



Community Development Department

Planning Division Building Safety Division Environmental Soils Division

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MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Nick Lelack, AICP, Director
Peter Gutowsky, AICP, Planning Manager

DATE: March 31, 2015

SUBJECT: Consideration of the Planning Division Work Plan for Fiscal Year (FY) 2015-16

The purposes of the April 9 public hearing item are to present, gain public input, discuss, and make a recommendation to the Board of County Commissioners (BOCC), regarding the Planning Division annual work plan for FY 2015-16.¹

I. BACKGROUND

Each spring, the Community Development Department (CDD) prepares an annual work plan describing proposed projects for the coming fiscal year. It is intended that a review of the draft work plan will provide the BOCC, Planning Commission, Historic Landmarks Commission, County Administration and CDD's customers and partner agencies the opportunity to provide input, including additions, modifications and possible re-prioritization. The work plan also serves as the context within which new projects that arise during the course of the year are prioritized and undertaken.

II. WORK PLAN & MATRICES

The Planning Division Draft Work Plan consistently generates public interest. It proposes to carry over projects from the current fiscal year into FY 2015-16 and utilize available resources to establish, maintain and/or improve several internal tracking systems for community and area wide plans, destination resorts and future text amendments.

Below, **Table 1** lists the Planning Division's proposed long range planning projects for FY 15-16. **Table 2** summarizes Comprehensive Plan policies and **Table 3**, citizen recommended work tasks. **Table 4** identifies four projects discussed by the Planning Commission over the last year related to agricultural lands, medical marijuana dispensaries and HB 2229. Each table indicates the general resources and timeframes required to complete each project. Staff uses a "minor" and "significant" rating to gauge a project's required resources and timeframe.

¹ July 1, 2015 to June 30, 2016.

- A minor rating equates to 2-4 months to complete and 0.25-0.75 full time equivalent (FTE) of long range planning staff.
- A moderate rating equates to 4-8 months to complete and 0.5-1.0 FTE.
- A significant rating spans 6-12 months or longer and requires 1.0-2.0 FTE with possible consultants.

Some projects identified as “minor” can evolve and extend the amount of resources and projected timeframe significantly. The resources required for several projects therefore may change depending on different factors.

Tables 2, 3, and 4 projects are not currently proposed to be initiated in FY 15-16 due to limited resources. Capacity for projects from Tables 2, 3 and 4 to move up to Table 1 will largely depend on:

- Forthcoming BOCC direction on the County’s Agricultural Lands Program;
- Status and decisions regarding work tasks associated with sage grouse and/or Oregon spotted frog;
- Timing of applications to adopt and implement the Bend Airport Master Plan, amend the Redmond Urban Growth Boundary for a regional large-lot industrial campus and adopting housekeeping amendments; and,
- Completing a Goal 11 Exception.

Table 1 – Proposed Long Range Planning Projects (FY 2015-2016)

Projects	Brief Description	Resources/Timeframe *
<i>Agricultural Lands</i>	Amend County’s Agricultural Lands Program based BOCC and Planning Commission direction	None to Significant (depending on BOCC/PC feedback this spring)
<i>Bend Airport Master Plan (BAMP)</i>	Coordinate with the City of Bend to adopt the Bend Airport Master Plan into the Comprehensive Plan and zoning code amendments into County Code	Moderate to Significant
<i>Bend Urban Growth Boundary (UGB) Coordination</i>	Coordinate with Bend to complete their UGB Remand Order	Moderate to Significant
<i>Brownfield Grant</i>	Administer a three year U.S. EPA Community-wide Brownfield Assessment Grant	Significant
<i>Central Oregon Large-lot Industrial Project</i>	Coordinate with the City of Redmond to initiate a UGB amendment for a regional large-lot industrial campus	Minor to Moderate
<i>Certified Local Government Grant (CLG)</i>	Administer a CLG grant to implement a historic preservation strategic plan	Significant

Table 1 – Proposed Long Range Planning Projects (FY 2015-2016)

