulletin* on February 9, 2015.

Statewide Planning Goal 14, Urbanization, as specified under Oregon Administrative Rules 660-004-0040(7)(g), which states:

"In rural residential areas, the establishment of a new mobile home park or manufactured home park as defined in ORS 446.003(32) shall be considered an urban use if the density of manufactured dwellings in the park exceeds the density for residential development set by this rule's requirements for minimum lot and parcel sizes. Such a park may be established only if an exception Goal 14 is taken."

PROPOSED TEXT AMENDMENT:

The applicant proposes to add the following use to the list of Conditional Uses Permitted under DCC 18.32.030 (DD):

A new manufactured home/recreational vehicle park subject to Oregon Administrative Rules 660-004-040(7)(g) on property adjacent to an existing manufactured home/recreational vehicle park, and that is also adjacent to the City of Bend Urban Growth Boundary. Any new park shall have no more than 10 dwelling units.

The uses currently listed under DCC 18.32.030 as DD through GG would also be changed to EE through HH (Attachment 2).

Staff believes that the proposed language in the text amendment requiring that the new park be located adjacent to the City of Bend Urban Growth Boundary limits any new proposed manufactured home/recreational vehicle park to Knight's property, as well as to the Department of State Lands property that was recently rezoned to MUA-10.² Staff is not aware of any other property adjacent to the Bend UGB, zoned MUA-10, that is also adjacent to an existing manufactured home park.

Any proposed new park would be subject to a Comprehensive Plan amendment for an exception to Statewide Planning Goal No. 14, Urbanization, followed by approval of a Conditional Use Permit and Site Plan review.

CRITERIA:

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative amendment. Since this is applicant initiated, there is a responsibility for justifying that the amendments are consistent with the purpose statement of the MUA-10 zone, Deschutes County's Comprehensive Plan, and DCC 18.136.010, Amendments (Attachment 3).

² The DSL property is across the street from the Sunset View manufactured home park that is located on the west side of 27th Street.

Attachments:

1. Ordinance 2015-02
2. Ordinance 2015-02, Exhibit A (Text Amendment)
3. Ordinance 2015-02, Exhibit B (Proposed Findings)
4. Planning Commission October 9, 2014 meeting minutes
5. Maps of Subject Property

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code
Title 18 to Add a Manufactured Home/Recreational
Vehicle Park Use to DCC 18.32.030.

*
*
*

ORDINANCE NO. 2015-02

WHEREAS, Gary Knight applied for an Ordinance Text Amendment (Planning Division File No. TA-14-2) to the Deschutes County Code (DCC) Title 18, Chapter 18.32, Multiple Use Agricultural Zone, to add a Manufactured Home/Recreational Vehicle Park as a conditional use under DCC 18.32.030; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on October 9, 2014 and forwarded to the Deschutes County Board of Commissioners (Board), a recommendation of approval; and

WHEREAS, The Board considered this matter after a duly noticed public hearing on March 4, 2015, and concluded that the public will benefit from the proposed changes to DCC Title 18; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC Chapter 18.32 is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined.

Section 2. FINDINGS. The Board adopts as its findings in support of this Ordinance Exhibit "B," attached hereto and incorporated by reference herein.

///

Dated this _____ of _____, 2015

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, CHAIR

ALAN UNGER, VICE CHAIR

ATTEST:

Recording Secretary

TAMMY BANEY, COMMISSIONER

Date of 1st Reading: _____ day of _____, 2015.

Date of 2nd Reading: _____ day of _____, 2015.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Anthony DeBone	_____	_____	_____	_____
Alan Unger	_____	_____	_____	_____
Tammy Baney	_____	_____	_____	_____

Effective date: _____ day of _____, 2015.

ATTEST:

Recording Secretary

Chapter 18.32. MULTIPLE USE AGRICULTURAL ZONE - MUA

- 18.32.010. Purpose.**
- 18.32.020. Uses Permitted Outright.**
- 18.32.030. Conditional Uses Permitted.**
- 18.32.035. Destination Resorts.**
- 18.32.040. Dimension Standards.**
- 18.32.050. Yards.**
- 18.32.060. Stream Setbacks.**
- 18.32.070. Rimrock Setback.**

18.32.010. Purpose.

The purposes of the Multiple Use Agricultural Zone are to preserve the rural character of various areas of the County while permitting development consistent with that character and with the capacity of the natural resources of the area; to preserve and maintain agricultural lands not suited to full-time commercial farming for diversified or part-time agricultural uses; to conserve forest lands for forest uses; to conserve open spaces and protect natural and scenic resources; to maintain and improve the quality of the air, water and land resources of the County; to establish standards and procedures for the use of those lands designated unsuitable for intense development by the Comprehensive Plan, and to provide for an orderly and efficient transition from rural to urban land use.

