

Resource/Non-Resource Lands Text and Plan Amendments

File Nos: 247-16-000021-TA
247-16-000022-PA

Applicant: Deschutes County

Public Hearing

March 10, 2016



HEARING PROCEDURE

- The Planning Commission's recommendation on this application will be based upon the record, the staff report, and the testimony and evidence presented at this hearing.
- The hearing will be conducted in the following order:
 1. Staff will provide a brief report.
 2. The applicant will present its testimony and evidence.
 3. Opponents and proponents will testify and present evidence.
 4. Other interested persons will then present testimony or evidence.
 5. The applicant presents rebuttal testimony.
 6. Staff will be afforded an opportunity to make any closing comments.

PROPOSAL

- **Comprehensive Plan Amendments**

 - Section 2.2 – Agricultural Lands

 - Section 3.3 – Rural Housing

- **Agricultural Building and Equine Facilities**

 - Section 18.04.030 – Definitions

- **Haner Park Setback Exception**

 - Section 18.40.100 – Forest Use (F-2) Zone, Yards and Setbacks

BACKGROUND

Board of County Commissioners were interested in exploring a Non-Resource comprehensive plan designation and zone for Exclusive Farm Use and Forest Use zones. Process Included:

- Planning Commission Work Sessions
- Community Conversations
- Planning Commission/Board of County Commissioners Joint Work Sessions



BACKGROUND (cont.)

Board of County Commissioner's Direction:

- Submit a letter to DLCD Director to initiate rule making for non-resource lands.
- Adopted CDD's 2015-16 annual work plan which includes the proposed amendments.



COMPREHENSIVE PLAN AMENDMENTS

Overview

- Recognition of existing opportunity to change property currently designated/zoned resource to a non-resource designation/zone if the property does not meet definition of resource land (agricultural/forest).
- No Land Use Planning Goal Exception is required because property does not meeting definition of agricultural or forest land.

COMPREHENSIVE PLAN AMENDMENTS

Proposal

Comprehensive Plan Chapter 2 – Resource Management

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

COMPREHENSIVE PLAN AMENDMENTS

Proposal

Comprehensive Plan Chapter 3 – Rural Growth Management

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

AGRICULTURAL BUILDING/EQUINE FACILITY

Overview

- ORS 455.315 provides exemption to State structural codes for agricultural buildings and equine facilities. Must be located on farm or forest operation.
- Previous: Oregon Uniform Building Code (UBC) defined “farm use.”
- Current: International Building Code (IBC) does not define “farm use.”

DESCHUTES COUNTY

Application for Agriculture Building Exemption
Certain agriculture buildings are exempt from building permits under Chapter 1 Sec.105.2(13) of the International Building Codes and Oregon Law (ORS 455.315)

455.315 Agricultural building application of specialty code: regulation by county.

"Agricultural building" does not include:

- (a) A dwelling,
- (b) A structure used for a purpose other than growing plants
- (c) A structure in which 10 or more persons are present at any one time,
- (d) A structure regulated by the State Fire Marshal pursuant to ORS chapter 476,
- (e) A structure used by the public, or
- (f) A structure subject to Sections 4001 to 4127 Title 42, United States Code (The National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

DESCHUTES COUNTY

Application for Equine Facility Exemption
Equine facilities are exempt from building permits under Chapter 1 Sec.105.2(14) of the International Building Codes and Oregon Law (ORS 455.315)

455.315 Equine building application of specialty code: regulation by county.

(1) Nothing in this chapter is intended to authorize the application of a state structural specialty code to any equine building.

(2) As used in this section "equine facility" means a structure located on a farm and used in the operation of the farm for the stabling or training equines; or riding lessons and training clinics.

"Equine facility" does not include:

- (a) A dwelling,
- (b) A structure used for a purpose other than growing plants
- (c) A structure in which 10 or more persons are present at any one time,
- (d) A structure regulated by the State Fire Marshal pursuant to ORS chapter 476,
- (e) A structure used by the public, or
- (f) A structure subject to Sections 4001 to 4127 Title 42, United States Code (The National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

III 2441, a forest use agricultural

AGRICULTURAL BUILDING/EQUINE FACILITY Proposal

Zoning Code Chapter 18.04. Title, Purpose and Definitions.

