



Community Development Department

UPDATE

MAY, 2016

From the Director's Desk

Greetings from your Community Development Department!

We have more news to report this month than we can fit into our *Update*, and by the time this *Update* is published, like new technology, it may be a bit out of date. Things are moving fast around here. You can always keep up-to-date by following Deschutes County on social media and our website.

We are pleased to announce several new members of our Community Development Department team. Last month, Len Colliander joined our Building Division as an on-call Building Inspector. This month we welcome new limited duration Code Enforcement Technician Chris Tiboni and on-call Associate Planner Paula Mason. Next month Sherri Pinner will become our new Management Analyst. We are very fortunate to expand our team with such talented and dedicated professionals who will allow us to maintain a consistent level of high quality services during a period of continued growth in planning, development, and enforcement activity.

This month marks the conclusion of Planning Commissioner Dr. Jim Powell's remarkable tenure with Deschutes County. Commissioner Powell served the maximum number of terms/

years in this position in the 1980s and again from 2010 through this month. We will greatly miss Dr. Powell's commitment and passion for public involvement. The depth and breadth of his knowledge, research, and inquisitiveness consistently elevated the quality of the Commission's land use recommendations to the Board of County Commissioners. We thank him for his extraordinary contributions.

We are celebrating National Historic Preservation Month and Centennial with numerous activities throughout the County. We hope you join us by attending and participating in one or more of the many activities occurring around the County. A full schedule of events is posted on our website at: <http://www.deschutes.org/100years>

If you are interested in learning more about the status of the County's decision making on marijuana land use regulations, please visit <http://www.deschutes.org/marijuana>

Finally, if you are interested in learning about the Oregon State-Wide Planning program, consider attending a training session by the Oregon Chapter of the American Planning Association on June 29 from 1:00-4:30 at the Deschutes Services Building for \$25. To register, please go to: <http://www.oregonapa.org/events/>

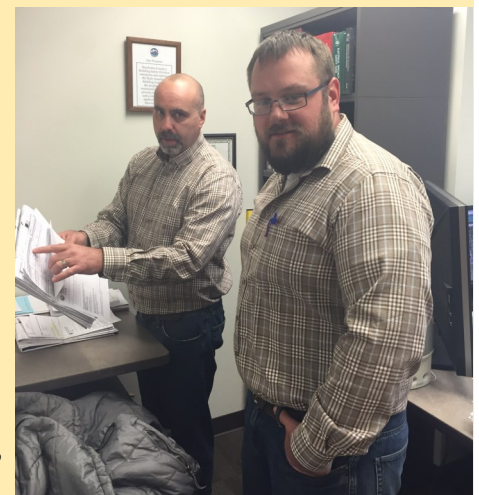
Building Safety

As we begin the 2nd quarter of 2016 we are grateful that Central Oregon is a destination for retirees, as it gives us access to retired building inspectors, like Len Colliander, who are willing to work for us on an on-call basis. On-call inspectors give us a "depth of bench" to cover vacations, hunting seasons, medical situations... and keep up our reputation of completing 98% of all inspections on the same day if called in by 7:30 am, while continuing to operate with a lean crew.

Steve Wills has recently filled our Building Inspector III position from FY 2015. Steve has all four residential certifications and Commercial Structural and Commercial Mechanical. He is great addition to the team and has fit right in with his own inspection territory.

Rainer Doerge, one of our Building Inspector III's, recently passed his Oregon Specialized Electrical Inspector's Certification and can now conduct limited commercial electrical inspections. Rainer joins Inspectors Dan Swarthout and David Imel in obtaining this certification. Congratulations, Rainer!

July and the new fiscal year's budget should bring two new proposed full-time positions to our department. Since we are fee driven, we adjust our staffing levels based on work volume. While we always lag behind the curve and are very cautious in our staffing decisions, it will be nice to have the additional help.



**New dress code
for Building
Safety?**

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

www.deschutes.org/calendar

Code Enforcement is in the process of hiring a limited duration code enforcement position to help investigate the increased volume of complaints that we have been experiencing over the last two years. We hope to have the new person starting in mid-May to provide some much needed capacity to code enforcement. Since the beginning of this year, code enforcement has had over 170 complaints submitted for investigation.

The permit technicians have had a very busy construction season already this year. Based on the volume of phone calls and fee estimate requests we are receiving, this promises to continue to be a very busy building season. The La Pine satellite office is open on Tuesdays in the La Pine City Hall, and the Redmond satellite office is open on Thursdays in the Fairgrounds administration building for the convenience of our customers.