(Ord. 95-075 §1, 1995)

18.32.020. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright:

- A. Agricultural uses as defined in DCC Title 18.
- B. A single family dwelling, or a manufactured home subject to DCC 18.116.070.
- C. Propagation or harvesting of a forest product.
- D. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- E. Class III road or street project.
- F. Noncommercial horse stables, excluding horse events.
- G. Horse events, including associated structures, involving:
 - 1. Fewer than 10 riders;
 - 2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
 - 3. More than 25 riders, no more than two times per year on nonconsecutive days.Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.
- H. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- I. Type I Home Occupation, subject to DCC 18.116.280.

(Ord. 2004-002 §3, 2004; Ord. 2001-039 §2, 2001; Ord. 2001-016 §2, 2001; Ord. 94-008 §10, 1994; Ord. 93-043 §4, 1993; Ord. 93-001 §1, 1993; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 91-005 §18, 1991; Ord. 91-002 §6, 1991)

18.32.030. Conditional Uses Permitted.

The following uses may be allowed subject to DCC 18.128:

- A. Public use.
- B. Semipublic use.
- C. Commercial activities in conjunction with farm use. The commercial activity shall be associated with a farm use occurring on the parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced in Deschutes County or an adjoining County.
- D. Dude ranch.
- E. Kennel and/or veterinary clinic.
- F. Guest house.
- G. Manufactured home as a secondary accessory farm dwelling, subject to the requirements set forth in DCC 18.116.070.
- H. Exploration for minerals.
- I. Private parks, playgrounds, hunting and fishing preserves, campgrounds, motorcycle tracks and other recreational uses.
- J. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- K. Golf courses.
- L. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
- M. A facility for primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in DCC 18.32.030, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in DCC 18.32.030, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
- N. Destination resorts.
- O. Planned developments.
- P. Cluster developments.
- Q. Landfills when a written tentative approval by the Department of Environmental Quality (DEQ) of the site is submitted with the conditional use application.
- R. Time-share unit or the creation thereof.
- S. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
- T. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or portland cement concrete, when such uses are in conjunction with the maintenance or construction of public roads or highways.
- U. Bed and breakfast inn.
- V. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.
- W. Churches, subject to DCC 18.124 and 18.128.080.
- X. Private or public schools, including all buildings essential to the operation of such a school.
- Y. Utility facility necessary to serve the area subject to the provisions of DCC 18.124.
- Z. Cemetery, mausoleum or crematorium.
- AA. Commercial horse stables.
- BB. Horse events, including associated structures, not allowed as a permitted use in this zone.

CC. A new manufactured home/recreational vehicle park, subject to Oregon Administrative Rules 660-004-0040(7)(g), on property adjacent to an existing manufactured home/recreational vehicle park, and adjacent to the Bend Urban Growth Boundary. Any new park shall have no more than 10 dwelling units.

- DD. Manufactured home park or recreational vehicle park on a parcel in use as a manufactured home park or recreational vehicle park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996, as a manufactured home park or recreational vehicle park, including any expansion of such uses on the same parcel, as configured on June 12, 1996.
- EE. The full or partial conversion from a manufactured home park or recreational vehicle park described in DCC 18.32.030 (CC) to a manufactured home park or recreational vehicle park on the same parcel, as configured on June 12 1996.
- FF. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- FF. Guest lodge.
- GG. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- (Ord. 2009-018 § 1, 2009; Ord. 2004-002 §4, 2004; Ord. 2001-039 §2, 2001; Ord. 2001-016 §2, 2001; Ord. 97-063 §3, 1997; Ord. 97-029 §2, 1997; Ord. 97-017 §2, 1997; Ord. 96-038 §1, 1996; Ord. 94-053 §2, 1994; Ord. 94-008 §11, 1994; Ord. 93-043 §§4A and B, 1993; Ord. 92-055 §2, 1992; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 90-014 §§27 and 35, 1990; Ord. 91-005 §§19 and 20, 1991; Ord. 91-002 §7, 1991; Ord. 86-018 §7, 1986; Ord. 83-033 §2, 1983; Ord. 80-206 §3, 1980)

18.32.035. Destination Resorts.

Destination resorts may be allowed as a conditional use, subject to all applicable standards of the DR Zone.