Projects	Brief Description	Resources/Timeframe *
<i>Code Enforcement</i>	Initiate a text amendment prohibiting the issuance of land use and building permits if a property has a pending code violation or is in violation with conditions of approval from a prior land use decision	Moderate
<i>Federal Emergency Management Coordination</i>	Monitor and participate in state-led process to address the effects of a lawsuit related to the federal Endangered Species Act (ESA) and floodplain development	Minor to Moderate
<i>Goal 11 Exception</i>	Initiate a Goal 11 exception for southern Deschutes Co.	Significant
<i>Harper Bridge</i>	Participate in the process to develop solutions for safe access to Deschutes River	Minor to Moderate
<i>Housekeeping and Legislative Amendments</i>	Initiate housekeeping and legislative text amendments.	Minor to Moderate
<i>Natural Hazards</i>	Coordinate with the Planning Commission and the BOCC to discuss implementing recommendations from the University of Oregon's Community Service Center's review of County codes and policies regarding natural hazards and mitigation	Minor to Moderate
<i>Population Forecast</i>	Coordinate with Assessor and Administration Office to complete Portland State University, Population Research Center, 2015 Housing Unit and Population Questionnaire.	Minor
<i>Recreational Marijuana</i>	Initiate a text amendment regulating recreational marijuana based on 2015 State legislation	Moderate to Significant
<i>Sage Grouse Conservation</i>	Land Conservation and Development Commission initiated rulemaking to address large scale development and sage grouse habitat. A Rules Advisory Committee will meet over a sixth 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.	Minor to Significant
<i>Spotted Frog</i>	Final rule designating critical habitat is expected this spring. 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.	Minor to Moderate
<i>Tracking System</i>	Develop and maintain tracking systems of Comprehensive Plan, Community/Area Plan implementation activities and updates, text amendments, and destination resorts	Minor

Table 2 – Comprehensive Plan Policies

Comprehensive Plan Policies	Resources/Timeframe
1. Implement, as appropriate, recommendations in the Final Report from the Oregon Task Force on Land Use Planning dated January 2009 (Policy 1.3.8)	Significant
2. Support implementation of the Bend 2030 Plan and incorporate, as appropriate, elements from the Bend 2030 Plan into this Plan (Policy 1.3.13)	Significant
3. Develop comprehensive policy criteria and code to provide clarity on when and how EFU parcels can be converted to other designations (Policy 2.2.3)	Moderate to Significant
4. Review County Code and revise as needed to permit alternative and supplemental farm activities that are compatible with farming, such as agri-tourism or commercial renewable energy projects (Policy 2.2.12)	Moderate
5. Explore new methods of identifying and classifying agricultural lands (Policy 2.2.13)	Significant
6. Address land use challenges in the Horse Ridge subzone (Policy 2.2.15)	Significant
7. Initiate a review of all Goal 5 inventories and protection programs (Policy 2.4.1)	Significant
8. Explore adopting new ordinances, such as a wellhead protection ordinance for public water systems, in accordance with applicable Federal and/or State requirements (Policy 2.5.21)	Significant
9. Explore an intergovernmental agreement with the irrigation districts for ensuring irrigated land partitions and lot line adjustments are not approved without notice to and comment by the affected district (Policy 2.5.26)	Significant
10. Explore incorporating appropriate stormwater management practices into Deschutes County Code (Policy 2.5.27)	Significant
11. Consider adopting regulations for dock construction based on recommendations of the Oregon Department of Fish and Wildlife and the Deschutes River Mitigation and Enhancement Program (Policy 2.5.30)	Moderate
12. Review County Code and revise as needed to protect open space and scenic views (Policy 2.7.6)	Significant
13. Review County Code and revise as needed to ensure effective energy conservation regulations, such as revising County Code on solar energy to create flexibility and permit exceptions for small properties and sites with specific anomalies (Policy 2.8.5)	Significant
14. Review County Code and revise as needed to permit alternative energy systems for homes and businesses and mitigate impacts on neighboring properties and the natural environment. (Policy 2.8.6)	Significant
15. Review County Code and revise as needed to develop an efficient permitting process and effective siting standards for commercial renewable energy projects that address all project components as well as environmental and social impacts (Policy 2.8.8)	Significant

