



Deschutes County Board of Commissioners
1300 NW Wall St., Suite 200, Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of April 8, 2015

Please see directions for completing this document on the next page.

DATE: March 19, 2015

FROM: Paul Blikstad Department CDD Phone # 6554

TITLE OF AGENDA ITEM:

Consideration of Second Reading by Title Only and Adoption of Ordinance No. 2015-002, Amending Deschutes County Code Title 18 to Add a Manufactured Home/Recreational Vehicle Park Use to DCC 18.32.030.

PUBLIC HEARING ON THIS DATE? No

BACKGROUND AND POLICY IMPLICATIONS:

Gary Knight applied for an Ordinance Text Amendment to add the following use to the list of Conditional Uses Permitted in the MUA-10 Zone in DCC 18.32.030:

DD: A new manufactured home/recreational vehicle park subject to Oregon Administrative Rules 660-004-040(7)(g) that:

1. Is on property adjacent to an existing manufactured home/recreational vehicle park;
2. Is adjacent to the City of Bend Urban Growth Boundary; and
3. Has no more than 10 dwelling units.

The Board approved the request at their deliberations on March 16, 2015, and completed the First Reading of Ordinance 2015-02. A second reading no less than 13 days from the First Reading is required before adoption of the ordinance.

FISCAL IMPLICATIONS:

None.

RECOMMENDATION & ACTION REQUESTED:

MOTION 1: Second Reading by Title Only of Ordinance 2015-002.

MOTION 2: Adoption of Ordinance 2015-002

ATTENDANCE: Peter Gutowski and Legal Counsel

DISTRIBUTION OF DOCUMENTS:

Paul Blikstad, CDD

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 * ORDINANCE NO. 2015-002
Vehicle Park Use to DCC 18.32.030. *

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, which was continued to March 16, 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 language to be deleted in ~~strike through~~ and new language underlined.

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

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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

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. 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.
- DD. A new manufactured home/recreational vehicle park, subject to Oregon Administrative Rules 660-004-0040(7)(g) that:
1. Is on property adjacent to an existing manufactured home/recreational vehicle park;
 2. Is adjacent to the City of Bend Urban Growth Boundary; and
 3. Has no more than 10 dwelling units.
- ~~DD~~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.
- ~~EE~~FF. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- ~~FF~~GG. Guest lodge.
- ~~GG~~HH. 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. 2015-002 § 1, 2015; 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)

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 44 average daily trips. No TPR findings are required based on the number of new trips anticipated from a park with the 10-unit limitation.

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.