



Community Development Department

UPDATE

JANUARY, 2016

From the Director's Desk

Happy New Year! We are pleased to introduce a new format for the CDD Update in honor of Deschutes County's Centennial, Oregon's youngest county. For more information on this special occasion, please visit: <http://www.deschutes.org/administration/page/deschutes-county-celebrates-100-years>.

We are also pleased to welcome Caroline House and Zechariah Heck, two new assistant planners, to the Planning Division. Caroline and Zech both have experience with CDD and bring enthusiasm, creativity, and solid customer service skills to our team.

The pace of planning and development in Deschutes County gained steam in 2015.

New single family dwelling permits in unincorporated Deschutes County increased by 28% in 2015 over 2014. Specifically, CDD issued 432 permits for new single family homes in 2015 up from 319 in 2014, 278 in 2013, 140 in 2012, 116 in 2011, and 91 in 2010.

Septic evaluations increased 21% in 2015 over 2014. CDD performed 170 site evaluations in 2015, up from 140 in 2014, 114 in 2013, 69 in 2012, and 66 in 2011, and 75 in 2010.

Planning applications increased by 30% in 2015 over 2014. Specifically, 663 applications were submitted in 2015 over 511 in 2014, 463 in 2013, and 392 in 2012, 397 permits in 2011, and 457 in 2010. However, from 2010-2012, 15%-18% of all applications were extensions of existing permits, compared to an annual average of approximately 5%.

Code Enforcement is processing 443 cases opened in 2015, up from an annual average of approximately 300.

Cities also experienced increases in new single family home permits in 2015:

Bend: 896 in 2015, up from 790 in 2014.

Redmond: 189 in 2015, up from 147 in 2014.

Sisters: 30 in 2015, compared to 42 in 2014.

La Pine: 6 in 2015, up from 5 in 2014.

This CDD *Update* summarizes several significant recent, pending, and future planning projects and applications. Of note, the comment period for the Southern Deschutes County Goal 11 Exception application is open until January 20, 2016 at 5:00 p.m.

Building Safety

The Building Safety Division is pleased to welcome Steve Wills as our newest on-call building inspector. Steve has many years of construction experience working as a general contractor in Oregon. He is certified to conduct residential structural, plumbing, and electrical inspections and is currently enrolled in the residential mechanical inspection cross-training course. He is very motivated to learn and is fitting in well with the inspection team.

In the continuous search for customer service improvements and increased efficiencies, the Building Division has teamed up with Oregon Building Codes Division to test out a new virtual inspection smart phone app named VuSpex. This app is intended for

inspections/re-inspections that are minor in nature. Although technology cannot take the place of a qualified inspector at the job site, it can possibly augment our inspection staff at certain times in order to maintain the level of service that our customers expect.

The past year has been marked by increased permit activity and heavy workloads for the Building Division. Our inspectors and plans examiners have continued to take part in training and to obtain certifications in order to contribute to the efficiencies of our department. We look forward to being part of the team in the coming year as the increased building activity continues in Deschutes County.

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

www.deschutes.org/calendar

Code Enforcement opened 430 cases in 2015, a significant increase from the average number of 300 cases. Code enforcement cases are handled by two full-time code enforcement technicians and a part-time volunteer. The complexity of cases has also increased sharply in recent years, which can affect duration and can require the expenditure of significant staff resources to achieve resolution.

Code enforcement is currently working on a large number of cases that involve complex issues; and in some cases, both state and other local agencies are involved. Code enforcement enjoys a great working relationship with these other agencies and together

we work very hard at resolving these cases. Voluntary compliance is the goal for code enforcement; however, we currently have a number of cases with pending litigation for non-compliance with County Code.

Closed Cases Summary for 2015

Total Closed	- 472
Closed in 181-365 days	- 82
Closed in 91-180 days	- 105
Closed in 61-90 days	- 43
Closed in 31-59 days	- 50
Closed in 30 days or less	- 121

Current Planning

Clough (247-15-000035-CU/403-A): Dana and Karen Clough applied for a conditional use permit for a nonfarm dwelling on an approximately 20-acre parcel in the Exclusive Farm Use Zone. This application was referred to a public hearing. The Hearings Officer denied the application based on the “least suitable” standard under DCC 18.16.040(A)(3). The applicants appealed the Hearings Officer’s denial to the Board of County Commissioners (BOCC). The BOCC heard the appeal and approved the application on November 23, recognizing that all areas of a property that are “generally unsuitable” are the least suitable part of a farm property for purposes of the least suitable criterion of DCC 18.16.040(C). Staff contact: Peter Gutowsky, Peter.Gutowsky@deschutes.org

