## SISTERS OPEN HOUSE AGENDA

### Deschutes County Planning Commission

**April 25, 2019**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Location</th>
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<tbody>
<tr>
<td>3:45 PM – 5:00 PM</td>
<td><strong>Tour</strong>&lt;br&gt;See tour schedule for details (Attachment 1 to staff memorandum)</td>
<td>Squaw Creek Canyon Recreational Estates First Addition</td>
</tr>
<tr>
<td>6:00 PM</td>
<td><strong>Open House</strong>&lt;br&gt;- Draft FY 2019-2020 Planning Division Work Plan&lt;br&gt;- Nonprime Resource Lands Comprehensive Plan Amendments</td>
<td>Sisters City Hall&lt;br&gt;520 E Cascade Ave</td>
</tr>
</tbody>
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### Planning Commission Members

- Dale Crawford (At Large), Chair
- Maggie Kirby (Bend), Vice Chair
- Jim Beeger (Bend Area)
- Les Hudson (At-Large)
- Jessica Kieras (Redmond)
- Hugh Palcic (South County)
- Steve Swisher (Sisters)

### Deschutes County Staff

- Nick Lelack, AICP, CDD Director
- Peter Gutowsky, AICP, Planning Manager
- Zechariah Heck, Associate Planner
- Nicole Mardell, Associate Planner
- Tanya Saltzman, AICP, Associate Planner
- Ashley Williams, Administrative Assistant
TO: Deschutes County Planning Commission

FROM: Nick Lelack, AICP, Director  
       Peter Gutowsky, AICP, Planning Manager  
       Zechariah Heck, Associate Planner

DATE: April 18, 2019

SUBJECT: Planning Commission Open House in Sisters - April 25, 2019

I. TOUR OF SISTERS-AREA COMMITTED RESIDENTIAL AREAS

The Deschutes County Planning Commission will be visiting Squaw Creek Canyon Recreational Estates First Addition on Thursday afternoon, April 25, 2019. Although some lots of the subdivision are zoned Rural Residential, other areas are zoned Forest Use or Exclusive Farm Use. The Nonprime Resource Lands Plan Amendments seek to correct this zoning error. Attachment 1 provides additional information about the tour.

II. OPEN HOUSE AT SISTERS CITY HALL

A. CDD Work Plan for Fiscal Year (FY) 2019-20

The Planning Commission is holding an open house on April 25, 2019 to gain public input, discuss, and make a recommendation to the Board of County Commissioners (BOCC), regarding the Community Development Department’s (CDD) annual work plan for FY 2018-19 (Attachment 2).

Background

Each spring, CDD prepares an annual work plan describing proposed projects for the upcoming fiscal year. It is intended that a review of the draft work plan will provide the BOCC, Planning Commission, Historic Landmarks Commission, County Administration and CDD's customers and partner agencies the opportunity to provide input, including additions, modifications and possible re-prioritization. The work plan describes the most important objectives and proposed projects in each CDD division based on:

1. Board of County Commissioners’ annual goals and policies;  
2. Carry-over projects from current or prior years;  
3. Changes in state law;  
4. Grants/funding sources; and  
5. Public comments.
It also serves as the context within which new projects that arise during the course of the year are prioritized and undertaken.

**Draft Work Plan**

The following are notable projects from the draft Planning Division Work Plan:

**Achieve performance measures to issue land use decisions within 21 days (without prior notice) or 45 days (with prior notice).**

**Nonprime Resource Lands:** Complete comprehensive plan amendments to establish eligibility criteria for designating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource (NPR) Lands defined in OAR 660-004-0005(3) as “Non Resource Lands.”

**Community & Area Plans:** Participate in the implementation of Sisters Country Horizons Plan. Engage Tumalo, Terrebonne, and Newberry Country residents to determine if community plans, goals, and policies meet the current and future needs of the area, and determine community interest and readiness for a community plan update. Only one or two such planning efforts may be initiated each fiscal year.

**Growth Management Coordination:** Coordinate with the cities of Bend and Redmond to implement affordable housing pilot projects.

**Legislative Text Amendments:**
- Amend zoning code to comply with federal Religious Land Use and Institutionalized Persons Act (RLUIPA) and sign code laws.
- Amend county code to allow day care, nurseries, and childcare facilities from a conditional use permit to a use permitted outright (subject to site plan review).
- Amend nonfarm dwelling code to be consistent with state law.
- Amend the minor variance 10% lot area rule for farm and forest zoned properties.
- Amend county code to define when replatting is required.

**Transportation:**
- Continue to coordinate with the City of Bend to amend the County's Comprehensive Plan and Development Code to allow new airport-related businesses at the Bend Airport through a streamlined permitting process.
- Initiate County Transportation System Plan (TSP) update in coordination with County Road Dept., if funded by the Oregon Dept. of Transportation.
- Serve on the US 97 Parkway facilities management plan technical advisory committee.
- Participate in the County Road Dept.'s Transportation Safety Action Plan (TSAP) process.

**Outdoor Mass Gathering Permit Amendments:** Consider amending Deschutes County Code 8.16 pertaining to Outdoor Mass Gatherings in coordination with County Legal Counsel, if resources are available.

**Historic Preservation – Certified Local Government Grant:** Administer FY 2019-20 CLG Grant, including coordinating with the Historic Landmarks Commission and City of Sisters on prioritized items noted in the grant.
Planning Commission & Historic Landmarks Commission Policy & Procedures Manuals: Develop policy and procedures manuals for the Planning Commission and Historic Landmarks Commission with sub-committees of each body. The purpose of the manual is to provide a helpful reference guide pertaining to each commission's unique purpose, authorities, roles, decision making processes, applicable laws/regulations and documents, public meeting requirements, etc.

Natural Hazards: TBD.

Grading Ordinance: TBD.

B. Nonprime Resource Lands Plan Amendments

The Planning Commission is also hosting the last of three open houses held throughout the county to discuss proposed Comprehensive Plan amendments. Deschutes County is initiating legislative amendments that seek to establish criteria for redesignating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource Lands, defined in state law as “Non-Resource Lands” (Attachments 3).

Proposed criteria also identify opportunities to redesignate six specific areas (Haner Park, Section 36, Skyline Subdivision and 1st Addition, Squaw Creek Canyon Recreational Estates 1st Addition and Meadow Crest Acres Subdivision) committed to residential uses that were platted or conveyed prior to State enabling planning legislation taking effect in Deschutes County.

These areas are subject to strict resource zoning requirements dictated by State law that affect the siting of new dwellings, remodels, additions and accessory structures. Upon acknowledgment of the Nonprime Resource Lands policies, Deschutes County will adopt two zones: a Nonprime Resource Lands-10 zone that will apply solely to the six areas committed to residential uses, and a Nonprime Resources Land-20 zone for all other eligible lands.

After the informational Open Houses, two public hearings in front of the Planning Commission are scheduled for:

- May 23 at 5:30 p.m. - Deschutes Services Center, 1300 Wall Street, Bend
- June 13 at 5:30 p.m. - Deschutes Services Center, 1300 Wall Street, Bend

Attachments

1. Tour Information
2. Draft CDD FY 2019-20 Work Plan
### Deschutes County Planning Commission Tour

**April 25, 2019**

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<th>Time</th>
<th>Event</th>
<th>Location</th>
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<tr>
<td>3:45 PM</td>
<td>Leave Deschutes County CDD</td>
<td>117 NW Lafayette Ave, Bend</td>
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<tr>
<td>4:30 PM – 4:45 PM</td>
<td>Driving tour of Squaw Creek Canyon Rec Estates First Addition</td>
<td>17750 Mountain View, Sisters*</td>
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<tr>
<td>5:00 PM</td>
<td>Arrive at Sisters City Hall</td>
<td>520 E Cascades Ave, Sisters</td>
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*This address is to be only used for GPS navigation. It is private property and will not be used for gathering. The site visit is a driving tour; no specific stops are planned.*

**Please note: times are estimates. For more information, please contact Zechariah Heck, Associate Planner, at 541-385-1704.
Mission Statement

The Community Development Department facilitates orderly growth and development in the Deschutes County community through coordinated programs of Land Use Planning, Environmental Soils, Building Safety, Code Enforcement, education and service to the public.

