Section 1.3 Land Use Planning

Background

This section establishes the overall framework for the development and implementation of plans and policies for land use within the County. Statewide planning guidelines require each county to establish a land use planning process based on current issues and factual information. The policies in this section assure that the County’s land use policies are current, fact-based and responsive to change. The policies recognize the need for coordination between the cities and the County and provide full public access to Plan documents and the information upon which land use decisions are based.

As noted throughout this Plan, there are two important things to remember. First, the Oregon land use system draws a bright line between rural and urban lands and promotes new growth and infrastructure in urban areas. Growth on rural lands is limited in order to protect farms, forests, open spaces and natural resources. Deschutes County is required to plan in compliance with the State planning system in order to promote orderly and efficient growth and protect the resources important to Oregonians.

Second, land use is often controversial because ultimately it can intermix community values with private property rights and expectations. A property owner may choose to keep pigs, or start a day care center or build a windmill. For each of those uses there may be impacts on the neighbors in the form of odors, traffic or blocked views. Land use regulations attempt to achieve a balance between giving property owners the freedom to use their property however they choose while maintaining the livability of the neighborhood and wider community. This Plan recognizes those tensions that occur when creating land use policies.

Land Use

Statewide Planning Goal 2 Land Use Planning, requires a fact-based land use planning process and policy framework to guide land use decisions. It requires comprehensive planning that identifies issues and complies with Statewide Planning Goals. Goal 2 also addresses the process to allow exceptions to Statewide Goals (see also Section 5.10).

In 1979 the County complied with the Statewide planning system by writing a Comprehensive Plan. From 1988-2003 the County underwent State mandated Periodic Review to ensure the Plan was still in compliance with changing State regulations. The 2008-2011 update was done outside of Periodic Review, which is no longer required for Oregon counties. Instead, the County recognized that to remain valid the Comprehensive Plan needed to be completely rewritten and updated. For historic reference, a copy of the Comprehensive Plan replaced by this Plan will remain available on the County website. This Plan is a policy document based on existing facts and community values. No specific land use designation changes are included in the 2008-2011 Plan update. Instead, this Plan revisits each Statewide Goal, its existing Goals and Policies, community values and new issues requiring policy direction. It lays out a blueprint for the future and defines what matters to County residents and businesses through updated Goals and Policies.
The Comprehensive Plan is implemented primarily through zoning and the zoning code must be regularly reviewed for compliance with the Plan. However, there are other tools for implementation, such as capital improvement plans, partnerships or incentive programs. To assure this Plan remains useful, an action plan identifying various ideas for implementing Comprehensive Plan policies will be created. The action plan will be annually updated and reviewed to identify and prioritize work plans for the coming year.

**Land Ownership and Jurisdiction**

When considering land use in Deschutes County two important factors are the amount of public ownership and which lands are under County jurisdiction. Table 1.3.1 shows nearly 80% of land in the County is publically owned. The implications of the large tracts of public land range from the loss of tax revenue to having vast open lands available for recreation for both tourists and residents.

**Table 1.3.1 – Public Land in Deschutes County 2010**

<table>
<thead>
<tr>
<th>Ownership</th>
<th>Acres*</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total County Acres</td>
<td>1,913,482</td>
<td>100%</td>
</tr>
<tr>
<td>Federal Government</td>
<td>1,466,067</td>
<td>76.6%</td>
</tr>
<tr>
<td>State Government</td>
<td>53,051</td>
<td>2.8%</td>
</tr>
<tr>
<td>County Government</td>
<td>10,434</td>
<td>0.6%</td>
</tr>
<tr>
<td><strong>Total Public Lands</strong></td>
<td>1,529,552</td>
<td>79.9%</td>
</tr>
</tbody>
</table>

* Acres of parcels – does not include roads, right-of-ways, lakes, rivers or other publicly-owned parcels such as cities or park districts

Source: County Geographical Information System

Table 1.3.2 shows jurisdictional responsibilities. Note that the federal government, primarily through the Bureau of Land Management and the U.S. Forest Service, owns over 76% of the land in the County. Federal lands are not required to conform to local regulations, such as zoning. They rely on their own resource plans. This means a majority of lands in the County are not under County jurisdiction. However, they remain in this Plan to encourage intergovernmental policy coordination.

**Table 1.3.2 – 2010 Land Jurisdiction in Deschutes County 2010**

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Acres*</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total County Acres</td>
<td>1,913,482</td>
<td>100%</td>
</tr>
<tr>
<td>Federal Government</td>
<td>1,466,067</td>
<td>76.6%</td>
</tr>
<tr>
<td>Bend Urban Growth Boundary</td>
<td>17,534</td>
<td>0.9%</td>
</tr>
<tr>
<td>La Pine Urban Growth Boundary</td>
<td>4,008</td>
<td>0.2%</td>
</tr>
<tr>
<td>Redmond Urban Growth Boundary</td>
<td>10,733</td>
<td>0.6%</td>
</tr>
<tr>
<td>Sisters Urban Growth Boundary</td>
<td>1,023</td>
<td>0.1%</td>
</tr>
<tr>
<td>Total Cities</td>
<td>33,298</td>
<td>1.7%</td>
</tr>
<tr>
<td><strong>Total Other Jurisdiction</strong></td>
<td>1,499,365</td>
<td>78.4%</td>
</tr>
</tbody>
</table>

* Acres of parcels – does not include roads, right-of-ways, lakes and rivers

Source: County Geographical Information System

In addition to Federal lands, four cities have primary jurisdiction over less than 2% of lands in the County. This includes lands outside the incorporated city boundaries, but inside urban growth boundaries. The urban growth boundaries define a municipality’s 20-year land supply to accommodate future growth. These lands are managed by the cities through intergovernmental...
agreements between the cities and the County. The bottom line is that the County has land use jurisdiction over approximately 22% of the land base.

**Comprehensive Plan Map Designations**

The Comprehensive Plan Map (Map) illustrates the County’s goals and policies. The Map describes land use categories that provide for various types of development and conservation for the rural area during the 20-year planning period.

Each Comprehensive Plan map designation provides the land use framework for establishing zoning districts. Zoning defines in detail what uses are allowed for each area. The Deschutes County Comprehensive Plan and Zoning Maps exist in official replica form as an electronic map layer within the County Geographic Information System. Other maps illustrating various Comprehensive Plan areas, such as rural commercial properties, are available to the public for informational purposes.

The Comprehensive Plan map designations are defined below.

**Agriculture:** To preserve and maintain agricultural lands for farm use.

**Airport Development:** To allow development compatible with airport use while mitigating impacts on surrounding lands.

**Destination Resort Combining Zone:** To show lands eligible for siting a destination resort.

**Forest:** To conserve forest lands for multiple forest uses.

**Nonprime Resource Lands:** To recognize lands defined as “nonresource lands” pursuant to OAR 660-004-005(3) that cannot qualify for an exception pursuant to applicable planning law and fail to satisfy the definitions of agricultural or forest lands contained in the Statewide Planning Goals, Oregon Revised Statutes, and implementing administrative rules.

**Open Space and Conservation:** To protect natural and scenic open spaces, including areas with fragile, unusual or unique qualities.

**Rural Residential Exception Areas:** To provide opportunities for rural residential living outside urban growth boundaries and unincorporated communities, consistent with efficient planning of public services.

**Surface Mining:** To protect surface mining resources from development impacts while protecting development from mining impacts.

**Resort Community:** To define rural areas with existing resort development that are not classified as a destination resort, based on Oregon Administrative Rule 660-22 or its successor.

**Rural Community:** To define rural areas with limited existing urban-style development, based on Oregon Administrative Rule 660-22 or its successor.

**Rural Service Center:** To define rural areas with minimal commercial development as well as some residential uses, based on Oregon Administrative Rule 660-22 or its successor.

**Urban Unincorporated Community:** To define rural areas with existing urban development, based on Oregon Administrative Rule 660-22 or its successor.

**Rural Commercial:** To define existing areas of isolated rural commercial development that do not fit under Oregon Administrative Rule 660-22.
**Rural Industrial:** To define existing areas of isolated rural industrial development that do not fit under Oregon Administrative Rule 660-22.

**Urban Growth Boundaries:** To define land that provides for urban development needs and identifies and separates urban and urbanizable land from rural land.