CR Contracting, LLC (247-15-000272-ZC/273-PA): On May 29, 2015, an application was submitted requesting a plan amendment and zone change from Tumalo Residential 5-Acre Minimum (TUR5) to Tumalo Industrial (Tul) for a 5.39 acre site located in the southern portion of the Tumalo Rural Community (Tax Map 16-12-31, Tax Lot 401). A public hearing before a Hearings Officer was held on August 18. On October 15, the Hearings Officer issued a decision approving the request, and no appeal was filed. On November 30, the BOCC adopted an ordinance by emergency approving the request and amending the zoning map and comprehensive plan. Staff contact: Matthew Martin, Matt.Martin@deschutes.org

Cooper Ranch Limited Use Permit (247-15-000001-LUP): Paul and Hana Cooper applied for a limited use permit to allow up to six commercial events (weddings) in the Exclusive Farm Use Zone for the

property identified on Tax Map 16-12-32 as Tax Lots 314 and 301. A Hearings Officer denied the application on May 27, 2015, and the applicants appealed the denial to the BOCC. The BOCC heard the appeal and denied the application on November 30. Staff contact: Peter Gutowsky, Peter.Gutowsky@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 (Tax Map Nos. 16-12-26C, Tax Lot 201 and 16-12-27D, Tax Lot 104). A Hearings Officer approved the applicant’s request for a developed and committed exception to Goal 14 on September 30. The BOCC held a hearing and adopted the plan amendment and zone change on January 4. Staff contact: Peter Gutowsky, Peter.Gutowsky@deschutes.org

Dreifuss Dock and Deck (247-15-000113-CU/114-CU/115-NUV/116-LM): The applicant requested conditional use approval for a community dock and decks; verification of a non-conforming structure (bunkhouse) and approval to alter same; and landscape management review for the bunkhouse and an accessory structure (garage) on the subject property. A Hearings Officer held a public hearing on August 25, 2015; the application was denied and that denial has been appealed to the BOCC. A BOCC decision on whether to hear the appeal is pending. Staff contact: William Groves, William.Groves@deschutes.org

Kaiser Butte Development, LLC (247-15-000472-MC):

On August 28, 2015, Jeff and Carol Rank submitted an application for a modification of conditions of the decision for Conditional Use File CU-05-14 requesting to clarify and ratify ongoing sales of hay, feed, and accessory items as commercial activity in conjunction with farm use. The property is located at 4626 SW Quarry Avenue, Redmond. A public hearing was held before a Hearings Officer on October 20, 2015; the hearing was closed that evening, and a decision of approval was issued on December 10. Staff contact: Chris Schmoyer, Chris.Schmoyer@deschutes.org

KC Development Group, LLC and Tumalo Irrigation District (247-15-000226-CU, 227-CU/228-LM/383-MA/384-SP/385-V.):

Pursuant to the BOCC's decision on Land Use File 247-14-000238-PS, the Planning Division re-issued the Land Use Compatibility Statement regarding the transfer of 108 acre-feet of water and required Tumalo Irrigation District to apply for conditional use permits to create two reservoirs and establish a recreation facility (ski lake). A public hearing was opened on July 1, 2015 and then continued to September 29, 2015. The applicant subsequently applied to modify the application to allow up to 20 guests at the recreational facility, and applied for site plan review and a variance from the Rural Residential Zone (RR10) setback standards. The continued public hearing was conducted on September 29, 2015, with the written record closing on November 3, 2015. Staff expects the Hearings Officer's decision to be issued in January of 2016. Staff contact: Anthony Raguine, Anthony.Raguine@deschutes.org

KG Ranch (Alfalfa) CUP – The applicant requests 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 conducted a hearing on November 10, 2015; a decision is expected in early January 2016. Staff contact: William Groves, William.Groves@deschutes.org

Lower Bridge Road LLC (247-15-00194-CU/195-TP):

The applicant requests approval of applications for a conditional use and tentative plan for a planned development (19 residential lots) in the Rural Residential (RR-10) and Flood Plain (FP) Zones, that are also within the Landscape Management Combining Zone. A Hearings Officer issued a decision on

September 11, 2015, finding that the proposal does not comply with all applicable regulations. On September 23, 2015, Lower Bridge Road, LLC appealed the decision to the BOCC. The BOCC has agreed to hear this appeal and a public hearing occurred on January 6, 2016. The written record is open until January 29, 2016. Staff contact: William Groves, William.Groves@deschutes.org

Miller Tree Farm Subdivision and Conditional Use (247-14-000242-CU/243-TP; 247-14-000244-CU/245-TP; 247-14-000246-CU/247-TP; 247-14-000248-CU/249-TP; 247-14-000250-CU/251-TP):