(Ord. 92-004 §4, 1992)

18.32.040. Dimensional Standards.

In an MUA Zone, the following dimensional standards shall apply:

- A. The minimum lot size shall be 10 acres, except planned and cluster developments shall be allowed an equivalent density of one unit per seven and one-half acres and planned and cluster developments within one mile of an acknowledged urban growth boundary shall be allowed a five acre minimum lot size or equivalent density.
- B. The minimum average lot width shall be 100 feet and the minimum street frontage 50 feet.
- C. The minimum average lot depth shall be 150 feet.
- D. Building height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed by DCC 18.120.040.

(Ord. 2006-008 §4, 2006; Ord. 92-055 §3, 1992; Ord. 91-020 §1, 1991)

18.32.050. Yards.

- A. The front yard setback from the property line shall be a minimum of 20 feet for property fronting on a local street right of way, 30 feet from a property line fronting on a collector right of way, and 80 feet from an arterial right of way unless other provisions for combining accesses are provided and approved by the County.
- B. Each side yard shall be a minimum of 20 feet. For parcels or lots created before November 1, 1979, which are one-half acre or less in size, the side yard setback may be reduced to a

minimum of 10 feet. For parcels or lots adjacent to property receiving special assessment for farm use, the adjacent side yard for a dwelling shall be a minimum of 100 feet.

- C. Rear yards shall be a minimum of 25 feet. Parcels or lots with rear yards adjacent to property receiving special assessment for farm use, the rear yards for a dwelling shall be a minimum of 100 feet.
- D. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180. E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

(Ord. 2005-011 §1, 2005; Ord. 94-008 §17, 1994; Ord. 91-020 §1, 1991; Ord. 88-021 §1, 1988; Ord. 83-037 §9, 1983)

18.32.060. Stream Setbacks.

To permit better light, air, vision, stream pollution control, fish and wildlife areas and to preserve the natural scenic amenities and vistas along the streams and lakes, the following setbacks shall apply:

- A. All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the County Sanitarian finds that a closer location will not endanger health, the Planning Director or Hearings Body may permit the location of these facilities closer to the stream or lake, but in no case closer than 25 feet.
- B. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.

(Ord. 91-020 §1, 1991)

18.32.070. Rimrock Setback.

Setbacks from rimrock shall be as provided in DCC 18.116.160.

(Ord. 86-053 §6, 1986)

EXHIBIT "B"

FILE NUMBER:

TA-14-2

APPLICANT:

Gary Knight

REVIEW CRITERIA AND FINDINGS:

Legislative text amendments are subject to Chapter 22.12 of Title 22 of the Deschutes County Code. DCC 22.12.010 specifies that no legislative changes shall be adopted without review by the Planning Commission and a public hearing before the Board of County Commissioners. A work session before the Planning Commission was conducted on Thursday, June 12, 2014, and public hearings before the Planning Commission were held on July 10, August 28, and October 9, 2014.

DCC 22.12.030 specifies that initiation of a legislative change may be initiated by application of individuals upon payment of required fees. The applicant paid the required text amendment fee. DCC 22.12.050 states that all legislative changes shall be adopted by ordinance. If the proposed language is approved by the Board of County Commissioners, an ordinance will be drafted for their adoption.

Statewide Planning Goals

The following Statewide Planning Goals that could apply to the proposed text amendment are:

Goal 1, Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The public hearing process for the proposed text amendment meets the goal of having citizen involvement. Notice was published in the Bulletin newspaper, and citizens were allowed to testify at the public hearing in front of the Planning Commission, as well as in front of the Board of County Commissioners.

Goal 2, Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The County has established a text amendment process under the DCC Chapter 22.12, Legislative Procedures. This includes review of the proposed ordinance text amendment by the Planning Commission, and a public hearing in front of the Board of County Commissioners. In this instance, there was also a public hearing in front of the Planning Commission.

Goal 10, Housing. To provide for the housing needs of citizens of the state.

