



Community Development Department

UPDATE

AUGUST, 2016

From the Director's Desk

Happy Summer, Everyone!

Much has happened since our May newsletter. Today, the Board of County Commissioners (BOCC) lifted the ban on marijuana-related businesses in rural Deschutes County. Beginning September 1, the County will allow and regulate the following: medical marijuana processing, medical marijuana dispensaries, recreational marijuana production, recreational marijuana processing, recreational marijuana wholesale, and recreational marijuana retail. The Planning Division will host workshops to provide potential applicants and interested parties an overview of the local marijuana regulations, which were adopted in June. Staff will also provide information about application fees and an overview of the County's procedures for processing land use applications. Workshops will be held on August 23, 3 p.m.-5 p.m., and 6 p.m.-8 p.m., 1300 NW Wall Street, Bend (Barnes & Sawyer Rooms).

In early summer, the BOCC adopted CDD's annual budget, including new staff positions to meet business demands. We are pleased to announce on-call planner Paula Mason has joined our Planning Division team as an assistant planner, and we expect additional new employee announcements in late summer. We also recognize Administrative Assistant Kathleen Stockton, who will retire at the end of August after her outstanding service to Deschutes County over the past decade. Kathleen will be tremendously missed as she made significant contributions on

many fronts throughout CDD, including assistance with budget preparation and monitoring, coordination on legal documents (IGAs, contracts, RFPs, etc.), land use application reviews, and so much more. We wish her the very best!

In May, the BOCC appointed Tumalo-area resident Dr. Leslie Hudson to the Deschutes County Planning Commission's At-Large seat, and Jim Beeger to the Bend Area seat. Commissioners Hudson and Beeger will serve terms through June 30, 2020, and both have hit the ground running in their first few meetings.

In June, the BOCC adopted CDD's annual work plan and fee schedule. Both documents are available at www.deschutes.org/cd at the bottom of the web page.

Other significant announcements include the City of Sisters transferring its building program to the County while Redmond hired building program staff to fully operate its program. In addition, a joint City of Bend City Council / BOCC public hearing on the Bend UGB amendment is scheduled for Thursday, August 25.

Following this newsletter, the CDD *Update* will be suspended until the fall, when a new web-based format is released containing significantly more information in a user-friendly format. It will include development statistics from all Deschutes County local governments, performance measures tracking, and brief narratives on departmental news and long-range planning applications.

Environmental Soils

Are you having trouble with your septic system? Finding out your septic system is failing can be scary and expensive – but getting it fixed doesn't have to be. That's where Craft3 comes in. This local nonprofit lender offers affordable Clean Water Loans to help families repair or replace their failing septic system with no money down.

The Craft3 Clean Water Loan makes it easier to fit the complete cost of designing, permitting, installing and maintaining your septic system into your household budget. In some cases, you can also finance connection to a nearby municipal sewer system.

Craft3 is unlike other financial institutions – it has unique approval criteria and repayment terms that work for a wide range of property types and family circumstances. Fewer failing septic systems in our communities means fewer families vulnerable to displacement and less pollution that can harm our children, natural resources and local industries reliant on clean water.

The Clean Water Loan is currently offered to residents of Deschutes County, Oregon. Visit www.Craft3.org/CleanWater to apply, learn more and read the success stories of property owners like you. You can also contact Rebecca Tuccio in our Bend office at CleanWater@Craft3.org or 888-231-2170, Ext. 510.



For current information on upcoming meetings, hearings, etc., please refer to the following link:

www.deschutes.org/calendar

Welcome, Chris Tiboni! Chris started work in May as a Code Enforcement Technician and comes to us with a background in both code enforcement and law enforcement. Chris will be working primarily new cases in the greater Bend area as well as helping with some existing cases in both North and South County areas. Even though Chris is still in training, he's added some much needed capacity.

New satellite office in Sisters! Lead Permit Technician Judy Hackett will be staffing office hours in the Sisters City Hall weekly on Tuesdays from 8am to 4:30pm to assist both City of Sisters customers and the greater Sisters country customers with their building permit applications. Judy will be able to accept permit applications, issue permits, research properties and answer general questions.