Purpose

The FY 2019-20 Work Plan highlights the department’s goals and objectives and is developed to:
• Implement the Board of County Commissioners’ (BOCC) goals and objectives.
• Implement the Deschutes County Customer Service “Every Time” Standards.
• Effectively and efficiently manage organizational assets, capabilities, and finances.
• Fulfill the department’s regulatory compliance requirements.
• Enhance the County as a safe, sustainable, and highly desirable place to live, work, learn, recreate, visit, and more.
• Address changes in state law.

Summaries of CDD’s performance measures are provided in each division’s section.

Adoption

The BOCC adopts the Work Plan after considering public, stakeholder and partner organization input, and Planning Commission and Historic Landmarks Commission recommendations. The Work Plan often includes more projects than there are resources available. CDD coordinates with the BOCC throughout the year to prioritize and initiate projects. Projects not initiated are often carried over to future years.
Board of County Commissioners  
Philip G. Henderson, Chair  
Patti Adair, Vice Chair  
Tony DeBone

County Administration  
Tom Anderson, County Administrator  
Erik Kropp, Deputy County Administrator

Planning Commission  
Dale Crawford - At Large (Chair)  
Maggie Kirby - Bend Area (Vice Chair)  
Jim Beeger - Bend Area  
Les Hudson - At Large  
Jessica Kieras - Redmond Area  
Hugh Palcic - South County  
Steve Swisher - Sisters Area

Historic Landmarks Commission  
Chris Horting-Jones, Chair - Unincorporated  
Sharon Leighty, Vice Chair - Unincorporated  
Kelly Madden - Ex-Officio  
Bill Olsen - Pioneer Association  
Dennis Schmidling, Secretary - City of Sisters  
Rachel Stemach - Unincorporated

Hearings Officers  
Liz Fancher  
Gregory J. Frank  
Stephanie Hicks  
Dan Olsen  
Will Van Vactor

Bicycle and Pedestrian Advisory Committee  
Dave Thomson - Chair  
Christopher Cassard - Vice Chair  
Morgan Crowell  
Katie Hammer  
Sam Handelman  
Wendy Holzman  
Katrina Lagenderf  
Ann Marland  
Rick Root  
David Roth  
Mark Smith
Main Office

117 NW Lafayette Avenue
Bend, OR
Mon, Tues, Thurs, Fri, 8:00AM - 5:00PM
Wed, 9:00AM - 5:00PM

Sisters City Hall

520 East Cascade Avenue
Sisters, OR
Tuesday, 9:00AM - 4:00PM

La Pine City Hall

16345 Sixth Street
La Pine, OR
Thursday, 9:00AM - 4:00PM
Overview

The Community Development Department (CDD) consists of Administrative Services and five divisions which provide coordinated planning and development services. The divisions include the following:

**ADMINISTRATIVE SERVICES**
Provides oversight for all departmental operations and facilities, human resources, budget, customer service, technology and performance measures. Systems Analyst staff are responsible for the integration of technology across all CDD divisions and coordinates with the cities as well as providing direct service to the public via application training and support, web-based mapping, reporting services and data distribution.

**COORDINATED SERVICES DIVISION**
Provides coordination of permitting and “front line” direct services to customers at the main office in Bend and at the La Pine and Sisters City Halls.

**ENVIRONMENTAL SOILS DIVISION**
Regulates on-site wastewater treatment systems (septic) and monitors environmental factors for public health and resource protection.

**PLANNING DIVISION**
The Planning Division is separated into two operational areas, Current and Long Range Planning. Current Planning processes individual land use applications and provides information to the public on all land use related issues. Long Range Planning addresses the future needs of the community through updates to the comprehensive plan, changes to County Code and other special projects.

**BUILDING SAFETY DIVISION**
Provides construction plan reviews, consultation and inspections to assure compliance with federal and state building codes in the rural County and cities of La Pine and Sisters.

**CODE ENFORCEMENT DIVISION**
Code enforcement is responsible for investigating code violation complaints to ensure compliance with each of the codes and statutes administered by CDD, and provides direct service on contract to the City of La Pine for solid waste violations.

“Enhancing the lives of citizens by delivering quality services in a cost effective manner.”
Key Issues

Key CDD fiscal issues and operational challenges in FY 2019-20 are summarized below, as well as emerging departmental and community issues.

Operational Challenges and Opportunities

- Maintaining high customer service levels with appropriate staffing levels.
- Responding to new regulations and laws as outcome of 2019-20 legislative sessions.
- Processing complex and controversial land use applications and decisions and code enforcement cases.
- Preparing for workforce turnover through succession planning and staff retention strategies.
- Addressing affordable housing.
- Improving website, development statistics, and other reports.

Fiscal Issues

- Ensuring costs are accounted for and recovered through fees and other revenue sources, per the adopted budget.
- Ensuring financial stability and ongoing operations through establishing a long term financial plan.

Emerging Issues

- Managing population growth and demographic changes.
- Addressing a growing need for affordable housing.
- Preserving and protecting natural resources, water quality and quantity.
- Improving transportation systems.
- Anticipating new economic and agricultural opportunities.
- Maintaining and enhancing a high quality of life.
- Reducing natural hazard risks and preparing for disaster resilience.
- Planning for healthy and safe communities.
- Regional planning, coordination, and partnerships.
- Expanding recreational opportunities.
- Facilitating access to health care and higher education.
Central Oregon is a dynamic region and an extraordinary place to live, work, learn, recreate and visit as clearly demonstrated by the sustained population growth the region has seen over the past six decades.

This page provides a snapshot of the County’s growth since 1960 and the preliminary 50-year Portland State University, Oregon Population Forecast Program, through 2068.

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<tbody>
<tr>
<td>Deschutes County</td>
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<td>La Pine</td>
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<tr>
<td>Unincorporated</td>
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<td>65,720</td>
<td>3.3%</td>
<td>79,236</td>
<td>80,739</td>
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*AAGR: Average Annual Growth Rate*
**ECONOMIC VITALITY (EV)**

*Promote policies and actions that sustain and stimulate economic vitality.*

1. Support affordable housing options through availability of lands and appropriate regulation.
2. Administer land use programs that promote livability, and sustainability.
3. Maintain a safe, efficient and sustainable transportation system.
4. Partner with organizations and manage County assets to attract business development, tourism, and recreation.

**SERVICE DELIVERY (SD)**

*Provide solution-oriented service that is cost effective and efficient.*

1. Ensure quality service delivery through the use of innovative technology and systems.
2. Support and promote Deschutes County Customer Service “Every Time” Standards.
3. Promote community participation and engagement with County government.
4. Preserve and enhance capital assets and strengthen fiscal security.
5. Provide collaborative internal support for County operations.
SAFE COMMUNITIES (SC)

Protect the community through planning, preparedness and delivery of coordinated services.

1. Provide safe and secure communities through coordinated public safety services.
2. Reduce crime and recidivism through prevention, intervention, supervision and enforcement.
3. Collaborate with partners to prepare for and respond to emergencies and disasters.

HEALTHY PEOPLE (HP)

Enhance and protect the health and well-being of communities and their residents.

1. Support and advance the health and safety of Deschutes County’s residents.
2. Promote well-being through behavioral health and community support programs.
3. Help to sustain natural resources in balance with other community needs.
The Community Development Department’s FY 2019-20 goals are reflected in the performance measures below. These performance measures strategically and comprehensively align CDD’s operations with the Board of County Commissioners’ (BOCC) FY 2019-20 Goals and Objectives and the County’s Customer Service “Every Time” Standards.