The applicant has indicated that the proposed use of the property for a new manufactured home park will provide some much needed low income housing for people in the area.

Goal 11, Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The applicant believes that with the existing facilities already in place (water, electric, phone), for his property, there will be an orderly and efficient arrangement of public facilities and services. These utilities can be expanded to serve any new manufactured homes.

Goal 12, Transportation. To provide and encourage a safe, convenient and economic transportation system.

The applicant has agreed to limit the number of dwelling units on his property to 10 units, which combined with the three units already existing on the property, would mean 7 new units, resulting in 35 average daily trips. No

Goal 14, Urbanization. To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

As indicated above, in order to establish a new manufactured home park in the MUA-10 zone, an exception to Goal 14, Urbanization, would be required. The normal density allowed in the MUA-10 zone would be one dwelling per 10 acres. The applicant would have to qualify for a goal exception under a separate application in order to establish a manufactured home park on his property. Any other proposed new manufactured home park in the MUA-10 zone would also require a Goal 14 exception.

Conformance with the Deschutes County Comprehensive Plan

Deschutes County Comprehensive Plan

Chapter 1, Comprehensive Planning

Section 1.2, Community Involvement Policies

Goal 1, Maintain an active and open community involvement program that is accessible to all members of the community and engages the community during development and implementation of land use policies and codes.

Policy 1.2.2, the Planning Commission will be the Committee for Community Involvement, with County Support.

Policy 1.2.3, Encourage community participation in planning through a variety of tools and techniques, including:

- a. Post all planning applications, decisions, projects and plans on the County website;
- b. Provide staff reports for comprehensive plan and zoning text amendments to the public in a timely manner.

- e. Require pre-application meetings for comprehensive plan and zoning text amendments;

FINDING: The Planning Commission conducted public hearings on the proposed text amendment, and the Board of County Commissioners will also conduct a public hearing on the text amendment. The ordinance text amendment application is on the County's website. The applicant conducted a pre-application meeting with staff.

Section 1.3, Land Use Planning Policies

Goal 1, Maintain an open and public land use process in which decisions are based on the objective collection of facts.

Policy 1.3.2, Consider sustainability and cumulative impacts when creating and revising land use policies and regulations

FINDING: A new park will need to be reviewed through conditional use permit and site plan review applications, which would look at cumulative impacts.

Policy 1.3.3, Involve the public when amending County Code.

FINDING: The public is invited to attend the public hearings, which are open for anyone to provide written and/or oral testimony.

Chapter 2, Resource Management

Section 2.5, Water Resource Policies

Goal 6, Coordinate land use and water policies

Policy 2.5.24, Ensure water impacts are reviewed and, if necessary, addressed for significant land uses or developments.

FINDING: Any proposed creation of a new park, will require review by the affected agencies, such as the Oregon Water Resources Department, Oregon Health Division, and the County Environmental Health Division. Depending upon the size of a new park, the use may not be considered significant.

Section 2.7, Open Spaces, Scenic Views and Sites Policies

Goal 1, Coordinate with property owners to ensure protection of significant open spaces and scenic views and sites.

Policy 2.7.5, Encourage new development to be sensitive to scenic views and sites.

FINDING: The applicant has property that is adjacent to Highway 97, a designated landscape management corridor. As part of any review, Staff would require an applicant to retain as much natural vegetation as possible to help preserve scenic views and sites.

Chapter 3, Rural Growth Management

Section 3.3, Rural Housing Policies

Goal 1, Maintain the rural character and safety of housing in unincorporated Deschutes County.

Policy 3.3.5, Maintain the rural character of the County while ensuring a diversity of housing opportunities, including initiating discussions to amend State Statute and/or Oregon Administrative Rules to permit accessory dwelling units in Exclusive Farm Use, Forest and Rural Residential zones.

FINDING: The applicant is attempting to broaden the diversity of housing opportunities by providing a lower income version of housing (manufactured homes or RV's). Staff believes that with the limited number of existing parks in the county, combined with the difficulty of establishing new parks (Goal 14 exception), the rural character of the County will be maintained.

Section 3.6, Public Facilities and Services Policies

Goal 1, Support the orderly, efficient and cost-effective siting of rural public facilities and services.

Policy 3.6.8, Coordinate with rural service districts and providers to ensure new development is reviewed with consideration of service districts and providers needs and capabilities.