Table 2 – Comprehensive Plan Policies

Comprehensive Plan Policies	Resources/Timeframe
16. Review County Code and revise as needed to promote the use of resource-efficient building and landscaping techniques, materials and technologies for new construction and renovation projects (Policy 2.9.5)	Significant
17. Review surface mining codes and revise as needed to consider especially mitigation factors, imported material and reclamation (Policy 2.10.4)	Significant
18. Review surface mining site inventories as described in Section 2.4, including the associated Economic, Social, Environmental and Energy (ESEE) analyses (Policy 2.10.5)	Moderate
19. Update the policies for lands designated Rural Commercial as needed (Policy 3.4.8)	Minor to Moderate
20. Update the policies for lands designated Rural Industrial as needed. (Policy 3.4.22)	Minor to Moderate
21. Make the Floodplain Zone a combining zone and explore ways to minimize and mitigate floodplain impacts (Policy 3.5.11c)	Significant
22. Require new subdivisions and destination resorts to achieve FireWise Standards from the beginning of the projects and maintain those standards in perpetuity (3.5.11(g)) ²	Minor to Significant
23. Support the creation of a landfill overlay zone (Policy 3.6.13)	Minor
24. Update County Code as needed to define rural recreational uses such as private parks (Policy 3.8.10)	Moderate
25. Support an overlay zone for property owned and/or utilized by the Oregon Military Department to protect the military site and neighboring properties from noise and land use conflicts (Policy 3.10.3)	Minor to Significant
26. Initiate Deschutes Junction Master Plan (Policies 3.10.5-3.10.8)	Significant
27. Develop a master plan to address the infrastructure challenges facing rural, undeveloped lots in southern Deschutes County (Newberry Country; Policy 3.4)	Significant
28. Develop a work plan with affected stakeholders to determine the future development and conservation potential of approximately 1,500 high groundwater lots (Newberry Country; Policy 5.1)	Significant
29. Develop a work plan, in coordination with property owners, to update the Comprehensive Plan and Zoning designations to reflect the land use and development patterns in Section 36, Haner Park and other applicable areas with long-standing issues, while protecting ecologically significant natural areas or resources (Newberry Country; Policy 5.1)	Significant
30. Adopt zoning for small destination resorts, as defined in ORS 197.445 (Newberry Country; Policy 7.1)	Minor to Significant

² Destination Resorts are required by Deschutes County Code to develop and implement wildfire prevention, control and evacuation plans (DCC 18.113.050(B)(14); 18.113070(H)). Caldera Spring is currently the only Goal 8 resort recognized as a Firewise Community.

Table 2 – Comprehensive Plan Policies

Comprehensive Plan Policies	Resources/Timeframe
31. Create a regional trail plan in coordination with the City of La Pine, Sunriver, Deschutes County Bicycle and Pedestrian Advisory Committee (BPAC), La Pine Park and Recreation District, U.S. Forest Service, special road districts, and homeowner associations (Newberry Country; Policy 10.3)	Significant
32. Prohibit livestock from being permanently stabled in the commercial districts (Tumalo Community Plan; Policy 14)	Minor to Significant

Table 3 – Citizen Requests

Citizen Requested Projects	Level of Complexity
1. Initiate Deschutes Junction Master Plan	Significant
2. Initiate a text amendment that reduces setbacks in forestland related specifically to Haner Park	Moderate
3. Establish a county committee for the Tumalo Community	Minor to Significant