The Planning Division received five conditional use permit and tentative plat applications to establish a planned unit/cluster development (subdivision). The applications propose a total of 50 two-acre residential lots and over 422 acres of permanently preserved open space, most of which will be publicly accessible via a comprehensive trail network. A public hearing before a Hearings Officer was held on Thursday, November 20, 2014. On March 18, 2015, the Hearings Officer denied all five subdivision applications due to lack of detail with respect to the required wildfire and wildlife management plans. The denials were appealed to the BOCC. A public hearing before the BOCC was held on July 8, 2015. On October 7, 2015, the BOCC approved all five subdivisions. On October 29, 2015, Central Oregon Landwatch filed a Notice of Intent to Appeal all five BOCC approvals to the Land Use Board of Appeals (LUBA). Staff contact: Anthony Raguine, Anthony.Raguine@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 Vandeventer Road. A public hearing was conducted before the Deschutes County Hearings Officer on October 27, 2015. The hearing was continued to November 24, 2015 to allow the applicant to submit additional information. A decision is expected in January or early February. Staff contact: Anthony Raguine, Anthony.Raguine@deschutes.org

Riley Ranch Nature Reserve (247-15-000333-CU/334-SP): The Bend Park and Recreation District submitted conditional use and site plan applications to establish a 184-acre regional park to be known as the Riley Ranch Nature Reserve. The proposed park will include open space, trails, a boardwalk, three parking areas, gathering areas, restroom facilities, overlooks, river access areas, environmental education and programming at the Jeffers House, road improvements, and a bridge that will cross the Deschutes River. The Planning Commission approved the proposal on November 12. Staff contact: Anthony Raguine, Anthony.Raguine@deschutes.org

Shepherd Private Park (247-14-000-228-CU/229-SP): On February 3, 2015 staff issued an administrative approval of a conditional permit and site plan review (247-14-000228-CU/229-SP) to establish a private park on an EFU-zoned parcel east of Sisters for the purpose of hosting weddings, wedding receptions, special events, and recreational activities. The BOCC approved this application April 22, 2015. LUBA reversed this approval on August 17, 2105. An appeal of this reversal to the Court of Appeals has been filed. Staff contact: Will 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 Officer's denial to the BOCC. The BOCC denied to hear the appeal on December 21. On December 31, the applicants appealed the HO decision to LUBA. Staff contact: Peter Gutowsky, Peter.Gutowsky@deschutes.org

Tumalo Irrigation District (247-15-000222-LR/430-A): Tumalo Irrigation District requested a Lot of Record Verification for property identified on Assessor's Map 16-11-00, Tax Lot 7891 (former Tumalo Reservoir site). Staff determined the subject property constitutes eight legal lots of record, including five legal lots requested for review with the application. Staff also determined the subject property includes four areas that are not recognized

as legal lots of record. The administrative decision was subsequently appealed. A public hearing before a Hearings Officer was conducted on September 8, 2015. On November 12, 2015, the Hearings Officer issued a decision approving and affirming the applicant's Lot of Record Verification and staff decision. Central Oregon LandWatch appealed the decision to the BOCC on November 23, 2015. The BOCC has agreed to hear this appeal on the record (no new evidence). Written arguments for all parties will end on January 11, 2016. Rebuttal written arguments by the applicant will end on January 25, 2016. Board deliberations will occur in February. Staff contact: Cynthia Smidt; Cynthia.Smidt@deschutes.org

Widgi Creek (TP-14-1024/SP-14-8/LM-14-17): Arrowood Development, LLC, submitted applications for a tentative plat for a 24-lot zero lot-line subdivision, and site plan and landscape management review for the dwelling units on the proposed lots. These applications were heard before a Hearings Officer, who approved them in a written decision dated September 29, 2014. The BOCC decided not to hear the appeal, under Order No.2014-036. A Notice of Intent to Appeal to LUBA was received on December 11. LUBA remanded the Hearings Officer's decision by a Final Opinion and Order dated June 2, 2015. The applicant appealed LUBA's final order and opinion to the Court of Appeals. The Court of Appeals affirmed LUBA's decision without opinion on September 23, 2015. Staff contact: Will Groves, William.Groves@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. The hearing date is tentatively scheduled for January 27, 2016. Staff contact: Will Groves, William.Groves@deschutes.org

Widgi Creek(247-14-000395-TP/396-SP/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. The hearing date is tentatively scheduled for January 27, 2016. Staff contact: Will Groves, William.Groves@deschutes.org

Long-Range Planning

Agricultural Lands/HB 2229: Last May, the BOCC submitted a letter to Director Rue respectfully requesting rulemaking for HB 2229. Later this winter, staff will initiate 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 processes allowed under State law to change EFU zoning; 2) a text amendment to zoning code providing a definition of agricultural-exempt buildings; and, 3) reducing setbacks in the Forest 2 Zone, explicitly for Haner Park Subdivision. Staff contact: Matt Martin, Matt.Martin@deschutes.org

Bend Airport Master Plan Update: The City of Bend met with County staff on December 9 to discuss the Bend Airport Master Plan (BAMP) Update and the County's land use application process. The County will require the City to demonstrate compliance with the Transportation Planning Rule (TPR) as part of the City's land use application, although no timeline has been set for that submittal. The land use application will amend the County's Comprehensive Plan, Transportation System Plan (TSP), and Title 18 of the Airport Development Zone to implement the BAMP. Staff contact: Peter Russell, Peter.Russell@deschutes.org.

