

Text and Plan Amendments / Agricultural Lands

247-16-00021-TA
247-16-00022-PA

Applicant: Deschutes County

Work Session

February 25, 2016



Overview

- Background: Board of County Commissioners interested in exploring a Non-Resource comprehensive plan designation and zone for Exclusive Farm Use and Forest Use zones
- Summarize current proposal





Timeline...

Work Sessions
Sept. to Dec. 2013

Planning Commission discusses agricultural lands:

- North County Tour and Retreat
- Non-Resource Lands Program & Draft Work Plan
- Public Engagement Approaches
- 2 Panel Discussions: DLCD, Dept. of Ag, Irrigation Dist, SWCD, Ag. Industry, Farm Bureau
- Ag Exempt Buildings



2013 2014



Timeline...

Work Sessions
Jan to May 2014

Planning Commission discusses agricultural lands:

- Refines public engagement approach with input from staff, recommending community conversations, outreach strategies and stakeholder meetings



2013 2014



Timeline...

Community Conversations

May to June 2014

Staff conducts public outreach:

- Six community meetings in Alfalfa, Bend, Brothers, La Pine, Sisters, and Terrebonne
- Stakeholder meetings with Environmental Learning Center, Landwatch, and Farm Bureau
- Joint P.C. / BOCC work session discuss results and next steps



2014 2015



CITY OF REDMOND CENTRAL OREGON LANDWATCH

PANEL DISCUSSIONS

DESCHUTES BASIN BOARD OF CONTROL

Agricultural Lands

BEND

QUESTIONNAIRE

ALFALFA

PRESS RELEASE

STAKEHOLDER MEETINGS

ON-LINE SURVEY

PLANNING COMMISSION WORK SESSIONS

Public Outreach

DESCHUTES COUNTY

FACILITATED EXERCISES

LA PINE

BROTHERS

ODFW DESCHUTES COUNTY FARM BUREAU

WEBSITE UPDATES

BOCC WORK SESSIONS

TERREBONNE

Community Conversations

SISTERS

Community Conversations



Introduction



Active Exercises



Questionnaire



Passive Exercises

Is Deschutes County's Agricultural Lands Program Working?

Yes, it is working because . . .	No, it's not working because . . .	It depends because . . .
<ul style="list-style-type: none"> Does county support class for agriculture? Opportunities for restoring land, also agricultural, to be productive Technology is occurring in the region like greenhouses Preserving agricultural lands <ul style="list-style-type: none"> the state opportunities Farming/industry is working Plans for future <ul style="list-style-type: none"> Start in Tule Lake region could make production for processors will make the land more valuable From different markets ESU more affordable <ul style="list-style-type: none"> 50 different crops Meats (Pork, Beef) Small milling Certified organic farmers is a great opportunity <ul style="list-style-type: none"> value added emerging opportunities 	<ul style="list-style-type: none"> Destination resorts are a threat <ul style="list-style-type: none"> difficult to make a profit County rules <ul style="list-style-type: none"> hard to farm small, early restricted County susceptible to pressure that change land use for other purposes ESU's that may lose <ul style="list-style-type: none"> ESU's starting paying for ESU's reduce the benefit program doesn't allow small parcels to be returned to ESU's Highway properties also aren't farm compatible about agricultural activities impacts farmers How do you rectify this? 	<ul style="list-style-type: none"> market based <ul style="list-style-type: none"> capacity <ul style="list-style-type: none"> powerful from the state at the expense of the available not incompatible Collect impacts to farm operators when land use change Some farms on the border of ESU's land to regard, creating conflicts ESU's program could be improved <ul style="list-style-type: none"> County doesn't have capacity to process agricultural land but aside land for production (return) Supplemental activities that support agricultural should be expanded <ul style="list-style-type: none"> be careful of unintended consequences if you change land-use incompatible could threaten existing farms

Agri-tourism & restaurants similar to wineries & private dining
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Predominant Themes

RETAIN

REVISE

REDO

Theme 1 - Retain:

The program is working as intended and no changes are needed.

Theme 2 - Revise:

The program warrants refinement that is reflective of local conditions.

Theme 3 - Redo:

The program is ineffective and overreaching with unintended consequences.