Current Planning

Bull Springs Ranch LLC, Partition (247-15-000668-MP):

Minor Partition to divide an approximate 528 acre parcel into three parcels of 40, 246 and 242 acres. The property is zoned Forest Use (F1), Rural Residential (RR-10) and Surface Mining (SM). The matter will be before a Hearings Officer at a public hearing scheduled for May 24, 2016. Staff contact: Chris Schmoyer, Chris.Schmoyer@deschutes.org

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. A public hearing before a Hearings Officer will be scheduled on a date 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

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. The BOCC held a public hearing. The record is closed and deliberation is scheduled for May 16. Staff contact: William Groves, William.Groves@deschutes.org

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

The applicants applied for conditional use permits to create two reservoirs and establish a recreation facility (ski lake). 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. After two public hearings, the Hearings Officer denied the applications. Appeals were filed by both the applicant and an opponent. The BOCC declined review of the appeals. This decision was appealed to LUBA, with the appeal subsequently withdrawn. Staff contact: Anthony Raguine, Anthony.Raguine@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): 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 is 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 and they heard the appeal at a public hearing on January 6, 2016. Board deliberations will occur in on May 16, 2016. Staff contact: William Groves, William.Groves@deschutes.org

ODOT Noise Variance (247-16-000104-V): ODOT requests a noise permit for proposed nighttime construction associated with a modernization and pavement preservation project. The project will include: 1) Widening of the western side of Highway 97 by seven feet to install a median barrier from milepost (MP) 144.04 to MP 147.56; 2) Pavement preservation in the form of grinding old pavement and inlaying new

pavement on Highway 97, both north and south of the median installation, from MP 141.86 to MP 149.22; and 3) Up to four disposal sites located along Highway 97 to temporarily store waste materials, asphalt grindings, and woody debris. The project is proposed to begin in June, and be completed by October 31, 2016. The BOCC held a public hearing and approved it on May 11, 2016. 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 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. Staff contact: Anthony Raguine, Anthony.Raguine@deschutes.org



Unexpected guests headed to a staff meeting

Saturn Power (247-15-000617-CU; 247-15-000618-LM; 247-15-000619-SP; 247-15-000599-LL): The Planning Division approved a conditional use permit, site plan review, and property line adjustment for a photovoltaic solar power generation facility (solar farm) located on a 95.5-acre farm-zoned property between the cities of Bend and Redmond and adjacent to Highway 97. The decision became final on May 3, 2016. Staff contact: Cynthia Smidt; Cynthia.Smidt@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 is to be determined. 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 denied to hear it on December 21. The applicants subsequently appealed the HO 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 heard the appeal on-the-record (no new evidence) and deliberated on February 29, 2016. The BOCC issued a decision approving the Lot of Record Verification on April 27, 2016. 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 currently on hold but the matter has been identified for a public hearing. 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. Following an appeal to LUBA and a remand from LUBA, the Hearings Officer conducted hearings on this matter on February 16 and March 1, 2016. This matter was approved on remand by the Hearings Officer and the decision is final. 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. Following Board hearings on January 27 and February 29, 2016 the record is closed and a Board deliberation is scheduled for June 27. 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 is closed and a Board deliberation is scheduled for June 27. Staff contact: Will Groves, William.Groves@deschutes.org

Long-Range Planning

Bend Airport Master Plan Update: A public hearing was held April 12 and the dominant theme from the public was noise, especially from helicopters. Both City and County staff pointed out that airborne operations are under the control of the Federal Aviation Administration (FAA), not the City, County, or State. Other topics included traffic, compatibility with rural lifestyles, and whether the entire 2013 BAMP must be adopted. (The entire 2013 BAMP was submitted as Exhibit C). The oral record closed April 12, the written record closed April 26, rebuttal closed May 3 and final rebuttal closed May 10. Earlier on March 29 a public hearing was opened and then immediately continued to April 12. No members of the public attended nor provided comment at the March 29 hearing which the applicant attended but did not present. The continuation was due to a second public notice that better summarized the applicant's intent to 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 rescind the entire 2002 BAMP. The application also amends language in the County Comprehensive Plan and Transportation System Plan (TSP) to update references to the 2013 BAMP. 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