Code Enforcement Task Force: The BOCC held a public hearing on Nov. 30 on first reading of Ordinances 2015-019 and 2015-020 to implement File 247-15-000491-TA, which is a text amendment to the County's development code at Title 22. The changes pertain to how to deal with land use applications and/or building permits on properties with existing code enforcement violations or unfulfilled conditions of approval. The BOCC discussed at length whether the prohibition would apply to outright permitted uses. The BOCC continued the hearing to December 21, where it decided the ban would apply to outright permitted uses and held a second reading. The ordinances take effect March 21, 2016. Staff contact: Peter Russell, Peter.Russell@deschutes.org

Eagle Crest Text Amendments: Oregon Resorts, LLC, proposed a text amendment that creates an updated reporting methodology for Eagle Crest Resort to more accurately and annually report the availability of overnight lodging units made available through the Resort's central reservation system and third-party property management services. Under the proposed text amendment, overnight lodging units would be documented through a monthly review of the Eagle Crest central reservation system as well as third-party websites (VRBO, Flipkey, Homeaway, etc.) that advertise individually-owned units available for overnight stays. Eagle Crest would be required to document the weeks that the units are advertised as being available and count as overnight units all units that meet or exceed the 38 week minimum. The BOCC deliberated and adopted the amendments on January 4, 2016. Staff contact: Peter Gutowsky, Peter.Gutowsky@deschutes.org

Goal 11 (Sewer) Exception for Southern Deschutes County: The BOCC held a continued public hearing at La Pine High School on January 6 on Ordinance 2015-007 which implements File 247-15-000308-PA to allow sewers in the rural portions of southern Deschutes County. The BOCC took two hours of public testimony of which the major elements were whether there is a public health hazard; various ideas on how to monitor groundwater to see if the problem is basinwide or localized; the state's regulatory authority regarding requiring sewers; the financial aspects of sewers; and support for Goal 11 as a tool for local property owners. The BOCC closed the oral record but left the written record open until January 20. The BOCC will hold deliberations on January 27 at 10 a.m. in the Barnes and Sawyer rooms. The La Pine location was selected at the Board's November 23 continued public hearing. 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

Historic Preservation: A nomination was submitted to the State Historic Preservation Office (SHPO) for a segment of the Pilot Butte Canal to be included on the National Register of Historic Places in November 2014. In July 2015, the nomination was returned by the National Park Service (NPS) for corrections. In November 2015, a revised nomination was submitted to SHPO for consideration. This nomination has been forwarded to the NPS for final consideration. A decision is expected in February. Staff contact: Matt Martin, Matt.Martin@deschutes.org

Housekeeping Amendments: The Planning Division proposed a package of “housekeeping” text amendments to correct errors, incorporate changes to state law, and provide clarification to existing land use regulations and policies. These amendments do not alter the permitted uses or use standards of the Code. The BOCC held a public hearing on December 9 to consider the proposal and approved the amendments as proposed the same day. The amendments will go into effect on March 28. Staff contact: Matt Martin, Matt.Martin@deschutes.org

Sage-Grouse: On September 22, 2015, the U.S. Fish and Wildlife Service determined federal land management plans and partnerships with states, ranchers, and NGOs avert an endangered species listing. On the same day, the Bureau of Land

Management (BLM) and the U.S. Forest Service (USFS) issued Records of Decisions finalizing land use plans that will conserve key sagebrush habitat and address identified threats to the greater sage-grouse on federal land. On July 24, the Oregon Land Conservation and Development Commission (LCDC) adopted new rules that address potential conflicts between “large-scale development” and sage grouse habitat. They became effective on August 13. State law, ORS 197.646(3) requires Deschutes County to implement them. The BOCC adopted comprehensive plan and zoning text amendments consistent with State law on December 21. Staff contact: Peter Gutowsky, Peter.Gutowsky@deschutes.org

Transportation Miscellany: Staff reviewed and provided comments on December 23 on Oregon’s draft Transportation Safety Action Plan (TSAP) Update, which sets policies and priorities for the Oregon Department of Transportation (ODOT). Staff complimented the agency for the thoroughness of the draft and its technical appendices, but pointed out fatal crashes involving either pedestrians or motorcycles needed further emphasis, based on rates and numbers of fatal crashes for those two modes. Staff will attend a January 22, 2016, listening session in Bend on TSAP. Staff contact: Peter Russell, Peter.Russell@deschutes.org



Congrats to Paul Blikstad on a well-deserved retirement after 30 years!