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.



AGRICULTURAL BUILDING/EQUINE FACILITY Proposal

Zoning Code Chapter 18.04. Title, Purpose and Definitions.

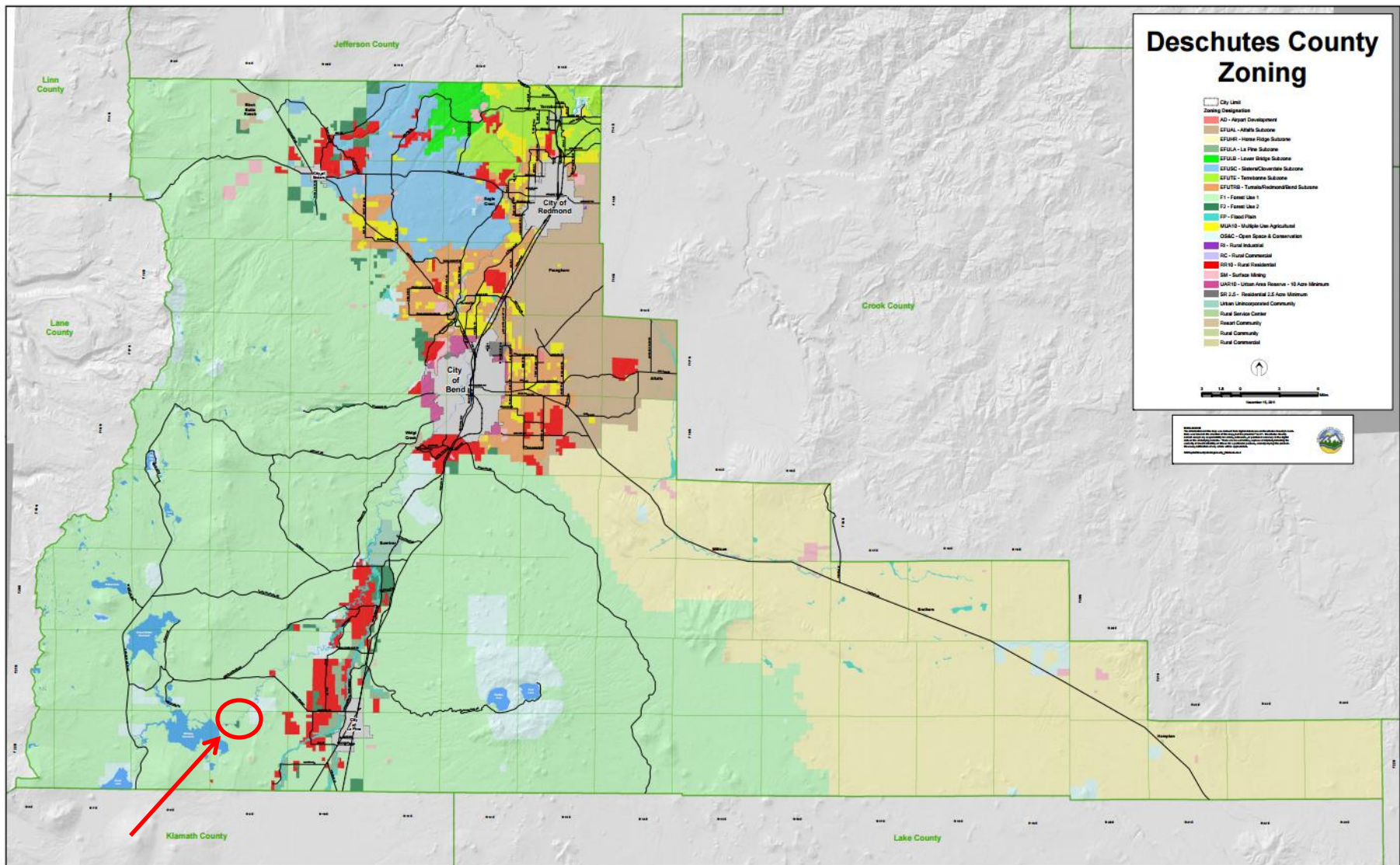
Section 18.04.030 – Definitions

“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 [located on a property] receiving special assessment for farm use.



