



## Community Development Department

Planning Division Building Safety Division Environmental Soils Division

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### MEMORANDUM

**TO:** Deschutes County Planning Commission

**FROM:** Matthew Martin, Associate Planner

**DATE:** February 18, 2016

**SUBJECT:** Text and Plan Amendments Resulting from Agricultural Lands Public Outreach, County Land Use File Nos. 247-16-000021-TA and 247-16-000022-PA

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#### I. SUMMARY

The Planning Division is proposing a package of three text amendments to Deschutes County Code resulting from the agricultural lands program outreach conducted in 2014/15. The Planning Commission will conduct a work session on the proposed amendments on February 25, conduct a public hearing on March 10, and deliberate that evening or at a future meeting. The Commission may approve, deny, or revise the proposed amendments.

#### II. BACKGROUND

In 2014, the Board of County Commissioners (Board) directed the Community Development Department (CDD) to conduct a public outreach program to hear from and learn about community, stakeholder, and landowner opinions about Deschutes County farm designations and land uses. Specifically, in May 2014, the Planning Division conducted community conversations in Alfalfa, Bend, Brothers, La Pine, Sisters, and Terrebonne.

The Board and Planning Commission held two joint work sessions on June 26, 2014 and September 25, 2016 to discuss the results of the agricultural lands program public outreach efforts. Following those discussions, both Commissions requested additional information. Specifically, they asked about opportunities to expand housing options in the Exclusive Farm Use (EFU) zone. Staff evaluated HB 2229 and coordinated with former Planning Director John Anderson and the Oregon Department of Land Conservation and Development in winter 2015. Based on their input, it was determined HB 2229 in its present form prevented Deschutes County from initiating legislative amendments to change EFU zoning.

As a result, the County pursued two paths to continue to address agricultural land designations in Deschutes County. First, staff coordinated with the Board to send a letter to the

Department of Land Conservation and Development (DLCD) Director, Jim Rue, on May 6, 2015 requesting the department to initiate rulemaking to implement HB 2229 and clarify processes for: updating farmland and forestland designations for land use planning; phasing; regional approaches to resolving land use problems; non-resource lands containing ecologically significant natural areas or resources; carrying capacity of the lands; and significantly adverse effects. In addition, staff submitted this letter to the Land Conservation and Development Department in summer 2015 to include this project in the DLCD's work program 2015-2017.

Second, during the development of the Planning Division's FY 2015-2016 work program, the Planning Commission and the Board supported initiating the following amendments minor amendments:

- Comprehensive Plan amendment recognizing non-resource lands process allowed under State law to change EFU zoning; and,
- Zoning code amendment, reducing setbacks in Forest Use (F-2) zone for Haner Park Subdivision and an adjoining three acre tax lot.

In addition, staff is proposing a text amendment to define agricultural and equine exempt buildings to codify current CDD policy and practices (similar to most other Oregon counties).

### **III. SCHEDULE**

A work session is scheduled for February 25, 2016, and the public hearing before the Planning Commission is planned for March 10, 2016. Following the public hearing and recommendation of the Planning Commission, a public hearing is required before the Board of County Commissioners for final decision. The hearing before the Board will be held on a date yet to be determined.

Attachments: Draft Ordinance No. 2016-005  
Draft Ordinance No. 2016-006