Table 4 – Projects Discussed by the Planning Commission

Projects	Resources/Timeframe
1. Initiate a text amendment that removes pharmacy as a use permitted outright in the Town Center District of Sunriver	Moderate
2. Initiate a text amendment that reduces setbacks in forestland related specifically to Haner Park	Moderate
3. Initiate a text amendment allowing temporary medical hardship dwellings in the Conventional House Combining Zone	Moderate
4. Initiate a Comprehensive Plan amendment to clarify that resource land, EFU and Forest Use parcels, can be re-designated and rezoned to non-resource lands through a quasi-judicial application process, without taking an exception to Goal 3 or Goal 4	Moderate

III. HISTORIC LANDMARKS COMMISSION REVIEW

Each year, the Historic Landmarks Commission (HLC) discusses the Planning Division’s Work Plan related to historic preservation. On February 2, the HLC recommended planning staff add one (1) Full Time Equivalent (FTE) for the purpose of protecting, educating, and coordinating historic resources within rural Deschutes County.

IV. REQUESTED PLANNING COMMISSION ACTION

1. Conduct a public hearing on the Planning Division Work Plan.
2. Continue or close the public hearing.
3. If the hearing is closed:
 - a. Discuss the FY 15-16 Work Plan and:
 - i. Recommend approval of the document as proposed or as modified by the Planning Commission at this meeting; or
 - ii. Continue the discussion on the document to April 23, 2015.
 - b. Discuss the work plan on April 23, 2015, and recommend approval of the document as proposed or as modified by the Planning Commission on that date.

Attachment:

Public Comments

Nick Lelack, Community Development Director
Deschutes County
1300 Building
Bend, Oregon 97701

Dear Nick,

Many thanks for offering me the opportunity to attend the Commissioners work session this week without an agenda item in place.

I have had the pleasure of meeting most all the people in the room at various times throughout the past 25 years living in Deschutes County. Yesterday's meeting gave me an opportunity to see first hand "how the sausage gets made". Pun intended.

Seriously, Central Oregon is a great place to live. The rapid growth and new challenges that come on a daily basis and get dealt with, are a testimony to the high quality of our County Commissioners and staff.

I recognize that creation of the big picture includes master planning and cooperation between the public and private sectors.

Let me get right to the point. My time has arrived to give back to Central Oregon in some way for the blessings received over the last 25 years.

The private property owners of the northwest Highway 97 corridor bordered on the south by Tumalo Road and on the North by Gift Road have made proposals for a master plan dating back to Commissioner Tom Throop in 1986-87. More recently, inclusion of this area for a frontage road and master plan was proposed with a deadline. In the public meeting, I recall the proposed deadline was eliminated at the suggestion of one of the commissioners. I am sure the concern was for the limited time allowed for staff input for a plan and most importantly the lack of funds to facilitate the process.

I believe the time has come to move the process forward. Highway access for business and residential stakeholders, i.e. property owners, traffic safety concerns, extension of the center lane "barrier" and full completion of the cloverleaf at Deschutes Junction are just a few of the issues ahead. Let's include some visionary approaches and solutions.

I feel confident that the 20+ property owners of the targeted area beginning at NW Highway 97 would consider participation if "win-win" partnerships could be developed between ODOT, Deschutes County, and the public with a stake in a master plan.

Thank you again for allowing me to attend the work session, and I will await your response.

Yours truly,

Rick Coffin

Cc: Commissioner Tony Debone
Commissioner Alan Unger
Commissioner Tammy Baney

Peter Gutowsky

From: Peter Saunders <petesaunders1949@gmail.com>
Sent: Monday, March 23, 2015 11:27 AM
To: Board; Tony DeBone; Planning Commission; Nick Lelack; Peter Gutowsky; _admin
Subject: Haner Park Zoning Issues