The performance measures address service delivery expectations from the perspective of CDD’s customers; ensures the department fulfills its regulatory compliance requirements; effectively manages the organization’s assets, capacities, and finances; and preserves and enhances the County as a safe, sustainable, and desirable place to live, visit, work, learn and recreate.

Each CDD performance measure implements the BOCC’s FY 2019-20 goals and objectives. For example, the CDD performance measure to “achieve 85% voluntary compliance in Code Enforcement cases” implements the BOCC’s Safe Communities Objective 1 to provide safe and secure communities through coordinated public safety and services coordinated public safety and services and will include the reference “SC-1”. Specific performance measures for each individual division within CDD are listed in the following sections.

The following performance measures are related to all Community Development Department Divisions:

- Complete single family dwelling permit process from Application Acceptance to Ready-to-Issue in 30 days (BOCC Goal & Objective: SD-1).
- Complete commercial structural permit process from Application Acceptance to Ready-to-Issue in 35 days (BOCC Goal & Objective: SD-1).
- Achieve a customer feedback rating of 2.7 (out of 3.0) or better (BOCC Goal & Objective: SD-2).
Administrative Services

The Administrative Services Division provides oversight for all departmental operations and facilities, human resources, budgets, customer services, technology and performance measures.

Administrative Services consists of the Community Development Director, Senior Management Analyst, two Systems Analysts, and one Administrative Assistant.

Projects & Objectives: FY 2019-20

• Complete CDD lobby security camera installation to improve safety and customer service.

• Implement CDD Information Technology strategic plan.

• Update CDD website, including division and project webpages.

• Expand CDD’s new weekly and monthly reporting, including a new web-based Monthly Summary Report to communicate department news, development statistics and performance measure results.

• Develop statistical and performance related dashboards for a web-based display of key performance indicators of the department.

• Implement a new customer queue management software for tracking CDD customer wait times, purpose of visit and performance metrics.
Projects & Objectives: FY 2019-20

• Explore expanding the Planning Division’s webpage to provide more information about land use public hearings and opportunities for the public to submit comments on pending applications.

• Develop a response plan to accommodate a major disaster and facilitate recovery.

• Construct an application to display alert messages received when online permits have been submitted, payments have been applied or documents have been uploaded to online permits.

• Initiate a Master Electrical Permit Program for commercial and industrial construction. This program will promote electrical safety and implement a more efficient procedure for handling repair, alteration or replacement of existing electrical products in qualified facilities.
Coordinated Services

The Coordinated Services Division provides services to customers at the main office in Bend, as well as in the La Pine and Sisters City Halls. Staff work to ensure minimal wait times, provide accurate information to the public and ensure the efficient operation of the front counter and coordination among all divisions. Staff also perform basic building plan reviews. The Division consists of an Administrative Manager, eight Permit Technicians and an Administrative Support Technician.

Projects & Objectives: FY 2019-20

• Continue to coordinate and conduct public outreach and education on Accela and related elements to increase customer use of ePermitting and encourage online submittal of applications for participating jurisdictions.

• Continue to monitor customer and permit volumes in the City of La Pine and City of Sisters to ensure resources are allocated to those locations ensuring customers are served in a timely and efficient manner.

• Increase customer and public education on Accela and online permit applications in coordination with System Analyst staff to achieve performance measures.

• Continue to explore options to improve efficiencies for permit application submittals.

• Work with the City of La Pine Community Development Director to improve efficiencies for reviewing building permit applications, issuance of complex permits, and issuance of Certificates of Occupancy for properties located within the city limits.
Projects & Objectives: FY 2019-20

• Continue to cross train permit technicians to perform simple plan reviews and participate in statewide Permit Technician training programs and Central Oregon Planners Network Training.

• Utilize the Alert Report App in order to increase efficiency in processing online submittals.

• Implement the Master Electrical Permit Program and provide education to electrical professionals regarding the updated process.

• Continue to work with the City of Sisters to improve efficiencies in review of permit applications and issuance of those permits.

• Serve on statewide and regional ePermitting committees, participate in the national Accela conference, and pursue other opportunities to ensure Accela meets Deschutes County’s needs.

Performance Measures

• Achieve 40% of permits applied for at the counter (BOCC Goal & Objective: SD-1).

• Achieve 30% of all permits being submitted online, with the exception of planning applications (the capability does not yet exist) (BOCC Goal & Objective: SD-1).

• Establish and monitor a new performance measure—the target number of days for structural permit ready-to-issue turnaround time for Coordinated Services of four days (BOCC Goal & Objective: SD-1).
Code Enforcement

The Code Enforcement Division is responsible for investigating code violation complaints associated with land use, onsite wastewater disposal, building, and solid waste codes (by contract with the Solid Waste Department). The program’s overriding goal is to achieve voluntary compliance. If necessary, citations are issued for prosecution in Circuit Court or before a Code Enforcement Hearings Officer. The Code Enforcement program consists of three Code Enforcement Specialists and one volunteer. The program is managed by the Coordinated Services Administrative Manager and is supported by a law enforcement technician from the Sheriff's Department and operating divisions.

The program continues to adapt to the County’s challenges of growth and diversification, incorporating new measures to ensure timely code compliance and the legalization of marijuana.

While voluntary compliance is the primary objective, an ever-growing number of cases require further code enforcement action because of lagging correction or non-compliance. Through the continuing development and refinement of Procedures for Administrative Civil Penalty, Code Enforcement is obtaining expedited compliance from citations rather than court adjudication resulting in greater cost recovery.

A disconcerting trend is the necessity for County abatement in some cases. In abatement, the County affects the cure of violations with prioritization on cost recovery. Abatement action is reserved for matters of chronic nuisance and public health and safety. In response to this trend, Code Enforcement is closely coordinating with other County departments in the development and enactment of abatement plans.

Projects & Objectives: FY 2019-20

- Administer the Volunteer Program, focusing on reviewing temporary land use approvals for medical hardships, which require the submittal of annual reports, and similar cases.

- In cooperation with the Building Safety Division, participate in the development of a text amendment on the County Outdoor Lighting Ordinance. The amendment will update tables to include compact fluorescent lighting and LED options.
Projects & Objectives: FY 2019-20

• Consider proactive review and enforcement of non-compliance with land use decision’s conditions of approval.

• Create a tracking system for code enforcement cases submitted and processed as part of the land use application process. Submit report to the BOCC in early 2019.

• Refine property abatement process to cure violations.

• Continue proactive efforts to investigate illegal second dwellings, review temporary use permits, and follow up on replacement dwellings.

• Continue to establish relationships with homeowners’ associations or other interested groups, including offering to speak at meetings to share information and enforcement operating procedures.

• Survey other jurisdictions and incorporate innovative enforcement practices where appropriate. This effort includes direct involvement with the Oregon Code Enforcement Association (OCEA) conference participation and networking.

• Continue to utilize the inmate work crews to resolve solid waste cases where the property owner is unable to comply with County Code due to medical issues.
Projects & Objectives: FY 2019-20

• Continue to coordinate with the Sheriff’s Office, District Attorney, Legal Counsel, and Planning staff to track, process, and resolve marijuana complaints in a timely fashion and revisit the approach to marijuana code violations with the BOCC.

• Update the Code Enforcement Policy and Procedure Manual and County Code, if applicable, to implement:
  - BOCC direction on the approach to marijuana code enforcement and associated procedures to process violations.
  - Land Use procedures code amendments.
  - Other housekeeping amendments to reflect business practices.

Performance Measures

• Achieve 85% voluntary compliance in Code Enforcement cases (BOCC Goal & Objective: SC-1).

• Resolve 75% of Code Enforcement cases within 12 months (BOCC Goal & Objective: SC-1).

Building Safety

The Building Safety Division administers and implements the state-mandated building codes through a process of education and a clear and consistent application of the specialty codes. The Division provides these services throughout the rural county, in the Cities of La Pine and Sisters, and various services to Lake, Jefferson, Klamath and Crook counties, the Cities of Bend and Redmond, and the State of Oregon Building Codes Division on an as-needed basis. The Division consists of the Building Safety Director, Assistant Building Safety Official, three Commercial-Residential Plan Reviewers and eleven Building Safety Inspectors.