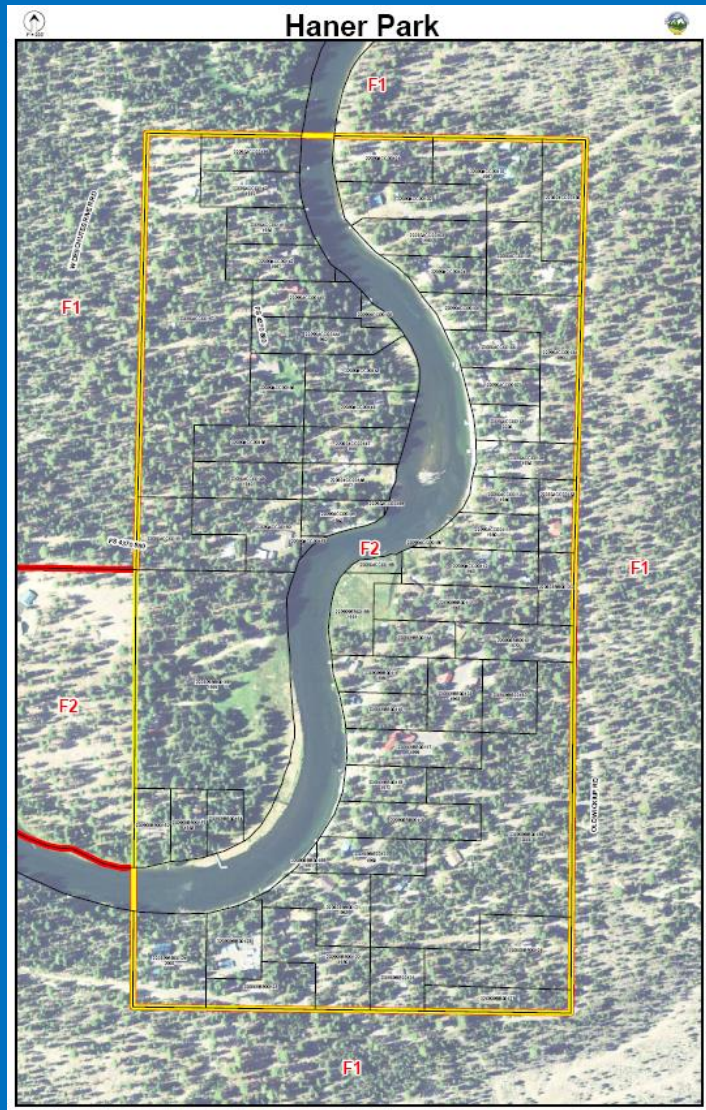
HANER PARK SETBACK EXCEPTION

Overview



HANER PARK SETBACK EXCEPTION

Overview



# Tax Lots	61
# Owners	52
# Dwellings	31
# Vacant Lots	30

Tax lots range between 0.25 and 7.25 acres. Most tax lots are between 0.5 and 1.0 acre

HANER PARK SETBACK EXCEPTION

Proposal

Zoning Code Chapter 18.40. Forest Use Zone – F-2

Section 18.40.100. 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.

HANER PARK SETBACK EXCEPTION

Proposal

Zoning Code Chapter 18.40. Forest Use Zone – F-2

Section 18.40.100. Yards and Setbacks.

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?

NEXT STEPS

At the Conclusion of Testimony the Planning Commission can:

1. Continue the Hearing to a Date Certain;
2. Close the Hearing and Leave the Record Open to a Date Certain; or
3. Close the Hearing, Commence Deliberations, and Consider Recommendation to BOCC.

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