**Bend Urban Area Reserve:** To define lands outside of Bend’s Urban Growth Boundary that were under the jurisdiction of the Bend Area General Plan. These areas were removed in September 2016 through the 2016 amendment to the Bend Urban Growth Boundary. These areas are now under the jurisdiction of the County’s Comprehensive Plan.

**Redmond Urban Reserve Area:** To define Redmond’s additional 30-year growth boundary for lands expected to be brought into the Urban Growth Boundary.

**Comprehensive Plan Map Designations and Associated Zoning**

Table 1.3.3 lists existing Comprehensive Plan designations and related Zoning districts. Some Plan designations apply County-wide and some only apply to designated areas of existing development. The Destination Resort designation is a combining zone that supplements the underlying zoning. Most of the area-specific designations fall under the State rules for Unincorporated Communities and are detailed in Chapter 4 of this Plan. The Rural Commercial and Rural Industrial areas are detailed in Chapter 3 under Rural Economy.

**Table 1.3.3 - Comprehensive Plan and Zoning Code Designations**

<table>
<thead>
<tr>
<th>Comprehensive Plan Designation</th>
<th>Associated Deschutes County Zoning Code</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>County-wide designations</strong></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>Title 18 - All EFU subzones</td>
</tr>
<tr>
<td>Airport Development</td>
<td>Title 18 - AD, AS</td>
</tr>
<tr>
<td>Destination Resort Combining Zone</td>
<td>Title 18 - DR</td>
</tr>
<tr>
<td>Forest</td>
<td>Title 18 - F-1, F-2</td>
</tr>
<tr>
<td><strong>Nonprime Resource Lands</strong></td>
<td>Title 18 - NPR-10</td>
</tr>
<tr>
<td>Open Space and Conservation</td>
<td>Title 18 - OS&amp;C</td>
</tr>
<tr>
<td>Rural Residential Exception Area</td>
<td>Title 18 - RR-10 and MUA-10</td>
</tr>
<tr>
<td>Surface Mining</td>
<td>Title 18 - SM</td>
</tr>
<tr>
<td><strong>Area specific designations</strong></td>
<td></td>
</tr>
<tr>
<td>Resort Community</td>
<td>Title 18 - All Black Butte Ranch and Inn of the 7th Mountain/Widgi Creek subzones</td>
</tr>
<tr>
<td>Rural Community</td>
<td>Title 18 - All Tumalo and Terrebonne subzones</td>
</tr>
<tr>
<td>Rural Service Center</td>
<td>Title 18 - All RSC zones</td>
</tr>
<tr>
<td>Urban Unincorporated Community</td>
<td>Title 18 - All Sunriver subzones</td>
</tr>
<tr>
<td>Rural Commercial</td>
<td>Title 18 - Rural Commercial</td>
</tr>
<tr>
<td>Rural Industrial</td>
<td>Title 18 - Rural Industrial</td>
</tr>
<tr>
<td>Bend Urban Growth Area</td>
<td>Title 19 - UAR-10, SM, SR 2 ½, RS, IL, FP, WTZ</td>
</tr>
<tr>
<td>Redmond Urban Growth Area</td>
<td>Title 20 - UH-10</td>
</tr>
<tr>
<td>Sisters Urban Growth Area</td>
<td>Title 21 - UAR-10, OA, FP</td>
</tr>
<tr>
<td>Redmond Urban Reserve Area</td>
<td>Title 18 - RURA</td>
</tr>
</tbody>
</table>

Source: County Geographical Information System and Deschutes County Code
Intergovernmental and Other Coordination

Regional Coordination

Deschutes County is responsible for coordinating all planning activities affecting land uses within the County.

- Coordinating population forecasts
- Coordinating with special districts, including irrigation districts, park districts, school districts, sewer districts, and water districts
- Establishing Cooperation Agreements with special districts that provide an urban service in a UGB
- Coordinating with the U.S. Forest Service and Bureau of Land Management
- Joint Management Agreements with municipalities for managing urban growth areas (areas outside city limits, but inside a UGB)
- Establishing Urban Reserve Areas

The County recognizes the importance of working closely and cooperatively with the cities of Bend, La Pine, Redmond and Sisters, as well as special districts and state and federal agencies, to ensure a coordinated approach to future growth and conservation.

Cooperative Agreements

Cities are required to enter into a cooperative agreement with each special district that provides an urban service within a UGB. The appropriate city may also enter into a cooperative agreement with any other special district operating within a UGB.

Urban Service Agreements

Deschutes County has the responsibility for negotiating urban service agreements with representatives of all cities and special districts that provide, or declare an interest in providing, urban services inside an Urban Growth Boundary. Urban service means:

- Sanitary sewers;
- Water;
- Fire protection;
- Parks;
- Open space;
- Recreation; and
- Streets, roads and mass transit.
- Special Districts

Special Districts

Special districts are defined in ORS 198.010 and are recognized as government bodies. Special districts include the following.

<table>
<thead>
<tr>
<th>Table 1.3.4 - Special Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility district</td>
</tr>
<tr>
<td>Water supply district</td>
</tr>
<tr>
<td>Cemetery maintenance district</td>
</tr>
<tr>
<td>Park and recreation district organized</td>
</tr>
<tr>
<td>Mass transit district</td>
</tr>
<tr>
<td>----------------------</td>
</tr>
<tr>
<td>Metropolitan service district organized</td>
</tr>
<tr>
<td>Special road district</td>
</tr>
<tr>
<td>Road assessment district</td>
</tr>
<tr>
<td>Highway lighting district</td>
</tr>
<tr>
<td>Health district</td>
</tr>
<tr>
<td>Sanitary district</td>
</tr>
<tr>
<td>Sanitary authority, water authority or joint water and sanitary authority</td>
</tr>
</tbody>
</table>

**Other Coordination**

Besides intergovernmental coordination, Deschutes County generally supports coordination and partnerships with non-profits and other organizations that are working with residents to improve the quality of life in the County. There are groups working to address issues from affordable housing to clean rivers, from economic development to fire-free neighborhoods. Two examples of community projects that were completed from 2006-2010 are the Bend 2030 Plan and the Deschutes County Greenprint, both created after extensive public outreach. Note that the nature and extent of the County’s role will vary based on County priorities at any given time and that coordination on a project does not ensure County support of every action undertaken on that project. Still, partnering is an efficient and effective method of addressing important issues.

**County-Owned property**

When considering land use it is important to consider County-owned lands, which are managed through Deschutes County Code Title 11. As of 2009 there were nearly 700 individual parcels owned by the County, totaling almost 8,000 acres. Management of these properties consists of defining appropriate uses for different parcels, cleaning up illegal dumpsites, fire hazard reduction and public auction. Many of these properties were acquired through foreclosure for non-payment of property taxes. It is anticipated that the County will continue to acquire lands through foreclosure. Starting in 1994 the County began to designate certain sensitive properties along rivers, creeks or streams or with wildlife, wetlands or other values, as park lands. The intent was not to develop these lands for park use but rather to preserve lands with valuable resources. The park designation means that the lands would be retained in public ownership unless there was a public hearing and the Board of County Commissioners determined that selling was in the best interest of the public. ORS 275.330 governs the disposal of these lands, stating that if they are sold the proceeds must be dedicated to park or recreation purposes. As of 2009, there were approximately 70 properties designated as park lands under the following Orders.

**Order #**

<table>
<thead>
<tr>
<th>Order #</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>94-138</td>
<td>98-127</td>
</tr>
<tr>
<td>96-071</td>
<td>2004-001</td>
</tr>
<tr>
<td>97-147</td>
<td>2004-037</td>
</tr>
<tr>
<td>97-151</td>
<td>2006-019</td>
</tr>
</tbody>
</table>
Section 1.3 Land Use Planning Policies

Goals and Policies

Goal 1 Maintain an open and public land use process in which decisions are based on the objective evaluation of facts.

Policy 1.3.1 Protect the limited amount of privately-owned land in Deschutes County through consideration of private property rights and economic impacts to property owners and the community when creating and revising land use policies and regulations.
   a. Evaluate tools such as transfer of development rights programs that can be used to protect private property.

Policy 1.3.2 Consider sustainability and cumulative impacts when creating and revising land use policies and regulations.

Policy 1.3.3 Involve the public when amending County Code.

Policy 1.3.4 Maintain public records which support the Comprehensive Plan and other land use decisions.