Projects & Objectives: FY 2019-20

• Manage staffing resources to meet increased business demands, particularly in plan review.

• Continue succession planning, cross-training, and technology investments to maintain and improve efficiencies.

• Coordinate with State and County staff to promote and educate customers on how to apply for permits and inspections online.

• Participate in public, community, and customer-specific education and outreach efforts.

• Continue to serve in regional and statewide leadership positions to support Deschutes County and Central Oregon interests.
Performance Measures

• Achieve an average of 6-10 stops at different construction job sites per day for each Building Inspector. Each stop may consist of multiple inspections (BOCC Goal & Objective: SD-1).

• Achieve an average turnaround time on residential building plan reviews of 10 days or less (BOCC Goal & Objective: SD-1).

• Achieve 50% - 80% of inspections scheduled online (BOCC Goal & Objective: SD-1).

• Achieve 90% - 100% of inspections completed the same day as requested (BOCC Goal & Objective: SD-1).

• Complete 2-4 residential plan reviews per day per plans examiner (BOCC Goal & Objective: SD-1).

• Achieve 20% - 40% of permits applied for online (BOCC Goal & Objective: SD-1).
Projects & Objectives: FY 2019-20

• Increase electronic permit submittal and inspection scheduling through outreach and education of customers, particularly licensed professionals.

• Continue working with the DEQ on permitting protective onsite wastewater systems in South Deschutes County. Re-visit current policies with DEQ staff including a hydrologist, and determine best protective policies moving forward.

• Participate as a member of the Technical Review Committee for the DEQ onsite wastewater treatment system program and provide advice on rulemaking proposals, particularly advanced treatment systems that will have impacts to environmentally sensitive areas of Deschutes County.

• Continue coordination with the City of Bend and DEQ regarding the southeast sewer interceptor and sewer expansion, and the impact on homeowners with onsite wastewater systems.
Projects & Objectives: FY 2019-20

• Participate in the Upper Deschutes Agricultural Water Quality Management Area Local Advisory Committee.

• Prioritize addressing sewage health hazards and protecting public health and the environment.

• Increase staff involvement in a broader variety of Environmental Health related conferences, seminars and workshops to provide new learning opportunities and encourage professional development and new connections beyond the onsite program.

• Participate with DEQ in the pursuit of groundwater protection solutions and possible implementation of the Southern Deschutes/Northern Klamath Groundwater Protection Steering Committee recommendations.

• Provide financial assistance opportunities to South Deschutes County property owners who do not qualify for conventional loans to upgrade onsite systems to nitrogen reducing pollution reduction systems (Nitrogen Reducing System Rebates and the NeighborImpact Non-conforming Loan partnership).

• Develop and publish a quarterly newsletter for Installers.

• Participate in the City of Bend Storm Water Public Advisory Group.

• **LONG TERM PROJECT:**
  - Update the DEQ contract for the Onsite Wastewater Treatment System Program to be more consistent with current rules and requirements (the current contract dates from 1981).
• Achieve compliance with the ATT Operation and Maintenance (O & M) reporting requirements of 95% (BOCC Goal & Objective: HP-3).

• New septic system permit turnaround time: 5-15 days (BOCC Goal & Objective: SD-1).

• Achieve 15% - 50% of permits applied for online (BOCC Goal & Objective: SD-1).

• Achieve 35% - 65% of inspections schedule online (BOCC Goal & Objective: SD-1).

• Achieve 90% - 100% of Pre-cover inspections completed the same day as requested (BOCC Goal & Objective: SD-1).
Planning

The Planning Division consists of two operational areas: Current Planning and Long Range Planning. The Division consists of a Community Development/Planning Director, one Planning Manager, three Senior Planners, one Senior Transportation Planner, six Associate Planners, four Assistant Planners, and one Administrative Assistant.

Current Planning

Responsible for reviewing land use applications for compliance with Deschutes County Code (DCC) and state law, including zoning, subdivision and development regulations, and facilitating public hearings with Hearings Officers and the BOCC. Staff is also responsible for verifying compliance with land use rules for building permit applications and septic permits; coordinating with Code Enforcement to respond to complaints and monitor conditions of approval for land use permits; performing road naming duties; providing assistance at the public information counter, over the telephone and via email; and addressing in the rural County and City of Redmond, under contract.

Long Range Planning

Responsible for planning for the future of Deschutes County, including developing and implementing land use policy with the BOCC, Planning Commission, community and partner organizations. It is in charge of updating the County Comprehensive Plan and zoning regulations, coordinating with cities and agencies on various planning projects taking place in the region, including population forecasts with Portland State University and cities. Staff also monitors and participates in annual legislative sessions, and serves on numerous local, regional and statewide committees primarily focusing on transportation, natural resources, growth management and economic development.
Divisions & Services

**Transportation Planning**

Provides comments and expertise on land use applications, calculates System Development Charges (SDC’s) as part of land use application review process or upon request; provides comments to the County’s Risk Management Department regarding traffic issues for permitted events; participates in the annual County Capital Improvement Plan (CIP) process with the Road Department; applies for grants for enhanced bicycle and pedestrian facilities in coordination with the Bicycle and Pedestrian Advisory Committee (BPAC); participates in Oregon Department of Transportation (ODOT) funded refinement planning; coordinates road issues with Bureau of Land Management (BLM) and the United States Forest Service (USFS) for urban interface plans; and serves on several local and regional transportation committees, most notably BPAC, the Bend Metropolitan Planning Organization Technical Advisory Committee, and Central Oregon Area Commission on Transportation Technical Advisory Committee (TAC).

**Floodplain & Wetlands Planning**

Responsible for providing comments and expertise on land use applications, code enforcement, and general property inquiries that require development, fill, or removal in mapped floodplain and wetland areas. Staff maintains certification as an Association of State Floodplain Managers (ASFPM) Certified Floodplain Manager to provide customers with up-to-date and accurate information regarding FEMA regulations, surveying requirements, and construction requirements. Coordination is frequently required with external agencies including FEMA, US Army Corps of Engineers, Oregon Department of State Lands, Oregon Department of Fish and Wildlife, and the US Forest Service.
Projects & Objectives: FY 2019-20

• **LEGISLATIVE TEXT AMENDMENTS:**
  - Amend county code to allow churches consistent with the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) and sign code laws.
  - Amend county code to allow day care, nurseries, and childcare facilities from a conditional use permit to a use permitted outright (subject to site plan review).
  - Amend nonfarm dwelling code to be consistent with state law.
  - Amend the minor variance 10% lot area rule for farm and forest zoned properties.
  - Amend county code to define when replatting is required.

• **TRANSPORTATION:**
  - Continue to coordinate with the City of Bend to amend the County’s Comprehensive Plan and Development Code to allow new airport-related businesses at the Bend Airport through a streamlined permitting process.
  - Initiate County Transportation System Plan (TSP) update in coordination with County Road Dept. if funded by the Oregon Dept. of Transportation.
  - Serve on the US 97 Parkway facilities management plan technical advisory committee.
  - Participate in the County Road Dept.’s Transportation Safety Action Plan (TSAP) process.
  - Initiate amendment to DCC 17.16.105 and related code sections regarding access requirements to rural subdivisions.
  - Serve on Wickiup Junction Refinement Plan technical advisory committee.
  - Serve on the Terrebonne Refinement plan technical advisory committee.
  - Serve on the US 20/Cook-OB Riley Tumalo technical advisory committee.
Projects & Objectives: FY 2019-20

• **NONPRIME RESOURCE LANDS:** Complete comprehensive plan amendments to establish eligibility criteria for designating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource (NPR) Lands defined in OAR 660-004-0005(3) as “Non Resource Lands.” Criteria also identify opportunities to re-designate six specific areas committed to residential uses that were platted or conveyed prior to State enabling planning legislation taking effect in Deschutes County. Upon adoption of the NPR Lands policies, Deschutes County will initiate legislative amendments for two zones: a NPR-10 zone that applies solely to the six areas committed to residential uses, and a NPR-20 zone for all other eligible lands subject to a quasi-judicial application.