FINDING: When a land use application has been submitted, staff notifies affected agencies of the proposal, and solicits comments from them. Staff would also require "will serve" letters from these service providers as part of the land use process.

Policy 3.6.9, New development shall address impacts on existing facilities and plans through the land use entitlement process.

FINDING: An applicant for proposing a new park, would be required to address the existing and future capabilities of the service providers, and obtain will serve letters from the affected agencies.

Title 18 of the Deschutes County Code

Chapter 18.32, Multiple Use Agricultural Zone

Section 18.32.010, Purpose

The purposes of the Multiple Use Agricultural Zone are to preserve the rural character of various areas of the County while permitting development consistent with that character and with the capacity of the natural resources of the area; to preserve and maintain agricultural lands not suited to full-time commercial farming or diversified or part-time agricultural uses; to conserve forest lands for forest uses; to conserve open spaces and protect natural and scenic resources; to maintain and improve the quality of the air, water and land resources of the County; to establish standards and procedures for the use of those lands designated unsuitable for intense development by the Comprehensive Plan and to provide for an orderly and efficient transition from rural to urban land use.

FINDING: The applicant is requesting approval to amend the zoning ordinance to allow for additional living units (either manufactured homes or recreational vehicles), which can provide for lower income housing. The applicant would like to try and establish a new manufactured

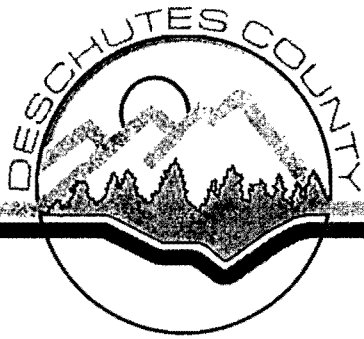
home park. The applicant's property is located between Highway 97 and the rail road tracks, which would not be desirable for most types of residential units. This property is also adjacent to the existing urban growth boundary for Bend. A manufactured home park on the applicant's property would appear to foster an orderly and efficient transition from rural to urban land use.

Chapter 18.136, Amendments

Section 18.136.010, Amendments

DCC Title 18 may be amended as set forth in DCC 18.136. The procedures for text or legislative map changes shall be as set forth in DCC 22.12. A request by a property owner for a quasi-judicial map amendment shall be accomplished by filing an application on forms provided by the Planning Department and shall be subject to applicable procedures of DCC Title 22.

FINDING: The applicant is proposing a legislative amendment to the Deschutes County Code, as the effect of the amendment would potentially apply to other manufactured home/recreational vehicle parks in the County zoned MUA-10. As stated in a foregoing finding, the proposed amendment requires review by the County Planning Commission, and a public hearing in front of the Board of County Commissioners. A public hearing in front of the Planning Commission was also conducted on this request.



Community Development Department

Planning Division Building Safety Division Environmental Health Division

117 NW Lafayette Avenue Bend Oregon 97701-1925
(541)388-6575 FAX (541)385-1764
<http://www.co.deschutes.or.us/cdd/>

MINUTES

**DESCHUTES COUNTY PLANNING COMMISSION
DESCHUTES SERVICES CENTER**

**1300 NW WALL STREET, BEND, OREGON, 97701
OCTOBER 9, 2014 – 5:30 P.M.**

I. CALL TO ORDER

Meeting was called to order at 5:30 p.m. by Chair Christen Brown. Members present were Vice Chair Hugh Palcic, James Powell, Todd Turner, Ed Criss, Susan Tunno and Steve Swisher. Staff present were Nick Lelack, Planning Director; Peter Gutowsky, Principal Planner; Paul Blikstad, Senior Planner; Matt Martin, Associate Planner; and Sher Buckner, Administrative Secretary.

Minutes of September 25, 2014 were approved.

II. PUBLIC HEARING (continued): TA-14-2 - Text Amendment to Chapter 18.32, Multiple Use Agricultural Zone (MUA-10) and Section 18.128.050 of Title 18 of the Deschutes County Code (DCC) to allow the potential for the creation of new manufactured home parks in the MUA-10 zone, and lessen the requirements for expansion of existing manufactured home parks in the same zone – Paul Blikstad, Senior Planner

Paul summarized the application to date and presented slides with revised language. Commissioner Powell and Paul discussed the new language and proposed elimination of some of the criteria within the conditional use parameters for mobile home parks for expansions.