Building Safety

The Building Safety Division is in the final stages of our contract to provide most building inspections within the City of Redmond. By mid-August, we will have fulfilled our remaining obligations and will convert any future mutual assistance, between our jurisdictions, to a standard intergovernmental agreement. Although we currently have an unfilled position open, we are taking a wait-and-see approach as to how our workloads will be affected by this recent event. In the meantime we are utilizing the vast inspection knowledge and experience of a retired building inspector from Washington County to help us out during high inspection count days and to cover other inspectors' vacation days while we evaluate a right-sized staffing level.



The brown shirt dress code is alive and well in the Building Safety Division!

Current Planning

International Insight Mediation Center (247-16-000159-SP; 247-000161-AD): Land use permit request to establish a church (Buddhist temple and meditation center) in the Exclusive Farm Use (EFU) Zone. The church use proposes to include 10-12 meditation sessions consisting of 10-15 individuals. Approximately five of the meditation sessions will include up to 30 individuals. The applicant has put the application on hold. A public hearing before a Hearings Officer is to be determined. Staff contact: Anthony Raguine, Anthony.Raguine@deschutes.org

Deschutes Junction Comprehensive Plan Amendment and Zone Change (247-14-000456-ZC / 457-PA): On December 31, 2014, an application for a plan amendment and zone change from Exclusive Farm Use to Rural Industrial and a goal exception to Statewide Planning Goal 3, Agricultural Lands, were submitted for a 21.58-acre site, located at Deschutes Junction. A Hearings Officer approved the applicant's request for a developed and committed exception to Goal 14 on September 30. The Board of County Commissioners (BOCC) held a hearing and adopted the plan amendment and zone change on January 4. The BOCC's decision was appealed to LUBA. Staff contact: Peter Gutowsky, Peter.Gutowsky@deschutes.org

KG Ranch (Alfalfa) CUP – The applicant requested approval to complete the construction of an agricultural pond located in the Exclusive Farm Use and Flood Plain Zones and in an area mapped as wetlands on the National Wetlands

Inventory. A Hearings Officer denied this application and a timely appeal was accepted by the Board. A hearing date is to be determined. Staff contact: William Groves, William.Groves@deschutes.org

Lower Bridge Road LLC (247-15-00194-CU and 195-TP): This application was withdrawn by the applicant. Staff contact: William Groves, William.Groves@deschutes.org

Pine Forest Development, LLC, a/k/a Caldera Springs Destination Resort Expansion (247-15-000464-CU): Caldera Springs applied for a conditional use permit to expand the existing Destination Resort by adding a 614-acre property to the resort. The proposal includes a maximum of 395 single-family residences, a maximum of 95 additional overnight lodging units, recreation facilities and additional resort core amenities within the 614-acre property. As part of this application, the applicant seeks to modify the Caldera Springs Conceptual Master Plan and ratio of single-family residences to overnight lodging units from 2:1 to 2.5:1. Additionally, the applicant proposes a new access to the resort from Vandevent Road. The Hearings Officer approved the conditional use permit on April 15, 2016 and it was subsequently appealed to the BOCC on April 27. The BOCC declined to hear the appeal on May 11. The Hearings Officer's decision was subsequently appealed to the Land Use Board of Appeals (LUBA). A LUBA decision is expected this summer. Staff contact: Anthony Raguine, Anthony.Raguine@deschutes.org

Pronghorn Improvement Agreement Amendment (247-16-000320-IA): On June 22, 2016 the BOCC amended an improvement agreement with Pronghorn Intangibles, LLC, to construct a hotel in one phase for 104 overnight lodging units. Project completion is expected in Fall 2017. Staff contact: Peter Gutowsky, Peter.Gutowsky@deschutes.org.

Porter Kelly Burns Landholdings, LLC (247-16-000317-ZC/318-PA): Porter Kelly Burns Landholdings, LLC, has requested approval of a plan amendment to change the designation of the subject property from Agriculture to Rural Residential Exception Area, and a Zone Change from Exclusive Farm Use (EFU-TRB) to Multiple Use Agricultural (MUA-10). The matter will be before a Hearings Officer at a public hearing scheduled for September 27, 2016. Staff contact: Chris Schmoyer, Chris.Schmoyer@deschutes.org.