Policy 1.3.5 Review the Comprehensive Plan every five years and update as needed, in order to ensure it responds to current conditions, issues and opportunities, as well as amended State Statute, Oregon Administrative Rules and case law.

Policy 1.3.6 Maintain and enhance web-based property-specific information.

Policy 1.3.7 The Deschutes County Comprehensive Plan Map will be retained in official replica form as an electronic map layer within the County Geographic Information System and is adopted as part of this Plan.

Policy 1.3.8 Implement, as appropriate, recommendations in the Final Report from the Oregon Task Force on Land Use Planning dated January 2009.

Policy 1.3.9 A list of actions to implement this Comprehensive Plan shall be created, maintained and reviewed yearly by the Community Development Department and the Board of County Commissioners.

Goal 2 Promote regional cooperation and partnerships on planning issues.

Policy 1.3.10 Regularly review intergovernmental and urban management agreements, and update as needed.

Policy 1.3.11 Participate in and, where appropriate, coordinate regional planning efforts.
   a. Provide affected agencies, including irrigation districts, an opportunity to comment and coordinate on land use policies or actions that would impact their jurisdictions.

Policy 1.3.12 Support non-profit or public acquisition of lands determined through an extensive public process to have significant value to the community.

Policy 1.3.13 Support implementation of the Bend 2030 Plan and incorporate, as appropriate, elements from the Bend 2030 Plan into this Plan.
Goal 3  Manage County owned lands efficiently, effectively, flexibly and in a manner that balances the needs of County residents.

Policy 1.3.14 Where feasible, maintain and manage County owned properties as follows:
   a. Manage designated park lands to preserve the values defined in the park designation;
   b. Permit public access to County owned lands designated as parks unless posted otherwise;
   c. Encourage properties located along rivers, streams or creeks or containing significant wildlife, scenic or open space values to be designated as park land.
Section 2.2 Agricultural Lands

Background

Protecting farm lands and the economic benefits of agriculture is one of the primary goals of the Oregon land use system. Statewide Planning Goal 3 establishes farmland identification and protection standards which must be met by local governments. The Goal requires farm lands to be preserved for farm uses, consistent with existing and future needs for agricultural products, forest and open space. Additional criteria for Goal 3 can be found in Oregon Revised Statute (ORS) 215 and in Oregon Administrative Rule (OAR) 660-33. These criteria spell out in considerable detail which lands shall be designated as farm lands and what uses are permissible.

The main concept is that local governments must inventory and protect farm lands though the use of Exclusive Farm Use (EFU) zones that provide primarily for the continuation of commercial-scale agriculture, including farm operations, marketing outlets and the agricultural support system. To provide a science based method of identifying farm lands, Statewide Goal 3 defines agricultural lands primarily through soil classifications. However, other lands can, and often must, be classified for farming based on the criterion ‘suitable for farm use’ or being near agricultural lands.

Excerpt from Statewide Planning Goal 3

“Agricultural Land … in eastern Oregon is land of predominantly Class I, II, III, IV, V and VI soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event.

More detailed soil data to define agricultural land may be used by local governments if such data permits achievement of this goal.

Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exceptions to Goals 3 or 4.”

Besides Statewide Goal 3, farming is protected in Oregon by “right-to-farm” law (ORS 30.930-047). This law protects commercial farms from nuisance suits brought about by generally accepted farming practices, such as noise, dust or odors.

County Agricultural Designations

Farm land designations in Deschutes County have been and continue to be highly controversial. In designating farm lands in the late 1970s, the County was hampered by the limited availability of soil maps. Where soil maps existed those were consulted, but the County also included irrigated lands and lands receiving farm deferrals for the previous five years. Ultimately, seven
separate agricultural areas were identified, each specifying minimum lot sizes. In general, non-urban, non-forest, undeveloped and uncommitted lands were determined to be farm lands.

Despite designating many agricultural areas by default, the 1979 Resource Element noted that based on agricultural determinants of soils, water, climate and economics, profitable farming in the County remained difficult. The findings for protecting non-profitable agricultural land noted the aesthetic value of farm land, the costs and hazards of allowing local development and the economic importance of rural open space.

In 1992 a commercial farm study was completed as part of the State required periodic review process. The study concluded that irrigation is the controlling variable for defining farm lands in Deschutes County. Soil classifications improve when water is available. Seven new agricultural subzones were identified based on the factual data provided in the 1992 study and minimum acreages were defined based on the typical number of irrigated acres used by commercial farms in that particular subzone (with the exception of the Horse Ridge subzone).

Like the 1979 Resource Element, the 1992 farm study noted the challenges of local commercial farming. The high elevation (2700-3500 feet), short growing season (88-100 days), low rainfall and distance to major markets hamper profitability. The 1992 study resulted in minimum lot sizes that are smaller than the State requirement of 80 acres for farm land and 160 acres for range land. These minimum lot sizes are unique in Oregon and were acknowledged as in compliance with Goal 3 by the Oregon Land Conservation and Development Commission. In general, County farm designations are effectively protecting farm lands while allowing limited land divisions.

**Deschutes County Agricultural Sub-Zones**

As noted above, the County maintains a unique set of farm sub-zones based on the average number of irrigated acres for each type of farm land as determined in the 1992 farm study. Irrigated land divisions in each sub-zone must result in parcels that retain the acreages shown in Table 2.2.1.

**Table 2.2.1 - Exclusive Farm Use Subzones**

<table>
<thead>
<tr>
<th>Subzone Name</th>
<th>Minimum Acres</th>
<th>Profile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lower Bridge</td>
<td>130</td>
<td>Irrigated field crops, hay and pasture</td>
</tr>
<tr>
<td>Sisters/Cloverdale</td>
<td>63</td>
<td>Irrigated alfalfa, hay and pasture, wooded grazing and some field crops</td>
</tr>
<tr>
<td>Terrebonne</td>
<td>35</td>
<td>Irrigated hay and pasture</td>
</tr>
<tr>
<td>Tumalo/Redmond/Bend</td>
<td>23</td>
<td>Irrigated pasture and some hay</td>
</tr>
<tr>
<td>Alfalfa</td>
<td>36</td>
<td>Irrigated hay and pasture</td>
</tr>
<tr>
<td>La Pine</td>
<td>37</td>
<td>Riparian meadows, grazing and meadow hay</td>
</tr>
<tr>
<td>Horse Ridge East</td>
<td>320</td>
<td>Rangeland grazing</td>
</tr>
</tbody>
</table>

Source: Deschutes County 1992 Farm Study

**Irrigation Districts**

As shown in the 1992 farm study, irrigation and irrigation districts are instrumental factors for Deschutes County agriculture. Irrigation districts in Oregon are organized as Special Districts under ORS Chapter 545. The districts are created for the purpose of delivering water to their...
patrons. As such they are effectively non-profit water user associations. In addition to irrigation, these districts also supply a number of other uses, including municipal, industrial, and pond maintenance. However, by and large the districts exist for the purposes of delivering irrigation.

Seven districts, which withdraw their water supply from the Deschutes River Basin, have formed an intergovernmental unit called a "board of control" under ORS 190.125. This organizational structure allows the districts to work together as a unit in implementing water conservation projects, providing educational resources, utilizing equipment and for other joint purposes. A key goal for the Deschutes Basin Board of Control is to preserve agricultural uses in those areas where irrigation improves soils to class VI or better.

The six irrigation districts listed below serve residents or have facilities within Deschutes County and are members of the Deschutes Basin Board of Control.

**Arnold Irrigation District**

The present Arnold Irrigation District was first organized as the Arnold Irrigation Company on December 27, 1904 and became official on January 9, 1905. As of 2010 the district manages approximately 65 miles of canals, ditches and pipes in an area of approximately 18,560 acres.

**Central Oregon Irrigation District**

The Central Oregon Irrigation District (COID) was established in 1918. The District provides water for approximately 45,000 acres within an 180,000 acre area in Central Oregon. More than 700 miles of canals provide agricultural and industrial water to irrigate Terrebonne, Redmond, Bend, Alfalfa and Powell Butte areas. In addition, COID provides water to the City of Redmond and numerous subdivisions. In Bend, many parks and schools receive water through the COID system. COID is also the managing partner in the operation of the 55,000 acre foot Crane Prairie Reservoir, located on the east side of the Central Cascades.

