



Community Development Department

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MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Nick Lelack, Director

DATE: October 13, 2016

SUBJECT: Information Items: Work Plan Update, Brownfield Development Grant Completion, Performance Measures, Goal 14 Overview, Land Use Board of Appeals (LUBA), Planning Commission Retreat

SUMMARY

This memorandum covers five (5) informational items scheduled for discussion with the Planning Commission at this meeting.

PLANNING DIVISION WORK PLAN FY 16-17 UPDATE

The Board of County Commissioners (Board) conducted a work session on October 5, 2016 to discuss the Planning Division's 2016-17 Work Plan. Staff explained that long range planning projects continue to be overshadowed by the demands generated by development review (current planning). To meet the sustained increase in land use applications, the Division recently hired a new Associate Planner, hired a consulting planner, and allocated a portion of long range planning staff time (Senior Planner Peter Russell and Associate Planner Matt Martin) to review and process applications.¹ The Division is also recruiting for an on-call current planner to provide more temporary help with this fall's applications.

In addition, the Division is continuing to train four (4) new planners hired this year; coordinating with code enforcement on another record year for planning-related code enforcement cases; and conducting several marijuana pre-application conferences each week.

Staff summarized the status of the following long range planning projects:

- Bend Urban Growth Boundary (UGB): The Board conducted first and second reading and adopted by emergency Ordinances Nos. 2016-021 to 2016-023 on September 30.

¹ Land use application volumes are exceeding 2015 levels by over 10%. In addition, approximately 270 counter customers and 330 planning calls are received monthly by planning staff. Compounding the increase in land use application volumes and customer inquiries are: training four (4) new planners hired this calendar year; the complexity of applications submitted; the number and length of marijuana and other pre-application conferences; LUBA appeals and remands; and the resources required to address high levels of planning-related code enforcement cases.

- Brownfield Development Grant: The grant ended on September 30, 2016. It funded Brownfield inventories for Deschutes County and the cities of Bend and Redmond, nine (9) Environmental Site Assessments, and area-wide planning for Redmond’s mid-town. Planning Manager Peter Gutowsky will provide a brief presentation summarizing this project.
- Comprehensive Plan and Zoning Text Amendments: A work session and public hearing with the Board is scheduled for October 17 and 24 respectively, to consider three staff-initiated amendments relating to the Agricultural Lands Public Outreach discussions.²
 - A Comprehensive Plan amendment recognizing non-resource lands process allowed under State law to change Exclusive Farm Use (EFU) zoning;
 - A zoning text amendment providing a definition of agricultural-exempt buildings; and,
 - A zoning text amendment reducing setbacks in the Forest Use (F-2) Zone, explicitly for the Haner Park Subdivision.
- Zoning Text Amendment: A public hearing is scheduled with the Planning Commission on October 13 at 5:30 p.m. to take testimony on allowing existing buildings for hardship dwellings in EFU.

The Board and staff discussed several projects adopted in the FY 2016-2017 Work Plan as well as other, new projects proposed by residents over the past several months (e.g., some Deschutes River Woods residents have requested the County develop a grading ordinance).

The Board established the following list of priorities for projects and recognized that initiating projects will depend on resources available.

1. Central Oregon Large-lot Industrial Project: Coordinate with the City of Redmond, County Fairgrounds and Property and Oregon Department of State Lands (DSL) on a UGB amendment for a regional large-lot industrial campus.³ This project will be initiated by DSL and processed as a quasi-judicial land use decision with hearings before a Hearings Officer and the Board.
2. Floodplain: Initiate amendments changing the floodplain zone to a combining zone.
3. Housekeeping Amendments: Initiate amendments to update County code. Staff will propose a text amendment to address an issue just raised in a Land Use Board of Appeals (LUBA) decision though it is not a “Housekeeping Text Amendment.” On September 29, Deschutes County received a LUBA remand that undermines one of the ways the Community Development Department (CDD) issues a lot of record determination. *Grimstad v. Deschutes County* prevents CDD from recognizing properties which had a building permit prior to 2007 as a legal lot of record. Prior to this remand, CDD utilized this circumstance as one of the justifications for demonstrating a legal lot of record. Based on this LUBA decision, staff will initiate an amendment to the Lot of Record definition in Title 18 to incorporate ORS 197.176(2), which addresses the validation of a unit of land not lawfully established, where a building permit has been issued.

² The Planning Commission conducted a public hearing in March 2016. A Board hearing was placed on hold due to reallocating staff resources to draft and implement marijuana regulations.

³ According to the consultant hired by DSL, land use applications are not anticipated until early 2017.

4. Natural Hazards: Coordinate with the Planning Commission and the Board to discuss implementing recommendations from the University of Oregon's Community Service Center's 2014-15 review of County codes and policies regarding natural hazards and mitigation (floodplain and fire protection).
5. Community Plans: Engage Tumalo and/or Terrebonne residents to determine if community goals and policies meet the current and future needs of the area and, based on the input, consider initiating an update to one or both community plans.

PERFORMANCE MEASURES, OVERVIEW OF STATEWIDE PLANNING GOAL 14, LUBA, RETREAT

Staff will provide presentations on:

- (1) The Community Development Department's performance measures, including the purpose and background of the measures; and
- (2) An overview of Statewide Planning Goal 14 in preparation for the Commission's tour of selected properties surrounding the City of Bend during the retreat.

Staff will also summarize recent Land Use Board of Appeals (LUBA) opinions that directly impact the County, and pending and forthcoming appeals of County decisions. LUBA opinions are available online at <http://www.oregon.gov/LUBA/Pages/2016Opinions.aspx>.

Finally, staff will provide the details of the retreat planned for Thursday, October 20.