Shepherd Church (247-16-000159-SP; 247-000161-AD): Mr. Shepherd applied for an administrative determination and site plan review for a church in the Exclusive Farm Use Zone. This matter has been identified for a public hearing, but is currently tolled (paused) by the Applicant. A hearing date was held on June 28, 2016. The written record remains open for final argument through August 9, 2016. Staff contact: William Groves, William.Groves@deschutes.org

Thornburgh Destination Resort Appeal (247-15-000529): Central Land and Cattle Co., LLC, requested a proceeding on remand of its approval of the Thornburgh Destination Resort Final Master Plan in application M-07-02/MA-08-6. A Hearings Officer denied the remand proceeding on November 30. The applicants appealed the Hearings Officers' denial to the BOCC. The BOCC declined to hear it on December 21. The applicants subsequently appealed the Hearing's Officer's decision to LUBA. Staff contact: Peter Gutowsky, Peter.Gutowsky@deschutes.org

Tumalo Irrigation District (247-15-000222-LR; 247-15-000430-A; 247-15-000633-A): Tumalo Irrigation District requested a lot of record verification for property identified on Assessor's Map 16-11-00, Tax Lot 7891 (historic Tumalo Reservoir site).

The Hearings Officer issued a decision approving and affirming the applicant's lot of record verification and staff decision. The decision was subsequently appealed to the BOCC. The BOCC issued a decision approving the lot of record verification on April 27, 2016. The BOCC decision was appealed to LUBA. Staff contact: Cynthia Smidt; Cynthia.Smidt@deschutes.org

Verizon Wireless (247-16-000081-CU): Verizon Wireless is requesting approval of a 140-foot wireless telecommunications facility east of Bend at 61604 Gribbling Road. The request is scheduled for a public hearing on August 30. Staff contact: Cynthia Smidt; Cynthia.Smidt@deschutes.org

Widgi Creek (247-14-000391-TP / 393-SP / 394-LM): A Hearings Officer held a public hearing on January 6, 2015 for a partial replat of the Elkai Woods Townhomes, Phase III subdivision to remove the common area notation on the subject property, together with tentative plan approval for an eight-lot zero lot-line subdivision, site plan and non-visible landscape management review. The Hearings Officer issued a decision on April 6, 2015, finding that the proposal does not comply with all applicable regulations. The BOCC agreed to hear this appeal on May 6, 2015. Following BOCC hearings on January 27 and February 29, 2016 the record was closed and a Board deliberation scheduled for August 15. Staff contact: Will Groves, William.Groves@deschutes.org

Widgi Creek (247-14-000395-TP, 396-SP, and -397-LM): A Hearings Officer held a public hearing on January 6, 2015 for a nine-lot, zero lot line subdivision, as well as site plan and landscape management review for the proposed dwellings on the subdivision lots, on property zoned Resort District and Landscape Management Combining Zone. The Hearings Officer issued a decision on April 6, 2015 finding that the proposal does not comply with all applicable regulations. The BOCC agreed to hear this appeal on May 6, 2015. Following Board hearings on January 27 and February 29, 2016 the record was closed and a Board deliberation scheduled for August 15. Staff contact: Will Groves, William.Groves@deschutes.org



Bend Airport Master Plan Update: On June 17, a hearings officer approved the City of Bend's application (247-16-000016-PA) to repeal the 2002 Bend Airport Master Plan (BAMP) and adopt only Chapter 7 (Airport Development Alternatives) of the 2013 BAMP and Sheets 2 (Airport Data), 3 (Airport Layout Plan), and 11 (Noise Contours) and also amend language in the County Comprehensive Plan and Transportation System Plan (TSP) to update references to the 2013 BAMP. The appeal period ended June 29, 2016, with no appeals. The BOCC held a first reading of the implementing ordinances on July 27 and a second reading on August 10, with the ordinances to take effect 90 days after signature. The 2013 BAMP does not propose any new land uses at the airport or existing uses in new locations. Staff contact: Peter Russell, Peter.Russell@deschutes.org.