• **COMMUNITY & AREA PLANS:** Participate in the implementation of Sisters Country Horizons Plan. Engage Tumalo, Terrebonne, and Newberry Country residents to determine if community plans, goals, and policies meet the current and future needs of the area, and determine community interest and readiness for a community plan update. Only one or two such planning efforts may be initiated each fiscal year.

• **GROWTH MANAGEMENT COORDINATION:** Coordinate with cities, County departments, state agencies, federal agencies and organizations to develop and implement growth management plans, joint management agreements, natural hazard mitigation planning, and cooperative agreements.
Projects & Objectives: FY 2019-20

• **AFFORDABLE HOUSING:** Process City of Bend and City of Redmond UGB amendments related to implementation of Affordable Housing Pilot Project(s) and amend our comprehensive plan. Participate in state legislative committee(s). Consider implementation in FY 2019-20 if rural ADUs are allowed.

• **OUTDOOR MASS GATHERING PERMIT AMENDMENTS:** Consider amending Deschutes County Code 8.16 pertaining to Outdoor Mass Gatherings in coordination with County Legal Counsel if resources are available.

• **HISTORIC PRESERVATION—CERTIFIED LOCAL GOVERNMENT (CLG) GRANT:** Administer FY 2019-20 CLG Grant, including coordinating with the Historic Landmarks Commission and City of Sisters on prioritized items noted in the grant.

• **PLANNING COMMISSION & HISTORIC LANDMARKS COMMISSION POLICY & PROCEDURES MANUALS:** Develop policy and procedures manuals for the Planning Commission and Historic Landmarks Commission with sub-committees of each body. The purpose of the manual is to provide a helpful reference guide pertaining to each commission’s unique purpose, authorities, roles, decision making processes, applicable laws/regulations and documents, public meeting requirements, etc.

• **NATURAL HAZARDS:** TBD.

• **EXCAVATION ORDINANCE:** TBD.
Projects & Objectives: FY 2019-20

• **ONGOING ANNUAL PROJECTS:**
  - Conduct joint meeting / tour(s) with BOCC and Planning Commission.
  - Complete housekeeping and legislative text amendments to ensure County Code complies with state law. Consider implementing legislative amendments stemming from laws enacted by the 2019/20 Oregon Legislative Session.
  - Population Forecast: Coordinate with the County Assessor and Administration Office to complete the Portland State University, Population Research Center, annual Housing Unit and Population Questionnaire.

• **TRACKING SYSTEMS: DEVELOP, MAINTAIN, AND IMPROVE TRACKING SYSTEMS FOR:**
  - Comprehensive Plan and Community/Area Plan implementation activities, updates, necessary revisions, and potential areas for new plans.
  - Destination Resort overnight lodging units.
  - Limited Use Permits: Agri-tourism and other commercial events and activities.
  - Marijuana Annual Reports.
  - Non-farm dwellings.
  - Medical Hardships.
  - Conditions of Approval, as necessary.
Performance Measures

• Issue all administrative (staff) decisions for land use actions requiring prior notice within 45 days of determination of complete application (BOCC Goal & Objective: SD-1).

• Issue all administrative (staff) decisions for land use actions that do not require prior notice within 21 days of determination of complete application (BOCC Goal & Objective: SD-1).

• Process City of Bend and City of Redmond UGB amendments related to implementation of Affordable Housing Pilot Project(s) and amend our comprehensive plan (BOCC Goals & Objectives: EV-1, EV-2, EV-3, EV-4, & HP-1).

• Coordinate with the City of Bend to implement the Bend Airport Master Plan (BOCC Goal & Objective: EV-2).

• Re-evaluate agricultural land designations (BOCC Goal & Objective: EV-2).

• Amend zoning code to comply with federal RLUIPA and sign code laws (BOCC Goals & Objectives: EV-2 & EV-4).
<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
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</table>
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>
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</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>
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<td>State Government</td>
<td>53,051</td>
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<td>County Government</td>
<td>10,434</td>
<td>0.6%</td>
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<tr>
<td><strong>Total Public Lands</strong></td>
<td><strong>1,529,552</strong></td>
<td><strong>79.9%</strong></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**

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<thead>
<tr>
<th>Jurisdiction</th>
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<th>Percent</th>
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<tbody>
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<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><strong>1,499,365</strong></td>
<td><strong>78.4%</strong></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 in 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, NPR-20</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</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 are defined in ORS 198.010 and are recognized as government bodies. Special districts include the following.

Table 1.3.4 - Special Districts

<table>
<thead>
<tr>
<th>Utility district</th>
<th>Rural fire protection district</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water supply district</td>
<td>Irrigation district</td>
</tr>
<tr>
<td>Cemetery maintenance district</td>
<td>Drainage district</td>
</tr>
<tr>
<td>Park and recreation district organized</td>
<td>Water improvement district</td>
</tr>
<tr>
<td>District Type</td>
<td>District Type</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>Mass transit district</td>
<td>Water control district</td>
</tr>
<tr>
<td>Metropolitan service district organized</td>
<td>Vector control district</td>
</tr>
<tr>
<td>Special road district</td>
<td>9-1-1 communications district</td>
</tr>
<tr>
<td>Road assessment district</td>
<td>Geothermal heating district</td>
</tr>
<tr>
<td>Highway lighting district</td>
<td>Transportation district</td>
</tr>
<tr>
<td>Health district</td>
<td>Library district</td>
</tr>
<tr>
<td>Sanitary district</td>
<td>Soil &amp; water conservation district</td>
</tr>
<tr>
<td>Sanitary authority, water authority or joint</td>
<td></td>
</tr>
<tr>
<td>water and sanitary authority</td>
<td></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>94-138</th>
<th>98-127</th>
</tr>
</thead>
<tbody>
<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 qualify as non-resource Nonprime Resource Lands defined in OAR 660-004-005(3) as “Non Resource Lands,” 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 agri-tourism 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 (locationaly dependent): Commercial alternative energy projects are often locationaly 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 in OAR 660-004-005(3) as “Non Resource Lands,” 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 definition of 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 2019 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 designating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource Lands defined in OAR 660-004-0005(3) as “Non Resource Lands.” Criteria also identified opportunities to re-designate six specific areas committed to residential uses that were platted or conveyed prior to State enabling planning legislation taking effect in Deschutes
These areas are subject to strict resource zoning requirements dictated by State law that affect the siting of new dwellings, remodels, additions and accessory structures.

**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 The minimum parcel size for new rural residential parcels in the Nonprime Resource Lands-10 zone shall be 10 acres.

Policy 3.3.3 The minimum parcel size for new rural residential parcels in the Nonprime Resource Lands-20 zone shall be 20 acres.

Policy 3.3.24 Incorporate annual farm and forest housing reports into a wider system for tracking the cumulative impacts of rural housing development.

Policy 3.3.35 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 3.3.46 Encourage new subdivisions to incorporate alternative development patterns, such as cluster development, that mitigate community and environmental impacts.

Policy 3.3.57 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 3.3.68 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 3.3.79 Utilize block grants and other funding to assist in providing and maintaining low and moderate income housing.
Section 3.11 Nonprime Resource Lands

Background

Over the past decade, Deschutes County has supported and participated in numerous state legislative processes and coordinated with the Oregon Department of Land Conservation and Development (DLCD) to study and legislatively update agricultural and forest land designations. Unfortunately, these efforts did not result in a clear path forward to undertake such a land use change. The Comprehensive Plan provides a general directive to consider “Non-Resource” lands proposals (Policy 2.2.3). As of April 2019, Deschutes County has approved six applicant-initiated requests to amend Exclusive Farm Use zoning.