**North Unit Irrigation District**

The North Unit Irrigation District (NUID) was organized in 1916. As part of the Reclamation Act of 1902, Congress approved the Deschutes Project and in 1927 began construction of the project under the direction of the U.S. Bureau of Reclamation. The project was completed in 1949 allowing NUID to serve nearly 50,000 acres. Today NUID is the second largest irrigation district in Oregon, serving approximately 59,000 acres in Jefferson County. NUID maintains facilities in Deschutes County, including Wickiup Dam, Bend Headworks and the North Unit Irrigation Canal. NUID has a long-standing relationship with the U.S. Bureau of Reclamation as a result of the Deschutes Project.

**Swalley Irrigation District**

The Swalley Irrigation District was organized as the Deschutes Reclamation and Irrigation Company (DRIC) in 1899. In 1994 the shareholders of the DRIC voted to incorporate as an irrigation district and took the name of Swalley Irrigation District. The District has 28 miles of canals and laterals providing water to 667 customers.
Three Sisters Irrigation District

The Three Sisters Irrigation District (formerly Squaw Creek Irrigation District) was founded in 1917 from the Squaw Creek Irrigation Company and the Cloverdale Irrigation Company. They were founded in 1891 and 1903 respectively, making Three Sisters Irrigation District one of the oldest such districts in Oregon. The District serves approximately 175 water users over approximately 7,568 acres.

Tumalo Irrigation District

Originally known as the Tumalo Project, Tumalo Irrigation District started in 1904. In 1922 the Project reorganized as an irrigation district under Oregon state laws. The District serves approximately 60 square miles, irrigating approximately 8,093 acres, and has over 80 miles of canals, laterals and ditches serving 635 landowners.

Deschutes County Agriculture 2007 - 2009

The following statistics provide a snapshot of farming in Deschutes County.

Source: County GIS data

- Approximately 36% of the County or more than 700,000 acres are designated as Agriculture on the Comprehensive Plan map. Of that acreage, 69% is public, primarily Federal ownership leaving approximately 224,000 acres privately held.
- 160,078 acres of privately owned farm lands in the County receive special tax assessment for farm use.
- Of the acres receiving farm tax assessments, 44,221 are irrigated.
- In 2008 there were 3,725 agricultural parcels less than five acres.

Source: Oregon State University Extension Oregon Agricultural Information Network, Deschutes County Agricultural Commodity Sales for 2009 (preliminary estimate)

- $19,792,000 in agricultural sales, a drop from the 2008 preliminary estimate of $25,991,000. This follows slight upturns in sales between 2006-2008.
- 62% of agriculture sales are in crops and 38% in livestock. The primary crops are hay and alfalfa hay while the primary livestock is cattle. The biggest downturns for 2009 are non-alfalfa hay and cattle.

Source: United States Department of Agriculture, National Agricultural Statistics Service 2007 Census of Agriculture

- There are 1,405 farms in Deschutes County residing on 129,369 acres
- Average farm size 92 acres
- Approximately 24% of farms are under 10 acres and 78% are under 50 acres
- Total net cash farm income is negative
- 59% of farmers list their primary occupation as ‘Other’ rather than farming

The above data highlights the fact that farming in Deschutes County is generally not commercially profitable. For a majority of farmers, farming is not a sustaining economic activity, but rather a lifestyle choice. Living on a farm and farming as a secondary economic activity acknowledge a shift from commercial farming towards the benefits of a rural lifestyle.
Farm Trends 2010

Whatever the challenges, agriculture is part of Deschutes County’s culture and rural lifestyle. During the public input process, various ideas were discussed on how to preserve agricultural lands, open spaces and rural character of the County, while enabling landowners to make a living. The following ideas identify current trends that could be promoted by the County in conjunction with the local extension service and other agencies and organizations. It is important to emphasize that new uses must conform to State regulations.

Alternative energy: Development of small alternative energy projects would promote local energy self-sufficiency, using Central Oregon’s sun, wind, thermal, hydropower and biomass resources. Larger agricultural parcels could be used as commercial wind or solar farms to provide renewable energy as well as income to landowners.

Alternative uses: There is interest in allowing non-farm uses on farm lands to take advantage of agrarian lifestyles and Central Oregon’s setting. Ideas being discussed include agri-tourism or hosting weddings. Nonetheless, new non-farm uses must be evaluated to ensure they are compatible with ORS and OARs as well as existing land uses and zoning.

Local markets: Products from small farms are often sold to local markets. Additionally local consumption saves on transportation and energy, allowing better tracking of food sources thereby increasing food safety and improving freshness and quality. Buying local is a current trend that could benefit the County’s many small farmers. Community Supported Agriculture is one popular method, where farmers obtain paid subscriptions from customers, who then receive fresh produce every week for the season. Farmers markets and farm stands are another aspect of the local food movement.

Conservation easements: Many states are using programs to put permanent conservation easements on farm lands. As an example of a program that is not yet available in Oregon is the Purchase of Agricultural Conservation Easements (PACE). Funded by the federal government and a combination of other sources, PACE purchases development rights from farmers.

Niche markets: Small quantities or specialized products can be raised to meet particular markets, like organic products or peppermint oil.

Value-added products: Processing crops can increase profitability. An example would be making jam or jelly out of locally grown berries.

Farm Councils: Farm councils are being initiated around the country to promote local sustainable food. The Central Oregon Food Policy Council (COFPC) formed in 2010 to lead the effort to a sustainable and just food system. The COFPC is made up of 12-15 volunteers including representatives from agricultural production, public health, government and others interested in the local food system. Identified strategies include supporting access to local healthy food, advocating for public policies that increase sustainable food production and connecting stakeholders in the food systems field.

Big Look

In 2005 a task force was appointed by the Oregon Governor, Speaker of the House and Senate President to review the current land use system. The Oregon Task Force on Land Use Planning was a 10-member group representing various perspectives, charged with conducting a
comprehensive review of the Oregon Statewide Planning Program. Called the **Big Look Task Force**, this group was asked to make recommendations for any needed changes to land-use policy to the 2009 Legislature.

After three years of extensive input from experts and citizens throughout the State, the task force developed its findings and recommendations. *One of the primary conclusions reached was that Oregon needs a more flexible land use system that responds to regional variations.*

Two of the primary recommendations from the Task Force addressed agricultural and forest lands, recommending:
- Counties be allowed to develop regional criteria for designating farm and forest lands, if they also protect important natural areas and assure that development is sustainable.
- Counties be allowed to propose specialized rules to decide what lands are designated as farm or forest land.

**2009 Legislature / House Bill 2229**

House Bill (HB) 2229 began as the vehicle for legislative recommendations for the Big Look Task Force. However, by the time the Legislature adjourned, very little of the Task Force’s recommendations remained. HB 2229 does authorize counties to reevaluate resource lands and amend their comprehensive plan designations for such lands consistent with definitions of “agricultural land” and “forest land.” For example, the County could add irrigated lands to the regional definition of farm lands to acknowledge the results of the 1992 farm study. Anything that does not qualify as farmland or forestland may be rezoned for non-resource use, subject to conditions that development in the non-resource zones be rural in character, not significantly conflict with surrounding farm and forest practices, and not have adverse affects on such things as water quality, wildlife habitat, and fire safety. County rezoning activities must be pursuant to a work plan approved by the Oregon Department of Land Conservation and Development. This effectively means the work will be done similar to periodic review with the Land Conservation and Development Commission expressly given exclusive jurisdiction to review a county decision.

**Future of Deschutes County Farm Designations and Uses**

Statewide Planning Goal 3 requires counties to preserve and maintain agricultural lands. However, in discussions on the future of agriculture in Deschutes County, there are still differences of opinion over which lands should be designated farm lands and what uses should be allowed. Farm lands contribute to the County in a number of ways. Agriculture is part of the ongoing local economy. Wide-open farm lands offer a secondary benefit by providing scenic open spaces that help attract tourist dollars. Farm lands also contribute to the rural character that is often mentioned as important to residents. Finally, it should be noted that agricultural lands are preserved through State policy and land use law because it is difficult to predict what agricultural opportunities might arise, and once fragmented the opportunity to farm may be lost.