County Commissioners, Planning Commission and Staff,

Beginning in the early 1950's, Cecil and Liz Hannum (long time residents of Bend, Cecil a lifetime member of the Bend Elks Lodge, and together the owners and operators of Bend Storage & Transfer moving company for many years and my in-laws since 1975) leased three, small 110' x 165' lots from the Bend Elks on the Elk's property known as Haner Park, a few miles west of La Pine, on the upper Deschutes River below the Wickiup Dam. During the summers of those years, Cecil lived in a tent on site while he cleared trees from the property and built a small, 10' x 15' one room cabin with only a wood stove for heat. He had no plumbing or running water, but used a hand dug, 4' diameter water well about 25 feet deep for clean water and a true, old fashioned, pit outhouse for sanitary waste. Then, while living in that small cabin, he proceeded to build an adjacent 30' x 50' three bedroom 'cabin', large enough for his wife and 6 children (but still no running water or inside bathroom). Within the Hannum family, the "Cabin" has been known as a 'work in progress' for the past 60 years. Today it has an 85' deep drilled well, hot and cold running water, two full baths, a washer and dryer, a dishwasher, an electric range and oven, wall-to wall carpeting, electric heat, a detached two-car garage and workshop. While today it is more accurately a "Vacation Home" in the Deschutes National Forest, the family still refers to it as "The Cabin". After Cecil's and Liz's passing, their two daughters (my wife, Cynthia Saunders and her sister Susan Alexander) became the registered owners of "Hannum's Hideaway". Haner Park itself is no longer owned by the Bend Elks, but is a privately owned South County rural subdivision on the Upper Deschutes. The extended Saunders and Alexander families expect and hope to continue to use, enjoy, and improve Hannum's Hideaway in the years to come, but any plans we may have to improve or expand the 'work in progress' are being unnecessarily hindered by outdated or inappropriate planning & zoning constraints. As you are well aware, many changes have occurred in the county's planning, zoning and land use policies that affect Haner Park since Cecil Hannum first began to carve his Hideaway out of the forest there. For the past 10 years or so, the Haner Park Homeowners Association, which was established after the Haner Park lessees banded together, formed an LLC and purchased the entire property from the Elks, has been advocating on behalf of all Haner Park owners to modify and correct several zoning problems and issues in Haner Park. Most of the houses and homesteads there were built long before the county's current planning and zoning restrictions were enacted, and when they were enacted, no specific accommodations or considerations of the conditions within Haner Park were made. For example, despite having some 60 residences spread across approximately 80 acres, Haner Park - which today would be classed as a RR-10, rural residential area, is STILL zoned as F-2, Forest Use, with one (1) residence allowed per 80 acres! Our HOA had hoped this inconsistency would be corrected with the implementation of the South County Plan, and in fact we were encouraged to see that county planning staff had proposed this as part of their annual work plan. However, we are now discouraged and concerned to learn that this may not be the case.

I urge you to continue seeking fast and efficient ways to correct the most challenging of the zoning requirements. If re-zoning to RR-10 is not an option, please consider other ways to fix items such as the setback requirements. As it stands, I must obtain land use approvals on projects that don't even require a building permit. And, with narrow and small lots, it's simply not possible to meet the F-2 setback requirements. Many of our lots are 110' wide, so setbacks of even 25' (which is the narrowest possible) make many small projects impossible.

Peter Gutowsky

From: sws88@bendbroadband.com
Sent: Sunday, March 22, 2015 12:10 PM
To: Peter Gutowsky
Subject: Haner Park.....

County Commissioners, Planning Commission and Staff,

I am a property owner in Haner Park, a South County rural subdivision on the Upper Deschutes. Over the last few years, our Homeowners Association has been advocating on our behalf to correct the zoning errors and issues in Haner Park. We are a rural residential area that is still zoned F-2, Forest Use. We had hoped this would be corrected as part of implementing the South County Plan and were encouraged staff proposed this as part of their annual work plan. We are discouraged and concerned that this may not be the case.

We urge you to continue seeking fast and efficient ways to correct the most challenging of the zoning requirements. If re-zoning to RR-10 is not an option, please consider other ways to fix items such as the setback requirements. As it stands, I must obtain land use approvals on projects that don't even require a building permit. And, with narrow and small lots, it's simply not possible to meet the F-2 setback requirements. Many of our lots are 110' wide, so setbacks of even 25' (which is the narrowest possible) make many small projects impossible.