In April 2019, Deschutes County initiated its own process to establish eligibility criteria for designating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource Lands defined in OAR 660-004-0005(3) as “Non Resource Lands.” Criteria also identified opportunities to re-designate six specific areas committed to residential uses that were platted or conveyed prior to State enabling planning legislation taking effect in Deschutes County. These areas are subject to strict resource zoning requirements dictated by State law that affect the siting of new dwellings, remodels, additions and accessory structures. Upon acknowledgment of the Nonprime Resource Lands policies, Deschutes County will adopt two zones: a Nonprime Resource Lands-10 zone that will apply solely to the six areas committed to residential uses, and a Nonprime Resources Land-20 zone for all other eligible lands subject to a quasi-judicial application.

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, and the accompanying Oregon Administrative Rules due to the presence of poor soil conditions, a lack of irrigation, climate conditions and other relevant factors, including but not limited to past use. 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. As summarized above, they also contain platted subdivisions or conveyed parcels that preexisted Statewide Planning legislation taking effect in Deschutes County.
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 Policies

Policy 3.11.1 A proposal to designate Nonprime Resource Lands may be initiated by either a property owner or Deschutes County.

Policy 3.11.2 The purpose of the Nonprime Resource Lands designation is to allow low intensity rural development.

Policy 3.11.3 To qualify for a Nonprime Resource Lands comprehensive plan designation and Nonprime Resource Lands zoning, a property must demonstrate:

a. The State’s soil and definitional standards of agricultural land do not apply because:
   i. Fifty-one percent of a property contains Class VII or VIII soils as classified by the NRCS;
   ii. The site is not suitable for farm use:
      1. It cannot be used for grazing or in conjunction with adjoining or nearby agricultural or grazing operations.
      2. It has no availability of water for farm irrigation.
      3. It cannot be combined with any other adjacent land for farming to occur.
      4. It is not intermingled with lands in Class I-VI soils.
      5. It is unnecessary to allow adjacent properties to continue to function as agricultural land.

b. The State’s soil and definitional standards of forest land or forest productivity potential do not apply by showing the entire parcel possesses a potential productivity of less than 20 cubic feet per acre per year, at culmination of mean annual increment, for one or more tree species native to Deschutes County;

c. It does not contain Goal 5 natural resources;

d. It is located in a fire-protection district or can be annexed into one;

e. It does not significantly affect a County or State transportation system consistent with Statewide Planning Goal 12;

f. If irrigation districts are impacted by a Nonprime Resource Lands designation, identify conditions of approval that should be placed on the property.

Policy 3.11.4 A Nonprime Resource Lands-20 zone provides procedures and standards for low density rural development that balances the public’s interest in the management of community growth with the protection of individual property rights.
Policy 3.11.5 The Nonprime Resource Lands-20 zone applies to eligible properties excluding those identified in Policy 3.11.12.

Policy 3.11.6 The minimum parcel size for the Nonprime Resource Lands-20 zone shall be 20 acres.

Policy 3.11.7 A single family dwelling or a manufactured home and their accessory uses shall be permitted outright.

Policy 3.11.8 Until a Nonprime Resource Lands-20 zone is adopted, property owners can continue as before and apply for a rezone from Exclusive Farm Use to Multiple Use Agriculture.

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 3.11.9 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 3.11.10 A single family dwelling or a manufactured home and their accessory uses shall be permitted outright.

Policy 3.11.11 The minimum parcel size for the Nonprime Resource Lands-10 zone shall be 10 acres.

Policy 3.11.12 The Nonprime Resource Lands-10 zone is available only for the following properties committed to residential uses because they are platted, parcelized, or partially developed:
   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 3.11.13 Notwithstanding Policies 3.11.3.a.i. and 3.11.3.a.ii.4., 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 3.11.14 Notwithstanding Policy 3.11.3b., lots in Haner Park, Section 36, Skyline Subdivision, and Skyline Subdivision 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 3.11.15 Notwithstanding Policy 3.11.3.c, lands committed to residential uses with significant Goal 5 natural resources are eligible for a Nonprime Resource Lands-10 zone subject to an ESEE analysis.

Policy 3.11.16 Until a Nonprime Resource Lands-10 zone is adopted, property owners can continue as before and apply for a rezone from Exclusive Farm Use to Multiple Use Agriculture.
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<tr>
<th>Name/Names</th>
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<tbody>
<tr>
<td>Anne Goldner</td>
<td><a href="mailto:anneG@bendcable.com">anneG@bendcable.com</a></td>
<td>541-349-7660</td>
</tr>
<tr>
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<td>1744 NW 12th</td>
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# Public Testimony

## Sign-In Sheet

**Date:** 4/25/19

**Meeting Location:** Sisters City Hall

*Please write legibly and include complete contact information.*

**File No(s):** NPR Lands

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<thead>
<tr>
<th>Name/Names</th>
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<tr>
<td>Jack Goodin</td>
<td>65710 Lake Dr, Sisters 97759</td>
<td>549-633-1965</td>
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<td>Elise Wolf</td>
<td>69760 Lake Dr, Sisters 97759</td>
<td>541-728-8208</td>
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<tr>
<td>Donna Lipscomb</td>
<td>P.O. Box 579, Sisters 97759</td>
<td>503-510-6122</td>
</tr>
<tr>
<td>Paul Lipscomb</td>
<td>P.O. Box 579, Sisters 97759</td>
<td>503-551-7272</td>
</tr>
<tr>
<td>Sue Stafford</td>
<td>996 E. Creekside Ct, Sisters 97759</td>
<td>541-549-2107</td>
</tr>
</tbody>
</table>

*please put me on email list sisters sue21@gmail.com*
I. Call to Order

The meeting was called to order at 5:30 p.m. by Commissioner Steve Swisher. Other commissioners present: Hugh Palcic, Les Hudson, and Jim Beeger. Staff present: Nick Lelack – Community Development Director, Peter Gutowsky – Planning Manager, Zechariah Heck – Associate Planner, and Ashley Williams – Administrative Assistant.

II. Introductions

Commissioner Swisher requested that anyone providing public comments use a sign in sheet for record keeping purposes. He went over the layout of the meeting which would include brief presentations regarding the Annual Work Plan and Non-Prime Resource Lands (NPR Lands). He emphasized the importance of public comments and said that the Sisters Country Plan was suggested at a meeting like this. He said that the Commission toured Squaw Creek Estates earlier. Each Commissioner and staff member introduced themselves, noting their representation area.

III. Work Plan presentation, Nick Lelack – Community Development Director

Director Lelack thanked Patrick Davenport, Sister’s Community Development Director, for bringing the Sister’s Country Plan to the table a couple years ago and making it a success. He went over the draft work plan. He emphasized the importance of customer service within the department. Some of the other items he went over included: Planning Commission formation, appointment of positions, and duties; Divisions of the Community Development department; population forecasts and statistics; work plan development process; this fiscal year accomplishments, and next fiscal year goals. He directed people to the Community Development Department website to review our Annual Report, which is an update of the calendar year’s accomplishments.

IV. Non-Prime Resource Land Presentation, Zechariah Heck – Associate Planner

Mr. Heck introduced himself and offered to accept comments during his presentation. He wanted to address what the County is proposing, which is setting the table for a new zoning district, labeled the NPR zone. He said that there are six areas that are platted
subdivisions where the zoning should be adjusted since they are already committed to residential uses.

Mr. Gutowsky said that the areas surrounding the Meadow Crest, Section 36 and Haner Park subdivisions could not be changed because they are in the wildlife overlay zone. Jack Godard, 69710 Lake Drive, Sisters, Oregon 97759 wanted to clarify that there are two steps to this process. The first is the Comprehensive Plan Amendment and the other is the creation of the new zoning District. He asked why there is a new zone being created rather than using an existing zone. Mr. Gutowsky said that existing zones, like RR10, are exception zones and the subject areas would not qualify for such zoning.