On the other hand, there seems to be widespread agreement that much of the local farm land is marginal, particularly without irrigation. The climate, especially the short growing season, makes commercial farming challenging. Statewide Planning Goal 3 does not really account for the conditions in Deschutes County, resulting in agricultural zoning being applied to land with no history of farming and limited potential for profitable farming. The small size of agricultural
parcels adds to the challenges. It has been argued that preserving farm lands benefits the wider public at the expense of agricultural landowners. There is considerable pressure to convert agricultural land to residential or other uses.

The debate is complicated because there are impacts to the farming community from converting agricultural lands to other uses. It can be challenging for a farmer who has residential neighbors because farming activities can have noise, odor or dust impacts. The right-to-farm law discussed earlier offers some protection to farmers, but as residential uses grow there is pressure to convert, leading to a greater loss of agricultural lands.

The goals and policies in this Section are intended to provide the basis for evaluating the future of agriculture in the County over the next twenty years. They are intended to provide, within State guidelines, flexibility to the farming community. County farm lands will be preserved by ensuring a variety of alternative paths to profitability.
Section 2.2 Agricultural Lands Policies

Goals and Policies

Goal 1  Preserve and maintain agricultural lands and the agricultural industry.

Policy 2.2.1  Retain agricultural lands through Exclusive Farm Use zoning.

Policy 2.2.2  Exclusive Farm Use sub-zones shall remain as described in the 1992 Farm Study and shown in the table below, unless adequate legal findings for amending the sub-zones are adopted or an individual parcel is rezoned as allowed by Policy 2.2.3.

Exclusive Farm Use Subzones

<table>
<thead>
<tr>
<th>Subzone Name</th>
<th>Minimum Acres</th>
<th>Profile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lower Bridge</td>
<td>130</td>
<td>Irrigated field crops, hay and pasture</td>
</tr>
<tr>
<td>Sisters/Cloverdale</td>
<td>63</td>
<td>Irrigated alfalfa, hay and pasture, wooded grazing and some field crops</td>
</tr>
<tr>
<td>Terrebonne</td>
<td>35</td>
<td>Irrigated hay and pasture</td>
</tr>
<tr>
<td>Tumalo/Redmond/Bend</td>
<td>23</td>
<td>Irrigated pasture and some hay</td>
</tr>
<tr>
<td>Alfalfa</td>
<td>36</td>
<td>Irrigated hay and pasture</td>
</tr>
<tr>
<td>La Pine</td>
<td>37</td>
<td>Riparian meadows, grazing and meadow hay</td>
</tr>
<tr>
<td>Horse Ridge East</td>
<td>320</td>
<td>Rangeland grazing</td>
</tr>
</tbody>
</table>

Policy 2.2.3  Allow comprehensive plan and zoning map amendments, including those that qualifying Nonprime Resource Lands defined as “nonresource lands” pursuant to OAR 660-004-005(3) as non-resource land, for individual EFU parcels as allowed by State Statute, Oregon Administrative Rules and this Comprehensive Plan.

Policy 2.2.4  Develop comprehensive policy criteria and code to provide clarity on when and how EFU parcels can be converted to other designations.

Policy 2.2.5  Uses allowed in Exclusive Farm Use zones shall comply with State Statute and Oregon Administrative Rule.

Policy 2.2.6  Regularly review farm regulations to ensure compliance with changes to State Statute, Oregon Administrative Rules and case law.

Policy 2.2.7  Encourage water projects that benefit agriculture.

Policy 2.2.8  Support a variety of methods to preserve agricultural lands, such as:
  a. Support the use of grant funds and other resources to assist local farmers;
  b. Work cooperatively with irrigation districts, public agencies and representatives and land owners;
  c. Encourage conservation easements, or purchase or transfer of development rights programs;
  d. Control noxious weeds;
  e. Encourage a food council or ‘buy local’ program.
**Goal 2** Promote a diverse, sustainable, revenue-generating agricultural sector.

Policy 2.2.9 Encourage farming by promoting the raising and selling of crops, livestock and/or poultry.

Policy 2.2.10 Support stakeholders in studying and promoting economically viable agricultural opportunities and practices.

Policy 2.2.11 Encourage small farming enterprises, including, but not limited to, niche markets, organic farming, farm stands or value added products.

Policy 2.2.12 Review County Code and revise as needed to permit alternative and supplemental farm activities that are compatible with farming, such as agritourism or commercial renewable energy projects. When a preferred alternative or supplemental use identified through a public process is not permitted by State regulations work with the State to review and revise their regulations.

**Goal 3** Ensure Exclusive Farm Use policies, classifications and codes are consistent with local and emerging agricultural conditions and markets.

Policy 2.2.13 Identify and retain accurately designated agricultural lands.

Policy 2.2.14 Explore new methods of identifying and classifying agricultural lands.
   a. Apply for grants to review and, if needed, update farmland designations.
   b. Study County agricultural designations considering elements such as water availability, farm viability and economics, climatic conditions, land use patterns, accepted farm practices, and impacts on public services.
   c. Lobby for changes to State Statute regarding agricultural definitions specific to Deschutes County that would allow some reclassification of agricultural lands.

Policy 2.2.15 Address land use challenges in the Horse Ridge subzone, specifically:
   a. The large number of platted lots not meeting the minimum acreage;
   b. The need for non-farm dwellings and location requirements for farm dwellings;
   c. Concerns over the impact on private property from off-road vehicles, facilities, and trails located on adjacent public lands.

Policy 2.2.16 Work with the State to review and revise accessory farm dwelling requirements to address the needs of local farmers.

Policy 2.2.17 Encourage coordination between fish/wildlife management organizations and agricultural interests.
Section 2.3 Forest Lands

Background

Protecting forests and their economic benefits are primary goals of the Oregon land use system. Statewide Planning Goal 4 establishes forest identification and protection standards which must be met by local governments. The Goal requires forests to be protected primarily for the growing and harvesting of trees, with environmental and recreational uses also being considered. Additional criteria for Statewide Goal 4 can be found in Oregon Revised Statue (ORS) 215 and Oregon Administrative Rule (OAR) 660-006. The key concept is local governments must inventory forest lands and protect them through local regulations.

County Forestry Designations

In 1979 in order to meet the Statewide Goal 4 inventory requirement for forest lands, the County worked with the Oregon Department of Forestry to review timber productivity based on soils information. A resulting timber productivity map was created and three categories of forest lands were identified based on forest uses identified in Statewide Goal 4.

In the 1990s, the Land Conservation and Development Commission initiated the Forest Rule, OAR 660-006, defining allowed uses, siting conditions and minimum lot sizes in forest zones. In 1992, as part of State mandated Periodic Review, Deschutes County revised its forest designations, reducing forest designations and associated regulations to two (F-1 and F-2).

County Forests 2007 - 2009

The following statistics provide a snapshot of forests in Deschutes County.

Source: County GIS data
- Approximately 52% of the County or over 1 million acres are designated as forest on the Comprehensive Plan map. Of that acreage, 92% is public, primarily federal, leaving approximately 78,000 acres privately held.
- There are 475 forest special assessment accounts.
- The largest privately owned forest land is the 33,000 acre Skyline Forest, formerly Bull Springs Tree Farm.

Source: OSU Extension Service Silviculture and Fire Education Specialist
- Total public and private timber harvest in the County in 2007 was 22.5 million board feet, in 2008, 36.1 million board feet and in 2009, 14.7 million board feet.

Source: Deschutes County Forester
- Since 2002 approximately 130,000 acres of public and private forest lands have burned in Deschutes County at a firefighting expense of approximately $60 million.

Forest Trends 2010

As timber harvesting decreases, other uses for forest lands are emerging. State regulations permit five general types of uses, including forest operations; environmental, agricultural or recreational uses; two types of dwellings and locally dependent uses. Permitted uses are defined
and clarified in OAR 660-006. The following uses are becoming more prominent and likely to gain importance over the next 20 years.

Secondary forest products (forest operations): There is an increasing use of secondary forest products, such as hog fuel (chipped wood) or wood slash, which can be used for everything from animal bedding to presto logs to biomass fuel. There is some concern that those uses will lead to increased logging and degradation of forests. However, there is considerable agreement that the high build up of debris in local forests increases the risk of forest fires. The use of secondary forest products can contribute to the health of the forest as well as the local economy.

Recreation (environmental, agricultural and recreation uses): The proximity of federal forests for hiking, mountain biking, skiing, hunting, fishing, wildlife viewing and other outdoor recreation draws tourists and residents alike. (see Section 2.6 for data on the economic impacts of wildlife tourism.)