Public Testimony

Jon Jinings testified on behalf of the Department of Land Conservation & Development. Regarding manufactured parks in existing rural residential areas, there is an opportunity to establish them (and existing parks can remain). He discussed Goal 14 exceptions necessary for urban uses on rural lands.

Nick said this is a Text Amendment which may be adopted into County Code, so everyone needs to be informed and aware of next steps. Chair Brown said he recalled that the City of Bend's Urban Growth Boundary process would take about three more years, and Nick said they were still on schedule. If there are no appeals, it could be acknowledged as early as the end of 2016. In this process currently under discussion, it would be sooner.

Alex Robertson testified on behalf of Juniper and Hilltop Mobile Home Parks. Most mobile home parks were constructed in the 1960s and 1970s and were built closely together. They are proposing that if one wants to expand an existing park in this type of zone, they should only have to deal with meeting current Code standards for newly developed pads. It is impossible to meet standards for pads that have existed for 45 years.

Commissioner Tunno asked if they have thought about subdividing the property, partitioning off the old parcel and making two parks – old and new. Alex said the problem is the use of the road system, water systems, etc. You would be expanding the old parks' systems. Commissioner Tunno asked if they were going to use the existing septic system. Alex said they would expand that, maybe add another 10,000 gallon tank depending on how many spaces they add, maybe five-seven max. The existing septic system has been updated but was built in the 1970s. It has not been evaluated; as something does not work, it is replaced on an as-needed basis. Currently there are several tanks of different capacities. Commissioner Tunno asked if they had determined where new tanks would go, and Alex said not yet.

Commissioner Tunno and Alex discussed difficulties with the topography in complying with some of the other items such as parking. Commissioner Powell said he had driven through the park and it would be very difficult to get everyone out in the event of a fire. He and Alex discussed how to improve the safety of the park with the addition of seven more spaces. Alex said a new access could be considered and they are looking at how much of an expansion can take place with the current septic system versus upgrading. There are 11 parks in the County and none of them have applied to expand because it is impossible, due to Section Q.

Chair Brown asked Paul to discuss a statement Alex had made regarding expansion under the existing Code and having to reduce density. Paul said he had also driven through the two parks Alex represents. The homes are very close together, and under the current language they would have to start over with density.

Gary Knight said he did not have anything to add unless someone had a question.

Paul and Commissioner Turner discussed the intent of the original proposal, which was to erase Section Q; the current proposal is to add the language as indicated in tonight's slide presentation. Commissioner Turner asked what happens to Sections A through O which discuss lighting, sanitation, roadway widths, etc., and Paul said they remain as they are.

Commissioner Powell asked Nick if we could see if the Commission would entertain a motion to divide the proposal back into two applications. We would have to accept the motion, deliberate, etc. If we do not reach consensus on part of the issue, what happens? Nick said this is effectively legislation on the floor and they can recommend as they wish. Some recommendations may be supported or not supported by the Commissioners, or they can be modified. If we keep this as one application, they have great flexibility on a recommendation to the Board. Commissioner Powell said that once the hearing is closed, staff cannot make changes; Nick said we would take to the Board whatever the Commissioners recommend. Once it gets there, new information or concepts can be considered and we can present those to the Board if they are not too substantial. Legislation can change throughout the entire process.

Motion: Commissioner Powell motioned to close the public hearing. Seconded by Commissioner Criss. **Motion passed.**

Deliberation: Commissioner Powell felt that dividing the proposal is not necessary, and the parts can be dealt with separately. Commissioner Palcic wondered if other items should be considered, such as the park providing space for 50 or more units (they are then required to have street names). Commissioner Powell said the second proposal is County wide. The language in the first one has been narrowed down to affect only this one park adjacent to the UGB.

Chair Brown suggested discussing Gary's piece of the proposal first. Commissioner Swisher said he was in favor of that portion of the proposal. Commissioner Criss agreed. Commissioner Turner agreed, although combining these proposals has made it a messier process. Commissioner Powell said his only concern is the limitation to ten units. Is there any need to exclude that limitation? Chair Brown said it is a transportation trigger and asked Paul to comment about instances where it would not be applicable for a new park. Paul said part of this application has to address the Transportation Planning Rule. Under this proposal, if more than ten are proposed, a study must be done.