Paul Lipscomb, PO Box 579, Sisters, Oregon 97759 asked if this amendment would have to be acknowledged by the state. Mr. Gutowsky said that DLCD was noticed and that the County has not received any comments. He wanted to acknowledge that zone changes from Farm or Forest Land are already allowed through code, and that the current process is overseen by the State.

Elise Wolf, 69700 Lake Drive, Sisters, Oregon 97759 asked why these areas were selected since they are not close to any Urban Growth Boundaries. Mr. Heck said that these areas were selected because they have been a legacy issue in Deschutes County. He said these areas must have Land Use approval for building and past permits have received no opposition. He added that these owners face issues with setbacks and other regulations, and that the surrounding uses are inconsistent.

Commissioner Hudson asked for clarification as to whether these 6 areas were exclusive or if other areas with similar circumstances existed. Mr. Gutowsky said that these areas are exclusive. He said that the subdivisions were already platted and committed to residential use before the inception of Deschutes County’s land use program. An audience member asked if there would be additional development in these areas. Director Lelack said owners could not further subdivide due to the size of the existing lots. He added that the lots are already buildable, the process is just expensive.

Commissioner Hudson said that this designation to a new zone would eliminate the financial burden on property owners making it a fairer process. Mr. Gutowsky said that this may help reduce code enforcement issues with non-permitted buildings. Mr. Godard said has concerns with the NPR-20 zoning and cautioned that it may pave the way for unwanted development in the EFU and Forest Zones. Mr. Gutowsky said that there is a strong case to reduce the County’s vulnerability for undesirable development.

Mr. Heck showed the density within Squaw Creek Estates. He said that the next step would be to create the new zone based on feedback from these open houses, as well as, future
open houses. He wanted to specify that the NPR-10 zone is for the existing areas to be corrected, lots smaller than 10 acres would be grandfathered in at the NPR-10 zone, and the NPR-20 zone will be used for applicant initiated zone changes. Mr. Gutowsky added that the existing process, governed by the state, allows for 10 acre parcels instead of 20 acre. He said that our requirement would be more stringent. He provided the example that properties in a Wildlife Combining Zone would not meet the criteria for the zone change.

Ms. Wolf asked what types of uses would be allowed in the zone once created. Mr. Gutowsky said that at the time of zone creation another round of Open Houses and Public Hearings would be conducted to see what uses fit. He said the hopeful outcomes are to correct designations, establish a new zone, and streamline building permit processes for owners in the 6 designated areas.

There was a discussion about the relationship between Goal 5 resources and Wildlife overlay zones. Mr. Heck went over some of the frequently asked questions at the prior Open Houses which included road impacts and rural livability. He said that staff does not have specific answers to these questions yet. Regardless it is important that this issues be brought to the Planning Commission and Board of County Commissioners to aid in decision making.

He closed by saying that these changes to the Comprehensive Plan will be consistent with the state’s definition of Non Resource Lands. Adding that the new criteria for the zone change would be more stringent than the criteria today. He provided the hearing schedule and thanked the public for attending. Lastly, he requested that anyone wanting additional information about the amendments provide their contact information on the sign in sheets.

V. Public Comments

Commissioners Swisher requested that commenters use a sign in sheet going forward. Mr. Lipscomb asked why the terms, Non Prime Resource Land/Non Resource Land, differed. Director Lelack said in general people don’t like the term Non Resource Land because it is not accurate. He said that the Board of County Commissioners shared those thoughts. He said that these areas were overlooked due to lower density levels at the time. He provided history on the County's attempts to have this mapping errors corrected, to no avail, in the early 2010's. He reiterated that the goal is a fair process for these landowners.

Donna Lipscomb, PO Box 579, Sisters, Oregon 97759, wondered if the criteria to be adopted would make it more difficult to convert parcels from Exclusive Farm or Forest Use. Mr. Gutowsky said that it would. She added that in 2010 there were similar amendments proposed, and she was against them. She does not want to see population increase in her area. Director Lelack said it is a priority of the Board of County Commissioners to revise the Agriculture Plan to aid in rural development.
Mr. Godard said that he is concerned that in the future people will take advantage of this amendment. He would like to see the context of the zone proposed to anticipate what his neighbors could do if this were adopted. He has many concerns with the special road districts. He said that the roads belong to the County and the districts are running low on funds. He thinks that this should be a priority for the County.

Ms. Wolf wanted to echo Mr. Godard's statements regarding roads. She said that her privately maintained street costs each homeowner $4,000 - $5,000 per year to maintain. She has concerns with amendment opening the door for too much development. She said she has spent a lot of time and money disputing developments that were done incorrectly in the past. She added that she has had to comply with the Forest Zone use processes and understood that was a requirement if she wanted to build.

Mr. & Mrs. Lipscomb also wanted to place emphasis on the road issues, as well as, wildfire services. Mrs. Lipscomb said that she can buy into correcting the designations of the 6 areas to NPR-10, but she doesn't like the efforts to create an NPR-20 zone. Mr. Lipscomb said that the appointed and elected individuals work for the public and this amendment is not in the publics best interest. He said that housing belongs in the Urban Growth Boundaries and not in the rural county.

Ms. Wolf reiterated her concerns with the vulnerability of these amendments. Mr. Gutowsky said that if adopted the only way they could change is with another Comprehensive Plan amendment. She said she could see weaknesses in the proposed amendments that would make them easy to extort.

Commissioner Swisher provided an opportunity for attending members to comment if they hadn't already, or to provide comments on other matters. Mr. Godard said that he felt dust abatement was a very important issue and was happy to see it on the work plan.

VI. **Closing – Commission and Staff Comments**

Commissioner Palcic thanked the staff for their work on drafting these amendments and the audience for their feedback. He said it is interesting the feedback that hasn't been thought of and assured the audience that it is taken seriously. Commissioner Beeger said that he heard the concerns of the audience, and understands their skepticism. He believes that it is crucial to allow people to build on their property in the simplest method. For that reason he thinks the 6 areas should have their designations corrected.

Commissioner Hudson said that growth being contained within the UGB is not realistic. He said that it is frightening to think about what the NPR-20 zone could bring, but it is more frightening to see what happens if we do nothing. There should be consensus about the best way to move forward. Mrs. Lipscomb said that she felt that the cart is coming before the horse without knowing what would be allowed in this zone. Mr. Lipscomb said that this
proposal is not going to solve the housing crisis. Commissioner Palcic recommended that members of the audience interested in this proposal stay engaged.

Ms. Wolf provided history about development in the City of Bend. She said that the plans initiated in the late 90’s could have been successful if they were implemented properly. She compared Bend to Anchorage Alaska, where the development was not well planned. She believes this is what will happen here. She said that she is completely against any type of Accessory Dwelling and that none of the solutions brought forth about affordable housing have worked. She is concerned with the County’s future regarding roads, development, and water. She expressed a lack of confidence with the County’s follow through and governance.

Commissioner Swisher said that he is a native Oregonian and, he too, has tried to be proactive about growth in the region. He said that he wishes the plans of 20 years ago had worked, but if they didn't, we can be proactive and address how to better plan in the future. He fears that not having these conversations will have bigger impacts than having them for future generations. He said that being engaged is an important part of the process.

Mr. Lipscomb said that he is not optimistic about the States acceptance of this amendment. He fears that we are spending local money in an effort that will not succeed. Ms. Wolf said that she is absolutely not in favor of the NPR-20 zone, even if the acreage requirement is increased, saying that a 20 acre minimum would be more suitting for areas near Bend.

Since there were no further comments, Commissioner Swisher adjourned the meeting.

Next Planning Commission meeting will be on May 9, 2019.

There being no further business, the meeting was adjourned at 8:13 pm.