Alternative energy (locationally dependent): Commercial alternative energy projects are often locationally dependent. Forestry-related biomass plants and associated infrastructure are being considered in Central Oregon.

Future of Forest Uses

Most of the forest land in Deschutes County is owned and managed by the Federal government under Federal regulations. Forest practices on State or private forest lands are regulated by the Oregon Department of Forestry. The primary role of the County is to limit the impacts of development on private property in forest zones.

Although most forest lands are not owned or managed by Deschutes County, forests contribute immeasurably to livability. Timber management and recreational tourism provide economic benefits and employment. Forests provide an impressive diversity of recreational opportunities. Forests also play a large role in maintaining clean air and water and they provide scenic beauty and habitat for a wide variety of plants and animals. It is important for the County to work cooperatively with forest landowners, including public agencies, non-profit organizations and private land owners.

Residential Development

The primary concern over changing forest uses is that as timber becomes less profitable, the pressure to develop forest lands for residential uses increases. State regulations limit the development of housing in forest zones, recognizing that fragmenting forests decreases productivity. The biggest challenge posed by residential fragmentation of forests is the danger posed by wildfire in heavily wooded areas. Fire danger has increased as dry conditions and disease have impacted the health of forest lands. Years of fire suppression and limited logging have contributed to a build up of wildland fuel that can spread fires quickly. In these conditions, residential uses in forests create conditions dangerous to homeowners and firefighters. Section 3.4, Natural Hazards, has more information on wildfire prevention. The second challenge posed by forest fragmentation is the threat to fish and wildlife. This is addressed in the Water and Wildlife sections of this Chapter.
Skyline Forest

There is a unique opportunity to preserve a large privately held working forest. Skyline Forest consists of approximately 33,000 acres of privately held forest lands at the base of the Three Sisters Mountains. Historically, this property has been logged, but still holds important recreational, scenic and wildlife habitat value. The non-profit Deschutes Land Trust has been working to purchase Skyline Forest from the owners, who represent a large financial company. In 2005 the Board of County Commissioners approved creating a Community Forest Authority, a quasi-municipal corporation that has the authority to issue tax-exempt bonds to pay for purchasing the forest. The bonds will be repaid with revenue from logging. The logging revenue is not anticipated to cover all the bond costs, but combined with other grants and contributions can ensure the bonds are repaid.

HB 2228

As noted above, the goal of the Deschutes Land Trust is to purchase and manage as much of the Skyline Forest as possible for sustainable logging, wildlife, recreation and scenery. HB 2228, adopted by the 2009 Legislature, allows the owners of this land the right to build a clustered community of up to 282 dwelling units and associated services on 1,200 acres. An additional 1,800 acres must be in a conservation easement as a buffer to maintain wildlife habitat and minimize wildfire danger. In exchange for waiving State and local land use regulations to allow this development, the remaining 30,000 acres of the Skyline Forest and additional property in Deschutes and Klamath counties must be sold to a land trust and protected with a conservation easement. There are additional requirements attached to the Statue that provide more detail on items such as road access, master planning and permitted uses.
Section 2.3 Forest Lands Policies

Goals and Policies

Goal 1 Protect and maintain forest lands for multiple uses, including forest products, watershed protection, conservation, recreation and wildlife habitat protection.

Policy 2.3.1 Retain forest lands through Forest 1 and Forest 2 zoning.

Policy 2.3.2 To conserve and maintain unimpacted forest lands, retain Forest 1 zoning for those lands with the following characteristics:
   a. Consist predominantly of ownerships not developed by residences or non-forest uses;
   b. Consist predominantly of contiguous ownerships of 160 acres or larger;
   c. Consist predominantly of ownerships contiguous to other lands utilized for commercial forest or commercial farm uses;
   d. Are accessed by roads intended primarily for forest management; and
   e. Are primarily under forest management.

Policy 2.3.3 To conserve and maintain impacted forest lands, retain Forest 2 zoning for those lands with the following characteristics:
   a. Consist predominantly of ownerships developed for residential or non-forest uses;
   b. Consist predominantly of ownerships less than 160 acres;
   c. Consist of ownerships generally contiguous to tracts containing less than 160 acres and residences, or adjacent to acknowledged exception areas; and
   d. Provide a level of public facilities and services, including roads, intended primarily for direct services to rural residences.

Policy 2.3.4 Notwithstanding any other quasi-judicial plan or zone change criteria, lands designated as Forest under this Plan and zoned Forest 2 may upon application be redesignated and rezoned from Forest 2 to Exclusive Farm Use if such lands:
   a. Do not qualify under State Statute for forestland tax deferral,
   b. Are not necessary to permit forest operations or practices on adjoining lands and do not constitute forested lands that maintain soil, air, water and fish and wildlife resources,
   c. Have soils on the property that fall within the definition of agricultural lands as set forth in Goal 3,
   d. Are a tract of land 40 acres or less in size,
   e. Do not qualify under State Statute and the terms of the Forest 2 zone for a dwelling; and

Such changes may be made regardless of the size of the resulting EFU zoning district. Such changes shall be processed in the same manner as other quasi-judicial plan or zoning map changes.
Policy 2.3.5 Uses allowed in Forest zones shall comply with State Statute and Oregon Administrative Rule.

Policy 2.3.6 Coordinate and cooperate with the U.S. Forest Service, the Bureau of Land Management and other public agencies to promote sustainable forest uses, including recreation, on public forest land, including:
   a. Using the Deschutes National Forest Land and Resource Management Plan, or its successor, as the basis for mutual coordination and cooperation with the U.S. Forest Service;
   b. Using the Prineville Bureau of Land Management Upper Deschutes Resource Management Plan, or its successor, as the basis for mutual coordination and cooperation with the Bureau of Land Management.

Policy 2.3.7 Notify affected agencies when approving development that could impact Federal or State forest lands.

Policy 2.3.8 Support the maintenance of the Skyline Forest as a Community Forest.

Policy 2.3.9 Support economic development opportunities that promote forest health.

Policy 2.3.10 Provide input on public forest plans that impact Deschutes County.

Policy 2.3.11 Apply for grants to review forest lands based on ORS 215.788-215.794 (2009 HB 2229).

Policy 2.3.12 Coordinate with stakeholders to support forest management projects that:
   a. Contribute to public safety by treating wildland hazardous fuels particularly in the designated Wildland Urban Interface as identified in the Community Wildfire Protection Plans described in Section 3.5 of this Plan;
   b. Retain fish and wildlife habitat.

Policy 2.3.13 Allow comprehensive plan and zoning map amendments, including qualifying Nonprime Resource Lands defined “as nonresource lands” pursuant to OAR 660-004-005(3) for Forest Use zoned parcels as allowed by State Statute, Oregon Administrative Rules, and this Comprehensive Plan.

Goal 2 Adequately address impacts to public safety and wildlife when allowing development on forest lands.

Policy 2.3.14 Review County Code and revise as needed to ensure development in forest zones mitigates impacts, particularly impacts on fish and wildlife habitat and public fire safety.
Section 3.1 Introduction

Background

People move to rural communities in Deschutes County for many different reasons, but the high quality of life was mentioned repeatedly in community meetings. Residents noted that rural living provides peace and quiet, room to breathe and a connection with the land, the natural world and a caring community. Retaining what people love about rural living while allowing growth can be challenging. This chapter looks at the functional and quality of life aspects of rural living and complements Chapter 2, Resource Management that discusses resource lands.

This chapter is divided into eight sections. Seven Statewide Planning Goals apply to this chapter, along with associated Oregon Administrative Rules (OARs) that provide more specific guidance on implementing the Goals. The first four sections are Rural Development, Rural Housing, Rural Economy and Natural Hazards.

State regulations for housing can be found in Statewide Planning Goal 10, Housing and OAR 660-008. Economic growth is considered in Statewide Goal 9, Economy of the State and OAR 660-009. Both Goal 10 and Goal 9 are intended to apply primarily inside Urban Growth Boundaries. Statewide Goal 2, Land Use and Goal 14, Urbanization, and OARs 660-004 and 660-014 address specific aspects of urban development on rural lands. Statewide Goal 7, Areas Subject to Natural Disasters and Hazards provides guidance on how to effectively protect development from natural hazards.