Commissioner Powell asked, if a park is established adjacent to the UGB without limits on the numbers of units - if that text amendment exists - if the mere application triggers the TPR? If Gary submits a conditional use application for ten or less units, it does not trigger the TPR? Paul said yes. What if someone else wants to do this for more than ten units and is willing to do TPR? Paul said they could apply for their own text amendment down the road.

Commissioner Powell and Peter Gutowsky discussed the text amendment needing to have the ten-unit number because of a LUBA decision on a Willamette Oaks property. When there is a text amendment, it has to demonstrate compliance with the applicable statewide planning rules and TPR. It is very difficult to predict when the UGB will be finalized. The application has chosen to limit this to ten units so they don't have to address TPR. This is the only area adjoining the existing UGB that would be contemplated for a mobile home park. Commissioner Powell and Peter discussed triggers for TPR and how to comply.

Commissioner Turner asked if the parcel has to both be adjacent to the UGB and an existing mobile home park, and Paul said that in this instance, yes.

Commissioner Brown and Commissioner Criss discussed the second application. Commissioner Criss said that if all we are discussing is not bringing the old park up to new standards, and if conditional use will handle access for fire and other issues, then really all we are talking about is not having to bring the old park up to snuff so they can add some units, but the details will be dealt with. He does not have a problem with this because the only way you could bring the whole park up to DEQ, etc., standards is to move everyone one which makes no sense. Peter said that the moment the existing park submits an application to expand on their parent parcel, the DEQ will require them to demonstrate that their existing wastewater system is functioning or repair it; they will have to designate a reserve area because systems have life spans. The County does not have the ability to waive the Administrative Rule and must follow DEQ requirements. The fire department would receive notice about the conditional use application and site plan; they may bring up issues associated with secondary access, fire flows, which would have to be resolved. Paul said we would have a pre-existing application meeting and the applicant would have to go to

the fire department to find out its requirements. Nick said if they did not comply, it would go to a public hearing.

Commissioner Turner said he has a problem with the second part of the application – he heard that this expansion would not go through a Goal 14 exception process and this is a big change. This is a County-wide text amendment and could apply to many more units than this one. There is a need for low-income and workforce housing, and it needs to be safe and in a healthy environment. When he considers water, fire protection, utilities, roads, from the applicant's testimony, there will be a sharing of those to make this work and he cannot support it.

Chair Brown asked about the current rule for density in a manufactured home park. Paul said that there is a maximum density in the Code – 12 per each acre of the total acres in the park. Commissioner Powell and Chair Brown discussed voting and that the applicant can still go back to CDD for help working their way through this process. Chair Brown said that, although Nick indicated the Commissioner could change this, he was not comfortable doing that. Commissioner Turner also said that he was concerned about dealing the other sections as well as Section Q and imposing public safety hazards to park residents – a contradiction when the language is read.

Nick said a recommendation could be forwarded with a vote to strike Alex's proposal. Peter wanted to emphasize the magnitude of this recommendation. If the Commissioners recommend approve of Gary's proposal only, and Alex has to apply for a totally new text amendment not coupled with Gary's application, it puts staff in an awkward position. What does de-coupling do? If Alex wants to re-visit his application, then it would be a totally new application? Nick said the Board would have to decide whether to accept or modify it and Alex could engage the Board at that time.

Commissioner Powell reiterated that the Planning Division combined these applications initially and so must assume responsibility. Commissioner Powell suggested changing "neutral" to "no."

Motion: Commissioner Swisher motioned to recommend approval of Gary's application to the Board and remain neutral on Alex's (no recommendation). Seconded by Commissioner Criss. **Motion did not pass.**

Motion: Commissioner Powell motioned to recommend approval of Gary's application to the Board and recommend denial of Alex's. **Motion passed.**