Destination Resort Tracking: The Goal 8 destination resorts (Caldera Springs, Eagle Crest, Pronghorn, and Tetherow) all are required to provide annual reports to the County regarding the availability of overnight units. The resorts vary widely in how they provide overnight lodging units (OLUs) with some having hotels, some having cabins, some having single-family homes with rooms that theoretically can be rented individually, aka lockouts, or a combination of all of these. The resorts must either provide or bond for the OLU's. Staff has been working on a database that would track the requirements for each resort based on its land use approvals. Staff presented a draft version as an informational item at the April 28 Planning Commission meeting and sent a copy to the representatives of the various Goal 8 destination resorts for comment. Staff contact: Peter Russell, Peter.Russell@deschutes.org

Goal 11 (Sewer) Exception for Southern Deschutes County:

The County received notice that 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 Advisory Committee (MAC): The MAC was a BOCC-appointed committee comprised of 13 Deschutes County residents. The MAC was charged with developing and recommending reasonable time, place, and manner land use regulations to mitigate the impacts of medical and recreational marijuana uses – especially production. The MAC met for seven meetings between February 10 and April 7, 2016, for a total of 26 hours. The MAC recommendations were compiled in a final report and were presented to the BOCC on April 27. 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 lands which

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. This summer, staff will coordinate with the Planning Commission and BOCC to amend the Comprehensive Plan to recognize the critical habitat as a Goal 5 resource. New regulations are not anticipated because for over twenty-five years wetlands and riparian habitat in the upper Deschutes River basin is protected under existing rules. A majority of the critical habitat along the Upper Deschutes and Little Deschutes rivers is identified as wetlands on Local and National Wetland Inventories. Along both rivers, a riparian setback of 100 feet is also required for new development, measured from ordinary high water.

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 has yet to be scheduled. Staff contact: Matt Martin, Matt.Martin@deschutes.org

Transportation Miscellany: An ODOT consultant interviewed staff on April 6 regarding current and future freight issues on U.S. 97 and the effect on connecting County roads. Staff attended an April 14 Central Oregon Area Commission on Transportation (COACT) meeting to review and discuss project applications to ODOT and Connect Oregon. Staff contact: Peter Russell, Peter.Russell@deschutes.org.



NEWS RELEASE

For Immediate Release

Date: May 11, 2016

Contact: Nick Lelack, Community Development Director, (541) 385-1708

County Commissioners Initiate Process to Lift Ban on Marijuana Land Uses

After lengthy deliberations, the Board of County Commissioners has unanimously decided to initiate a process to lift the ban on marijuana land uses in rural Deschutes County.

After reviewing recommendations provided by the County's Planning Commission, Marijuana Advisory Committee and the public, the Board agreed on a framework for reasonable regulations to address sight, sound, smell and other impacts associated with the growing and processing of marijuana.

"Regardless of our Board's decision today, marijuana is not going away. Medical marijuana production has been legal since 1998 and now that the legislature allows overage to be sold on the recreational market we have a responsibility to address the impacts and bring both sides together," said Deschutes County Vice-Chair Tammy Baney. "With our decision today, we're hoping to find a balance between allowing an industry that is already legal and exists both in Oregon and in Deschutes County and preserving rural quality of life."

Now, County staff will draft and the Board will adopt new land use rules to regulate how marijuana can be grown, processed and sold in rural Deschutes County. Land use and development permit applications for medical and marijuana uses will not be accepted until the new rules go into effect.

"We deeply appreciate the time and energy that our planning commissioners, marijuana advisory committee members and so many county residents have invested in an effort to help us address this topic," said Deschutes County Chair, Alan Unger. "We've spent the past six months listening to folks on both sides of this issue as we worked to assess what appropriate reasonable regulations would look like for our unique region."

Next Steps:

- ◆ The Board will review draft marijuana land use regulations on Wednesday, May 25th. The draft regulations will be available online on Thursday, May 19 after 5 p.m.
- ◆ At their 10 a.m. business meeting on May 25th, the Board will have the opportunity to review and revise the draft regulations. If the Board supports the regulations as drafted, or only have minimal changes, they will conduct the first reading of the new rules.
- ◆ The required second reading of the new regulations would occur at least two weeks later on Wednesday, June 8 or the following week.
- ◆ The new regulations will take effect 90 days after their second reading. At that time, the County will require existing medical marijuana growers to fully comply (unless exempt by state law) with all new regulations within six months of the date that the new regulations are adopted. However, existing medical growers will need to comply with lighting standards that are outlined in new regulations as soon as the new regulations go into effect.

For additional information, please visit: www.deschutes.org/marijuana

To watch the Board's deliberations on this topic, please visit:
<http://www.deschutes.org/bcc/page/meetings-and-hearings-information>