The next two sections are Public Facilities and Services and Transportation. These areas are addressed in Statewide Goal 11, Public Facilities and Services and Statewide Goal 12, Transportation and associated OAR 660-011 and 660-012. The next two sections of this chapter are Rural Recreation and Destination Resorts. Statewide Planning Goal 8, Recreational Needs and Oregon Revised Statue 197.435-467 regulate these chapters. The final section discusses plans or policies to address site specific rural development issues.

Purpose

The purpose of the Rural Growth Management chapter is to coordinate with other chapters of this Plan to maintain the quality of life enjoyed by rural residents. This chapter is organized as follows:

- Rural Development (Section 3.2)
- Rural Housing (Section 3.3)
- Rural Economy (Section 3.4)
- Natural Hazards (Section 3.5)
- Public Facilities and Services (Section 3.6)
- Transportation System Plan (Section 3.7)
- Rural Recreation (Section 3.8)
- Destination Resorts (Section 3.9)
- Area specific Plans and Policies (Section 3.10)
- Nonprime Resource Lands (Section 3.11)
Section 3.2 Rural Development

Background

Oregon’s land use system primarily directs growth into urban growth boundaries, to preserve rural lands for farming and forestry. Recent growth in the unincorporated areas of the County consists predominantly of residential development on lots existing prior to the adoption in the 1970s of the statewide planning program and Deschutes County’s Comprehensive Plan. New commercial, industrial or residential uses on rural lands are regulated by Statewide Planning Goals for farms, forests, urbanization and public facilities. State law restricts most rural commercial and industrial uses, so no significant growth in those areas is anticipated.

Yet many people choose to live in rural areas. To understand demand, in 1979 the County noted that there were over 17,000 platted, but undeveloped lots and concluded that there was ample room for growth. In 2004 the County adopted Deschutes County Coordinated Population Forecast 2000-2025 (see Section 4.2). As part of the population forecast, the County used Geographic Information Systems (GIS) to analyze the potential for new development based on existing and potential dwellings. That analysis showed the County could serve anticipated rural population with existing lots. However, it was noted that the number of growth-dependent variables over potential new development made the analysis inexact.

Growth Potential

As of 2010, the strong population growth of the last decade in Deschutes County was thought to have leveled off due to the economic recession. Besides flatter growth patterns, changes to State regulations opened up additional opportunities for new rural development. The following list identifies general categories for creating new residential lots, all of which are subject to specific State regulations.

- New lots can be created in destination resorts
- Some farm lands can be subdivided to permit one or two ‘non-farm’ parcels
- New lots can be created based on the property rights legislation known as Measure 37 and Measure 49
- New lots can be created through the addition of sewer systems
- New lots can be created in Unincorporated Communities (see Chapter 4)
- 2009 legislation permits a new analysis of agricultural designated lands
- Existing large forest or rural residential lots can be subdivided
- Exceptions can be granted from the Statewide Planning Goals
- Some farm lands with poor soils that are adjacent to rural residential uses can be rezoned as rural residential
- Some farm lands with poor soils can be rezoned into a new agricultural category with a smaller acreage requirement

Some farm and forest lands meeting the “nonresource land” definition pursuant to OAR 660-004-005(3) can be re-designated and rezoned to Nonprime Resource Lands for low density rural development.
It is difficult to estimate how many additional lots could be created through these categories. Most of these possibilities are extremely site-specific requiring an analysis of each property. In community meetings for the 2008-2011 Plan update, the primary concerns raised over new growth were the impacts of destination resorts and non-farm dwellings.

The wildcard in rural housing development is destination resorts (see Section 3.9). These developments are permitted on rural lands without taking a goal exception and are intended to attract tourists. State Statute on resorts allows them to have two houses for every overnight lodging unit, so the potential exists to add a considerable amount of new housing to rural Deschutes County. The challenge is that it is hard to analyze impacts from resort housing because it is not clear whether the housing is being used for full-time residences or second homes. Additionally, some of the second homes may become full-time residences when property owners retire.

Non-farm refers to allowing one or two new parcels of up to five acres to split off of farm parcels as long as the remaining farm parcel retains the required acreage. This provides flexibility by allowing the creation of new rural housing while retaining the basic agricultural character of the area.

Property rights Measure 37 could potentially have added a sizeable number of new lots, but as modified by Measure 49 the number is down considerably and at this point nearly impossible to track.

Increased growth potential could follow the addition of sewer systems in south Deschutes County or in existing unincorporated communities, which could lead to smaller lot sizes. New lots can also be created in Unincorporated Communities, but only Tumalo and Terrebonne have the potential to add a substantial number of new lots. However, residents in those communities have expressed an interest in keeping their rural character (see Sections 4.5 and 4.6).

Another opportunity for rural growth is found in Section 2.2 of this Plan, within a policy to initiate a study evaluating existing agricultural lands to determine which lands are unsuitable for farming and could be available for residential development.

Other potential categories for new residential lots are not anticipated to add substantial new development.
Section 3.3 Rural Housing

Background

Housing is a basic need that provides not just shelter, but connection to a wider community. A variety of housing types and price points ensures options for people at different life stages and needs. Oregon’s statewide planning program directs cities to retain an adequate amount of land to accommodate residential growth. Generally counties are directed to protect farms, forests and other rural resources like wildlife while limiting new rural development. This section of the Plan looks specifically at housing on existing and potential new parcels and how the County can support a diverse and affordable housing supply.

Housing inside urban growth boundaries is addressed in Statewide Planning Goal 10, Housing and OAR 660-008. Statewide Goal 2, Land Use and Goal 14, Urbanization both have sections that address rural housing, supplemented by OAR 660-004 and 660-014. These rules refine how new rural residential lots can be created. The Deschutes County housing policies provide the framework for residential development. The policies further delineate the role of the County in facilitating the availability of an affordable and quality housing stock within both urban and rural communities.

Rural Residential Exception Areas

In Deschutes County most rural lands are designated for farms, forests or other resources and protected as described in the Resource Management chapter of this Plan. The majority of the land not recognized as resource lands or Unincorporated Community is designated Rural Residential Exception Area. The County had to follow a process under Statewide Goal 2 to explain why these lands did not warrant farm or forest zoning. The major determinant was that many of these lands were platted for residential use before Statewide Planning was adopted.

In 1979 the County assessed that there were over 17,000 undeveloped Rural Residential Exception Area parcels, enough to meet anticipated demand for new rural housing. 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.

Nonprime Resource Lands

In 2019 the County amended its comprehensive plan to establish eligibility criteria in Section 3.11 for redesignating certain Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource Lands defined in OAR 660-004-0005(3) as “non-resource lands.” Nonprime Resource Lands have an exceedingly low capacity to be managed for commercial agriculture and forestry activities. The criteria to establish Nonprime Resource Lands focuses on six specific areas that are committed to residential uses, which were platted or conveyed prior to State mandated planning legislation taking effect in Deschutes County. These six areas are...
subject to strict resource zoning requirements dictated by State law that impact the siting of new dwellings, remolds, additions and accessory structures.

Outside of these six areas designated as Nonprime Resource Lands, and so long as consistent with state law, property owners through a quasi-judicial process may continue to apply to rezone their property from Exclusive Farm Use or Forest Use to a nonresource zone.

Rural Residential Exception Areas 2009

Source: County GIS data
- 71,000 acres of Rural Residential Exception Area (including right-of-way)
- 64,000 acres of Rural Residential Exception Area (excluding right-of-way)
- 24,750 Rural Residential Exception Area lots
- 18,100 Rural Residential Exception Area lots that are developed

Future of Rural Housing in Deschutes County

In looking at rural housing growth, it is important to find the balance between protecting rural values and protecting property rights. In community meetings some people expressed concern over the level of new development that has been allowed while others highlighted the restrictions on their property that do not permit it. Too much development can lead to the destruction of the qualities that bring people to Deschutes County, while too many restrictions keep out people who would choose a rural lifestyle.