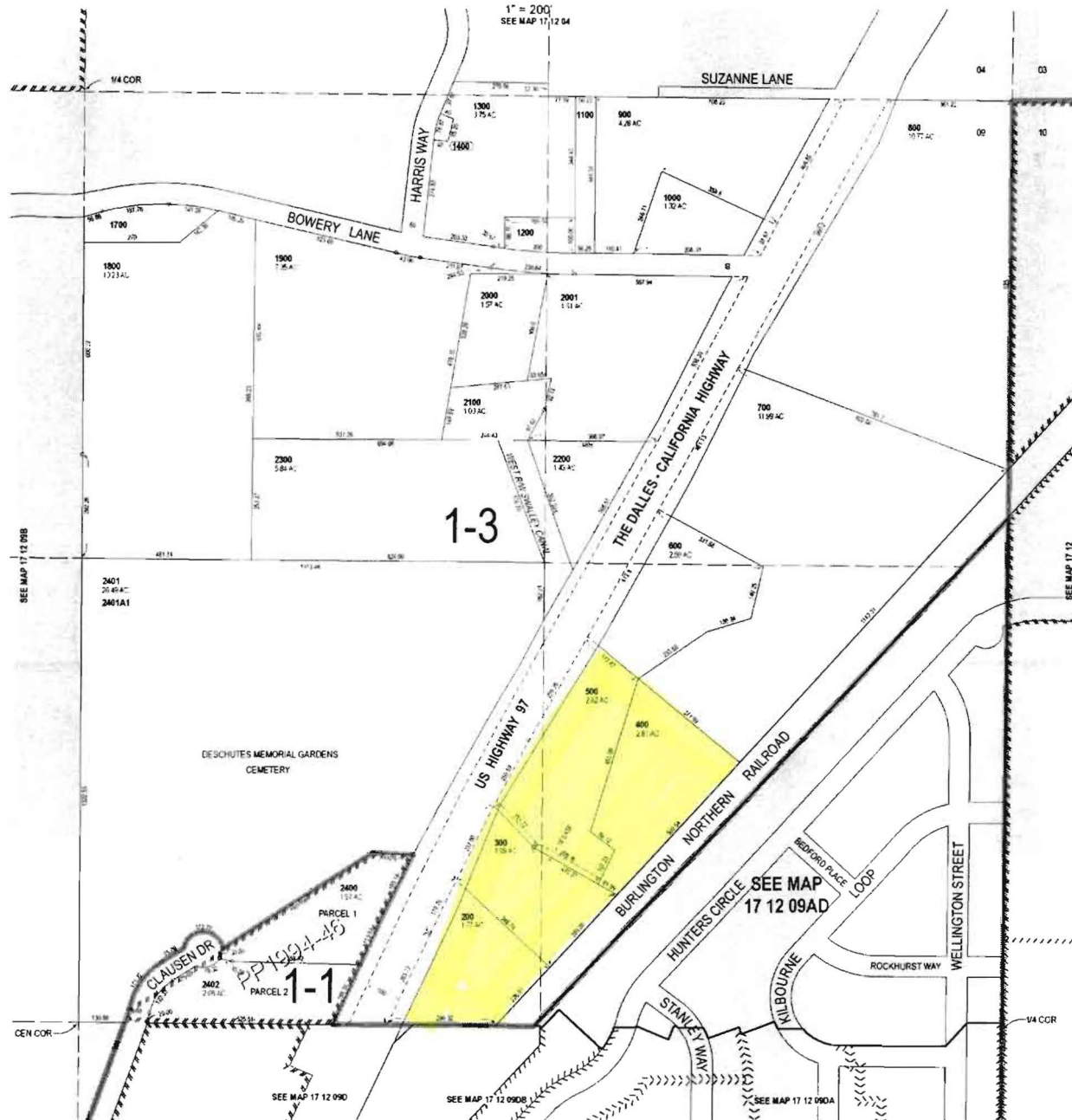
III. WORK SESSION: AGRICULTURAL LANDS/NEXT STEPS - Nick Lelack, Director; Peter Gutowsky, Planning Manager; Matt Martin, Associate Planner

Peter gave a summary of the next steps and what we have heard from the community. At the next meeting, we will bring information about the types of dwellings that have been approved in EFU areas in the last ten years – statistics and mapping. We would like to show you where those, as well as farm dwellings, have been approved. After that, we would come back with an initial amendment to work on. We may want to draft policies that inform House Bill 229 eventually. Nick added that we can also discuss how this process works. Commissioner Turner said he had a partner in the firm who went through the conditional use process recently. She said the process was great and valuable as well, because now she

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY
12/4/2012

N.E.1/4 SEC.9 T.17S. R.12E. W.M.
DESCHUTES COUNTY

17 12 09A0
& INDEX



Cancelled Nos.
100
301
501
901
1500
1600
2002
2400A1

17 12 09A0
& INDEX