Our CCR's are written to maintain forest safety and aesthetics. Yet, if I want to build a small woodshed to contain the dry wood, I must obtain a land use permit, a variance and may need landscape management review. This can cost over \$3,500 which is a significant financial barrier.

We urge you to fix this as fast as possible through processes less complicated than initially proposed.

Respectfully,
Peter W.Knowles

Peter Gutowsky

From: Haner Park HOA Board <hanerparkhoa@gmail.com>
Sent: Sunday, March 22, 2015 10:29 AM
To: Board; Tony DeBone; Planning Commission; Nick Lelack; Peter Gutowsky; _admin
Cc: Shaun Retz; Jerry Steiner; Rick Kay; Sarah Medary; Terry Cunningham
Subject: Haner Park Zoning and Next Steps

County Commissioners, Planning Commission and Staff,

We represent the Homeowners Association of Haner Park, a South County rural subdivision on the Upper Deschutes. Over the last few years, we have been advocating to correct the zoning errors and issues in Haner Park. We are a rural residential area that is still zoned F-2, Forest Use. We had hoped this would be corrected as part of implementing the South County Plan and were encouraged staff proposed this late last year as part of their annual work plan. We are discouraged and concerned that this may not be the case.

We urge you to continue seeking fast and efficient ways to correct the most challenging of the zoning requirements. If re-zoning to RR-10 is not an option, please consider other ways to fix items such as the setback requirements. As it stands, our members must obtain land use approvals on projects that don't even require a building permit. And, with narrow and small lots, it's simply not possible to meet the F-2 setback requirements. Many of our lots are 110' wide, so setbacks of even 25' (which is the narrowest possible) make many small projects impossible.

Our CCR's are written to maintain forest safety and aesthetics. Yet, if one of our members want to build a small woodshed to contain the dry wood, they must obtain a land use permit, a variance and may need landscape management review. This can cost over \$3,500 which is a significant financial barrier.

We urge you to fix this as fast as possible through processes less complicated than initially proposed.

Respectfully,

Haner Park HOA Board

Sarah Medary
Terry Cunningham
Shaun Retz
Jerry Steiner
Rick Kay

Peter Gutowsky

From: Carol Yetter <cjyetter@icloud.com>
Sent: Tuesday, March 24, 2015 4:52 PM
To: Board; Tony DeBone; Planning Commission; Nick Lelack; Peter Gutowsky; _admin
Subject: Haner Park HOA

Dear County Commissioners, Planning Commission and Staff:

We are property owners in Haner Park, a South County rural subdivision on the Upper Deschutes River. Our Homeowners Association has been advocating on our behalf to correct the zoning errors and issues in Haner Park since our subdivision was purchased from the Bend Elks Lodge several years ago. Our Haner Park homes are in a rural residential area that is still zoned F-2, Forest Use. We had hoped this zoning error would be corrected as part of implementing the South County Plan and were encouraged when staff proposed this as part of their annual work plan at one of our annual meetings. We are discouraged and concerned that this may not be the case because we would like to make small changes to our home so that we might use it year round.

We urge you to continue seeking fast and efficient ways to correct the most challenging of the zoning requirements. If re-zoning to RR-10 is not an option in a timely manner, please consider other ways to fix items such as the setback requirements. As it stands, we must obtain land use approval on projects that don't even require a building permit in other subdivision because it's not possible to meet the F-2 setback requirements on our narrow lot. Our lot is 110' wide, so a setback of even 25' (which is the narrowest possible) makes the cost of even a small remodel a barrier due to the expense of permits, variances, and reviews.

We want to maintain forest safety and aesthetics; indeed, we are required to via Haner Park CCRs. We urge the county to change the setback requirement for our area with a text amendment to **the current** south county work plan; not only for our future plans but for others in Haner Park with similar situations.

Thank you for consideration of our request. We are all affected by your decision since some of our homes were built were constructed in the 1940's and are in drastic need of updating and small expansion.

Respectfully,
Richard and Carol Yetter