Housing Legality, Public Health and Safety

One issue meriting attention is the need to be sure housing is legally developed. A house built without proper land use permits may not meet required setbacks or other regulations, causing legal disputes between neighbors. A house built without proper building permits could be constructed shoddily, causing safety issues. Land use and building permit requirements therefore are intended to safeguard the rights of property owners and neighbors. Historically, there have been problems in the County with substandard housing. Over the years substandard housing has become less of an issue. However, there are still areas where development has occurred without land use or building permits, leading to numerous code complaints. An area of south County, known as Section 36, has been identified as one place that the County could work closely with local residents to address health and safety issues. Another health and safety issue that came up in public meetings is the need to regulate large animals on residential lots. The idea is to control odors and flies that can accumulate and impact neighbors. Research on how large animals are regulated in other counties would provide some direction on this issue.

Housing Diversity

A challenge for the County given rural housing restrictions is how to support a diversity of housing to meet the needs of the community, while retaining the rural character important to residents. Deschutes County requires a 10 acre minimum lot size for new rural residential lots in order to protect the rural quality of life and its resources. Yet, the 10 acre minimum raises the cost of rural housing and may limit the rural lifestyle to households at the upper end of the income spectrum. Additionally much of the new rural housing being built is located in high-end destination resorts. This slant towards high priced rural housing is mitigated somewhat by the
thousands of small lots that were platted before land use laws were enacted. These smaller lots provide an opportunity for less expensive housing.

One way the County can address the need for housing options is to promote the idea of housing alternatives such as co-housing or accessory dwelling units. Currently these alternatives are not permitted by State regulations that protect rural lands. Co-housing involves creating a community through clustered housing. Accessory dwelling units, sometimes known as granny flats, are small units accessory to the main housing. Regulated correctly, housing alternatives could provide flexibility in rural housing. The first step in permitting housing variety is to initiate a discussion with the State on how and where these types of housing would be appropriate. Another way to support a diversity of housing is to work closely with agencies and jurisdictions that promote it. The public corporation responsible for promoting affordable housing initiatives in Deschutes, Jefferson and Crook Counties is the Central Oregon Regional Housing Authority, also known as Housing Works. Organized under the Oregon Housing Authority Law (ORS 456), this agency provides affordable housing services to low income households. They also engage in public/private partnerships to provide and manage affordable housing. Cities are also involved in providing a diversity of housing. Promoting a variety of housing choices and mix of price points can be achieved through cooperating with Housing Works and local cities, the donation of County property, or other means.
Section 3.3 Rural Housing Policies

Goals and Policies

Goal 1  Maintain the rural character and safety of housing in unincorporated Deschutes County.

Policy 3.3.1  The minimum parcel size for new rural residential parcels in Rural Residential Exception Areas shall be 10 acres.

Policy 3.3.2  Land divisions are prohibited in the Nonprime Resource Lands-10 zone.

Policy 3.3.23  Incorporate annual farm and forest housing reports into a wider system for tracking the cumulative impacts of rural housing development.

Policy 3.3.34  Address housing health and safety issues raised by the public, such as:
   a. The number of large animals that should be permitted on rural residential parcels; or
   b. The properties south of La Pine, in Township 22S, Range 10E, Section 36, many of which are not in compliance with planning and building codes.

Policy 3.3.45  Encourage new subdivisions to incorporate alternative development patterns, such as cluster development, that mitigate community and environmental impacts.

Policy 3.3.56  Maintain the rural character of the County while ensuring a diversity of housing opportunities, including initiating discussions to amend State Statute and/or Oregon Administrative Rules to permit accessory dwelling units in Exclusive Farm Use, Forest and Rural Residential zones.

Goal 2  Support agencies and non-profits that provide affordable housing.

Policy 3.3.67  Support Central Oregon Regional Housing Authority and other stakeholders to meet the housing needs of all Deschutes County residents.
   a. Assist as needed in coordinating and implementing housing assistance programs.
   b. Support efforts to provide affordable and workforce housing in urban growth boundaries and unincorporated communities.

Policy 3.3.78  Utilize block grants and other funding to assist in providing and maintaining low and moderate income housing.
Section 3.11 Nonprime Resource Lands

Background

Nonprime Resource Lands are areas with an exceedingly low capacity to be managed for commercial agriculture and forestry activities. Nonprime Resource Lands do not meet the definitions of either agricultural land or forest lands found in Statewide Planning Goals 3 and 4, State Statutes, or the accompanying Oregon Administrative Rules due to the presence of poor soil conditions, a lack of irrigation, climate conditions, historical use, and other relevant factors. Based on these circumstances, Nonprime Resource Lands do not warrant resource zoning under state and local programs to protect agricultural and forest lands and should be made available for other uses. They differ from Rural Residential Exception Areas and other rural areas not planned and zoned for farm and forest activities. Nonprime Resource Lands are characterized by large tracts typically without an existing settlement pattern and supporting residential infrastructure. In six specific locations, they also contain platted subdivisions or conveyed parcels created prior to State mandated planning legislation taking effect in Deschutes County. These six areas are committed to residential uses and have not been commercially farmed or used for forest operations.

Over the past decade, Deschutes County participated in numerous state legislative processes, at times coordinated by the Oregon Department of Land Conservation and Development (DLCD), attempting to legislatively update agricultural and forest land designations. Unfortunately, these efforts were unsuccessful. Nonetheless, existing Comprehensive Plan Policy 2.2.3 directs that the County continue considering options for “non-resource lands” as defined in OAR 660-004-0005(3) – also known as Nonprime Resource Lands.

In April 2019, Deschutes County initiated its own process to establish eligibility criteria for rezoning Exclusive Farm Use or Forest Use properties to Nonprime Resource Lands. Six specific areas within Deschutes County are already committed to residential uses because they were platted or conveyed prior to State mandated planning legislation taking effect in Deschutes County. These six areas are already subject to strict resource zoning requirements dictated by State law that impact the siting of new dwellings, remodels, additions and accessory structures. Upon acknowledgment of the Nonprime Resource Lands policies, Deschutes County will adopt a Nonprime Resource Lands-10 zone that will apply solely to the six aforementioned areas committed to residential uses. In addition, Deschutes County is honoring its existing non-resource lands process with a policy that allows property owners to apply to rezone their properties from Exclusive Farm Use or Forest Use to a nonresource zone.
Section 3.11 Nonprime Resource Lands

Policies

Goal and Policies

Goal 1  Allow the designation of Nonprime Resource Lands in Deschutes County

Nonprime Resource Lands – General Policy

Policy 3.11.1 Property owners can continue to apply through a quasi-judicial process for a rezone from Exclusive Farm Use or Forest Use to a nonresource zone consistent with state law.

Goal 2  Resolve resource zoning restrictions applied to subdivisions platted prior to Statewide planning legislation taking effect in Deschutes County, Haner Park, and Section 36 in Township 22S, Range 10E

Nonprime Resource Lands – Committed Residential Use Policies

Policy 3.11.2 A Nonprime Resource Lands-10 zone provides procedures and standards for rural residential living environments and development that balance the public’s interest in the management of community growth with the protection of individual property rights.

Policy 3.11.3 A single family dwelling or a manufactured home and their accessory uses shall be permitted outright.

Policy 3.11.4 The Nonprime Resource Lands-10 zone is available only for the following properties committed to residential:

a. Meadow Crest Acres Subdivision
b. Skyline Subdivision
c. Skyline Subdivision, 1st Addition
d. Squaw Creek Canyon Recreational Estates 1st Addition
e. Haner Park f. Section 36, Township 22S, Range 10E

Policy 3.11.5 The properties identified in Policy 3.11.4 are not eligible for a land division.

Policy 3.11.6 Lots in Meadow Crest Acres Subdivision and Squaw Creek Canyon Recreational Estates 1st Addition with 51% or more Class I-VI soils or intermingled with Class I-VI soils remain eligible upon demonstration that the property is unsuitable for farm use based on its land use history and whether a reasonable farmer would put the land to agricultural use.

Policy 3.11.7 Lots in Haner Park, Section 36, Skyline Subdivision, Skyline Subdivision 1st Addition, and Squaw Creek Canyon Recreational Estates 1st Addition committed to residential uses that entirely possess a potential productivity of 20 or more
cubic feet per acre per year, at culmination of mean annual increment, for one or more tree species native to Deschutes County remain eligible upon demonstration that the property is unsuitable for forestry use based on its land use history and whether a reasonable forester or farmer would put the land to forestry or agricultural use.

Policy 3.11.8 Until a Nonprime Resource Lands-10 zone is adopted, property owners can continue to apply through a quasi-judicial process for a rezone from Exclusive Farm Use or Forest Use to a nonresource zone consistent with state law.