



Minutes

DESCHUTES COUNTY PLANNING COMMISSION
DESCHUTES SERVICES CENTER
1300 NW WALL STREET, BEND, OREGON, 97703
APRIL 24, 2025 – 5:30 P.M.

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I. Call to Order

Chair Matt Cyrus called the meeting to order at 5:30 p.m. Planning Commissioners present in person: Chair Matt Cyrus, Kelsey Kelley, Jessica Kieras, Mark Stockamp, Toni Williams, Nathan Hovekamp. Present via Zoom: Vice Chair Susan Altman. Staff present: Will Groves, Planning Manager, Tarik Rawlings, Senior Transportation Planner, Tanya Saltzman, Senior Planner, Stephanie Marshall, Senior Assistant Legal Counsel.

II. Approval of Minutes

The Planning Commission (PC) reviewed the minutes from the April 10, 2025, meeting.

Motion: Commissioner Williams moved to approve the minutes. Commissioner Stockamp seconded the motion.

Vote: The motion passed unanimously.

III. Public Comment

None.

IV. Action Items

1. **Public Hearing: Clear and Objective Housing Text Amendments – Goal 5 (Title 18)**

Presenter: Tanya Saltzman, Senior Planner

Tanya presented the proposed Clear and Objective Housing Text Amendments related to Goal 5 resources. She explained that this was the third amendment package in the clear and objective process, following previous modules addressing definitions and Title 17. The current amendments address provisions of Title 18 related to Goal 5 protections that affect housing development, including:

- Landscape Management Combining Zone
- Wildlife Area Combining Zone
- Sensitive Bird and Mammal Habitat Combining Zone
- Rim Rock Setbacks
- Wetland and Fill/Removal

Tanya emphasized that the proposed amendments do not alter the County's acknowledged Goal 5 inventories or impact areas. She explained that the amendments create a clear and objective pathway for

development that would run parallel to the existing discretionary pathway, allowing applicants to choose which process to follow.

Consultant Kate Rogers from MIG provided specific examples of how discretionary standards were converted to clear and objective standards:

1. In the Wildlife Area Combining Zone, the requirement that dwellings be within 300 feet of an existing road was maintained, but the discretionary exception process was removed for the clear and objective pathway.
2. In the Landscape Management Combining Zone, the subjective requirement for “muted earth tones” was replaced with a specific palette of 54 approved colors.
3. For non-reflective roofing materials, an objective Solar Reflectance Index measurement was proposed to replace subjective determinations, though staff may revisit this requirement to utilize a different measurement standard.
4. For vegetation screening requirements, specific standards were established requiring evergreen trees of certain size be planted a specific intervals.

Tanya reported that public comments had been received from Central Oregon LandWatch, Chair Cyrus, and Oregon Department of Fish and Wildlife (ODFW). ODFW expressed concern about the potential loss of site-specific analysis that occurs through their coordination in the current process.

The Commission discussed several aspects of the amendments:

- Commissioner Hovekamp asked about the potential use of a qualified biologist as part of the process to address ODFW’s concerns about losing site-specific analysis.
- Vice Chair Altman asked about protection of bird habitats outside of designated zones and about measurement specifications for setbacks from sensitive habitat sites.
- Chair Cyrus raised concerns about how the restrictions might create adverse incentives for landowners regarding preservation of nests and habitat.

Casey Roscoe provided public testimony expressing concerns about the limitation to 54 specific colors in the muted earth tones requirement, possibly negatively impacting local paint stores. She also questioned restrictions on gatherings and certain rural business activities like dude ranches and kennels, which she felt were compatible with rural lifestyles.

Motion: Following public testimony, Commissioner Williams moved to close the public hearing for oral testimony, leave the written record open until April 30, 2025 at 4:00 p.m., and set deliberations for May 8, 2025. Commissioner Stockamp seconded the motion.

Vote: The motion passed unanimously.

2. Deliberations: Clear and Objective Housing Text Amendments – Title 17 (Subdivisions)

Presenter: Tarik Rawlings, Senior Transportation Planner

Tarik presented the Commission with the Title 17 Clear and Objective Housing Text Amendments for deliberation. He noted that two additional written comments had been received since the public hearing:

1. Central Oregon LandWatch urging limitation of the review to non-policy choices.
2. Attorney Lisa Andrach pointing out concerns with existing and amended language.

The Commission discussed several issues:

- Expiration of Approvals - Chair Cyrus expressed concern about the 5-year maximum timeframe for approvals under the clear and objective track. Staff clarified that the existing code allows for 2-year approvals with extension options. The Commission requested staff review this provision to ensure flexibility is maintained, especially during economic downturns.
- Water Resources Requirements – Commissioners discussed concerns about the requirement for a professional engineer to certify that a development “will not result in any measurable drawdown of existing wells within one mile radius over a period of 50 years.” There was consensus that this standard, while well-intentioned, was practically impossible to meet and potentially outside the County’s regulatory authority. The Commission recommended the Board of County

Commissioners (BOCC) consider alternative approaches like requiring shared wells for larger developments.

- Fire Protection Requirements – The Commission discussed the requirement for written confirmation from fire officials and recommended simplifying this to verification that a property is within a fire district boundary and meets basic road standards for emergency vehicle access.
- Future Street Extensions – The Commission identified concerns about the provision requiring developers to provide for future extension of streets to adjacent undeveloped property, noting potential constitutional issues related to takings. The Commission recommended the BOCC review this provision.
- Multi-Use Pathways – The Commission expressed interest in rewording multi-use pathway language to specify that such pathways would only be located on the subject property.
- Road Frontage Requirements – Commissioners expressed concern about frontage requirements being too stringent and recommended the BOCC consider allowing easements as primary means of access in some situations.

Throughout the deliberations, Will Groves and Stephanie Marshall provided clarification on technical and legal questions.

V. Planning Commission and Staff Comments

Will Groves updated the Commission on several items before the BOCC, including:

- Hardship Dwelling Text Amendments.
- Comprehensive Plan reconsideration related to the petitioner's brief.
- RV's as rental dwellings, noting the BOCC had modified the minimum lot size to 2 acres generally and 5 acres in the South County groundwater area.

Commissioners expressed appreciation for the productive discussion and thanked staff for their work on these complex issues.

VI. Adjourn

Chair Cyrus adjourned the meeting at 7:08 pm.

Respectfully submitted by Tracy Griffin

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