Agricultural Lands Alternatives

Alternative A
Status Quo

No changes to Comprehensive Plan or zoning code

Alternative B
Minor Comp Plan Amendment

Minor Comp Plan Policy and text amendments that recognize existing Non-Resource Lands Process

Alternative C
Non-Resource Lands Program


Initiate Non-Resource Lands program. Engage community to draft eligibility criteria and new zone(s). Requires Comp Plan text and policy amendments and new zoning code

Alternative D
DLCD, LCDC and Legislative Representatives Report

Submit report to DLCD, LCDC, and legislative representatives, recommending opportunities to pursue regional farm land definitions and implement Big Look

Alternative E
Initiate Regional Project

Upon receiving State support through legislation, or DLCD resources, develop work plan to initiate regional project evaluating agricultural lands in Deschutes County

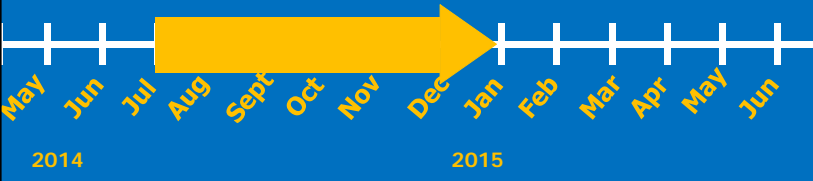


Timeline...


Planning Commission continues to discuss agricultural lands:

Work Sessions
July to Dec 2014

- Second joint work session with the BOCC discussing Comp Plan and Zoning text amendments **clarifying that resource lands can be changed through quasi-judicial process**
- Explore HB 2229 to correct mapping errors in farm and **forest zones**
- Medical hardship dwellings in CHCZ



2014 2015




Timeline...


Planning Commission continues to discuss agricultural lands:

Work Sessions
Jan to May 2015

- DLCD submits letter regarding HB 2229, expressing objections with the County's ability to correct "map errors"
- John Anderson, former Planning Director responds to staff interview, confirming County correctly designated farm and forest lands based on best available data in the 1970s and 80s
- Supports submitting a letter to DLCD Director to initiate rule making for non-resource lands to address "changed circumstances"



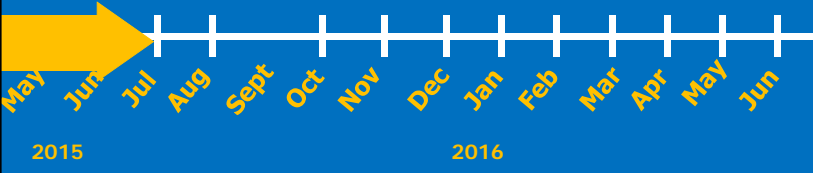
2014 2015



Timeline...
Direction
May to June 2015

Board of County Commissioners:

- Submits a letter to DLCD Director to initiate rule making for non-resource lands
- Adopts CDD's 2015-16 annual work plan which includes the following tasks:
 - ❖ Initiate a text amendment that reduces setbacks in forest land related to Haner Park
 - ❖ Clarify agricultural exempt buildings policy with Building Division, which may require text amendments



2015 2016



Timeline...
Direction
May to June 2015

Board of County Commissioners:

- Adopts CDD's 2015-16 annual work plan which includes the following tasks:
 - ❖ Initiate a Comprehensive Plan amendment to clarify that resource land, EFU and forest use parcels, can be re-designated and rezoned to non-resource lands through a quasi-judicial application process, without taking an exception to Goal 3 or Goal 4



2015 2016

Current Proposal

- **Comprehensive Plan Amendment**

Section 2.2 – Agricultural Lands

- ❖ Policy 2.2.3 - Allow comprehensive plan and zoning map amendments, including for those that qualify as non-resource land, for individual EFU parcels as allowed by State Statute, Oregon Administrative Rules and this Comprehensive Plan

Section 3.3 – Rural Housing

- ❖ Rural Residential Exception Areas - As of 2010 any new Rural Residential Exception Areas need to be justified through initiating a non-resource plan amendment and zone change by demonstrating the property does not meet the definition of agricultural or forest land, or taking exceptions to farm, forest, public facilities and services and urbanization regulations, and follow guidelines set out in the OAR

Current Proposal

- **Zoning Code**

Section 18.04.030 – Definitions

- ❖ “Agricultural building or equine facility” means - buildings and structures that are exempt from the State of Oregon Structural Specialty Code as agricultural buildings and equine facilities. A structural building permit is not required for agricultural buildings or equine facilities receiving special assessment for farm use.

Current Proposal

- Zoning Code

Section 18.40.100 – Forest Use 2 Zone, Yards and Setbacks

- ❖ B. Each side yard setback shall be a minimum of 25 feet- except:

1. All parcels or lots with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet; and
2. Tracts 1-58 located in Haner Park, located in Township 22, Range 09, Section 09BB and Section 04CC, and Tax Lot 2209000000600 shall have a minimum side yard of 25 feet as long as the side yard abuts the Forest Use 2 zone.

- ❖ C. Rear yards shall be a minimum of 25 feet, except:

1. All parcels or lots with rear yards adjacent to zoned forest land shall have a minimum rear yard of 100 feet; and
2. Tracts 1-58 located in Haner Park, located in Township 22, Range 09, Section 09BB and Section 04CC, and Tax Lot 2209000000600 shall have a minimum rear yard of 25 feet as long as the rear yard abuts the Forest Use 2 zone.

Questions of Staff