Goal 11 (Sewer) Exception for Southern Deschutes

County: County Ordinance 2016-007, which authorized a Goal 11 Exception to allow sewers in the rural portions of southern Deschutes County, has been appealed to LUBA. The ordinance implemented File 247-15-000308-PA. Staff contacts: Nick Lelack, Nick.Lelack@deschutes.org; Peter Gutowsky, Peter.Gutowsky@deschutes.org; Peter Russell, Peter.Russell@deschutes.org; Todd Cleveland, Todd.Cleveland@deschutes.org.

Marijuana Regulations: On June 1, 2016, the Board adopted regulations for existing and new medical marijuana grow sites effective immediately. Then, on June 15, 2016, the Board adopted regulations to define, permit, and establish standards for other marijuana related uses (medical marijuana processing, dispensaries; recreational marijuana production, processing, wholesale, retail) effective July 1, 2016. Today, the BOCC adopted Ordinance 2016-012 to lift the ban on marijuana-related businesses in the rural County beginning on September 1, 2016. For more information visit: www.deschutes.org/marijuana. Staff contact: Matt Martin, Matt.Martin@deschutes.org

Oregon Spotted Frog: On May 9, 2016 the U.S. and Wildlife Service designated critical habitat for the Oregon spotted frog under the federal Endangered Species Act. In Deschutes County, their habitat extends along the Upper Deschutes and Little Deschutes rivers, terminating in Bend at the Old Mill. Designation of critical habitat does not affect land ownership, establish a refuge or preserve. It has no impact on private landowners taking actions on their land that do not require federal funding or permits.

If a landowner needs a federal permit or receives federal funding for a specific activity, the agency responsible for issuing the permit or providing the funds would consult with the Service to determine how the action may affect the spotted frog or its habitat. Staff contact: Peter Gutowsky, Peter.Gutowsky@deschutes.org.

Resource/Non-Resource Lands: Staff has initiated three amendments to County Code: 1) a text amendment to Comprehensive Plan, Chapter 2, Section 2.2 and Chapter 3, Section 3.3, recognizing non-resource lands process allowed under State law to change EFU zoning; 2) a text amendment to zoning code providing a definition of agricultural-exempt buildings; and, 3) a text amendment reducing setbacks in the Forest Use (F-2) Zone, explicitly for the Haner Park Subdivision. The Planning Commission conducted a public hearing and recommended approval of the proposed definition of agricultural-exempt buildings and the setback standards for Haner Park but did not support the proposed amendments to the Comprehensive Plan. These recommendations will be presented for consideration at a public hearing before the BOCC that is planned for August or September, 2016. Staff contact: Matt Martin, Matt.Martin@deschutes.org

Transportation Miscellany: Staff reviewed the state's draft of the 2016 Transportation Safety Action Plan (TSAP), which has a goal of zero fatalities or life-altering injuries occurring on Oregon's highways, city streets, or county roads by the 2035. Staff contact: Peter Russell, Peter.Russell@deschutes.org.

Goal 5-Historic Resources: On July 22, the Oregon Land Conservation and Development Commission (LCDC) voted unanimously to initiate amendments to Oregon Administrative Rule (OAR) 660-023-0200, "Historic Resources," a rule implementing part of Statewide Planning Goal 5, "Natural Resources, Scenic and Historic Areas, and Open Spaces." The purposes of the proposed amendments are to (1) clarify minimum requirements for local protection of sites listed on the National Register of Historic Places, (2) align state and federal requirements regarding National Register sites, and (3) provide a definition of "property owner" to provide clarity for implementation of owner consent statutes. The Oregon Department of Land Conservation and Development will assemble a Rules Advisory Committee (RAC) in October 2016 to develop recommended rules for consideration by LCDC at a public hearing in November 2016. It is likely that Deschutes County CDD will serve on the RAC and participate in this process. Staff contact: Matt Martin, Matt.Martin@deschutes.org