Respectfully submitted,

Ashley Williams

Administrative Assistant
OPEN HOUSE

Work Plan, Non-Prime Resource Lands & Other Issues

Planning Commission
April 2019
Agenda

- Introductions
- Planning Commission & CDD Overview
- Draft Work Plan
- Non-Prime Resource Lands Summary
- Public Comments & Suggestions, Q & A
CDD Mission Statement

Our mission is to facilitate orderly growth and development in the Deschutes County community through coordinated programs of Land Use Planning, Environmental Soils, Building Safety, Code Enforcement, education and service to the public.
Planning Commission Overview

Planning Commission
- 7 members, 4-year terms, represent geographic regions of County, volunteers
- Meets twice monthly, addresses rural, unincorporated County
Board of County Commissioners

County Administration

Planning Commission
(County Citizen Advisory Committee, Comprehensive Planning, Policy & Regulations)

Historic Landmarks Commission
(Historic Preservation policy, regulations, and historic building/site decisions)

Hearings Officers
(Development review land use decisions)

Bicycle & Pedestrian Advisory Committee
(Recommendations to County & cities)

CDD Director / Administration
(Budget, Human Resources, Information Technology, Performance Management, Communications)

Planning Division
(Development Review, Long Range Planning, Transportation, Historic Preservation, Wetlands, Floodplain, Urban Growth Management Coordination)

Building Division
(Construction Plan Review, Consultation, & Inspections in compliance with State & Federal Building Codes)

Environmental Soils
(Regulates on-site wastewater/septic treatment systems, monitors environmental factors for public health and resource protection)

Coordinated Services & Code Enforcement
_COORDINATES PERMITTING & “FRONT-LINE” SERVICES; INVESTIGATES CODE VIOLATION COMPLAINTS TO ENSURE COMPLIANCE WITH CDD-RELATED CODES_
CDD Overview: Agents of the State

CDD Director / Administration
(Budget, Human Resources, Information Technology, Performance Management, Communications)

Planning Division
(Development Review, Long Range Planning, Transportation, Historic Preservation, Wetlands, Floodplain, Urban Growth Management Coordination)

Building Division
(Construction Plan Review, Consultation, & Inspections in compliance with State & Federal Building Codes)

Environmental Soils
(Regulates on-site wastewater/septic treatment systems, monitors environmental factors for public health and resource protection)

Coordinated Services & Code Enforcement
(Coordinates permitting & “front-line” services; investigates code violation complaints to ensure compliance with CDD-related codes)
CDD Overview: Implements State Law

CDD Director / Administration
(Budget, Human Resources, Information Technology, Performance Management, Communications)

Planning Division
(Development Review, Long Range Planning, Transportation, Historic Preservation, Wetlands, Floodplain, Urban Growth Management Coordination)

Building Division
(Construction Plan Review, Consultation, & Inspections in compliance with State & Federal Building Codes)

Environmental Soils
(Regulates on-site wastewater/septic treatment systems, monitors environmental factors for public health and resource protection)

Coordinated Services & Code Enforcement
Coordinates permitting & “front-line” services; investigates code violation complaints to ensure compliance with CDD-related codes)
# Population Forecast

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## 2018 Population Comparisons

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ACCOMPLISHMENTS & WORK PLAN
Work Plan Process

Jan.-Mar:  **Staff drafts Work Plan based on:**
- Board of County Commissioners (BOCC) goals and objectives
- Changes in state law
- Grants / funding sources
- Public comments (customer, stakeholder, citizen)
- Carry-over projects from prior year

April/May:  **Planning Commission & Historic Landmarks Commission hearings & recommendations**

May/June:  **Board of County Commissioners public hearing & adoption**
Accomplishments Snapshot

- Sisters Country Horizons Plan
- Central Oregon Regional Large Lot Industrial Lands – Redmond UGB Amendment
- Childcare Text Amendment
- Rural Industrial Plan Amendment
- Marijuana Text Amendments
- Water Panel
- Westside Transect
- Housekeeping Text Amendments
- Inventory of historic properties in Sisters
- Transportation Planning & Coordination
Draft Work Plan FY 2019

- Support opportunities to provide affordable housing – rural ADUs, UGB amendments

- Consider amendments to County Code:
  - Churches & Signs – compliance with federal law
  - Floodplains
  - Marijuana
  - Wildfire Mitigation
  - Outdoor Mass Gatherings

- Participate in County transportation planning processes

- Research & evaluate dust mitigation regulations

- Participate in Sisters Horizon Plan Implementation & Redmond’s Comp Plan (new) Update
Nonprime Resource Lands
What is the County Proposing?

Comprehensive Plan Policies

• Identify six EFU or F1/F2 residential areas that are incorrectly designated.

• Clarify path for other eligible properties to correct inaccurate designations.
Next steps...

Two New Zones:

NPR-10 Zone
• Apply to six EFU or F1/F2 residential areas that are incorrectly designated.

NPR-20 Zone
• Make available for other eligible properties to correct inaccurate designations.
Outcomes

1. Correct designation of rural properties.
2. Establish new zone for other eligible properties.
3. Streamline process to obtain building permit.
Frequently Asked Questions

1. Wildlife Habitat
2. Taxation
3. Compatibility
4. Road Access
Legacy Issue in Deschutes County

• 1970 farm land designations limited by available soil maps.

• Non-urban, non-forest, undeveloped and uncommitted lands determined to be farm and forest lands.

• Farm designations in some areas based on available information.

• Since 2008, Deschutes County has participated in state legislative processes to study and legislatively update agricultural and forest land designations.
Comprehensive Plan

2.2.3 – Allow comprehensive plan and zoning map amendments, including for those that qualify as non-resource land, for individual EFU parcels...

2.2.4 – Develop [policies] to provide clarity on when and how EFU parcels can be converted to other designations.

2.2.13 – Identify and retain accurately designated agricultural lands.
What are Nonprime Resource Lands?

- Known as “Non-Resource” Lands under OAR 660-004-005(3).

- Exceedingly low capacity to be managed for commercial agriculture and/or forestry activities.

- Do not meet definitions of either agricultural land or forestlands in State law due to poor soil conditions, a lack of irrigation, climate conditions and other relevant factors, including but not limited to past use.
Draft Policies

• Lists eligibility criteria.
• NPR-10 zone is only available for six residentially committed areas.
• NPR-20 zone pertains to all other eligible properties.
• Single family dwelling or manufactured home and accessory uses allowed outright.
Public Open Houses & Hearings

Open Houses
• La Pine – April 11
• Bend – April 18
• Sisters – April 25

Planning Commission Hearings:
• May 23 & June 13

Board of County Commissioners hearing:
• TBD
More Info...

Project website: [https://www.deschutes.org/npr](https://www.deschutes.org/npr)

Zechariah Heck, Associate Planner
541-385-1704 or [zechh@Deschutes.org](mailto:zechh@Deschutes.org)
PUBLIC COMMENTS, SUGGESTIONS, Q & A
Comment Card

If you would like your comments entered into the record, or would like to receive notices regarding updates to the Non-Prime Resources lands please provide your name and address below. However, name and address are optional for commenting.

Comment Topic (please circle one or more):

- Non-Prime Resource Land
- Annual Work Plan
- Other

Name: Robin Vora

Address: 1679 NE Deschene Ct

City, State, Zip: Bend, OR 97701

Comments: I am concerned about continued growth in Deschutes County and believe the population goals for the county and land should be an overall increase. While we do need more affordable housing, that should be located in cities. We need a livable county.

We don’t need more traffic on county, state or city roads. Any further development needs full traffic congestion analysis.

We don’t need any more congestion.

I am very concerned about declining wildlife habitat and increased wildlife disturbance. Mule deer populations continue to be impacted by further development in winter habitat, poaching and being hit on roads. More people and subdivisions means increased direct and indirect wildlife mortality. Areas with commercial forest potential should be zoned for forest.

Additional space provided on the back.
Comment Card

If you would like your comments entered into the record, or would like to receive notices regarding updates to the Non-Prime Resources lands please provide your name and address below. However, name and address are optional for commenting.

Comment Topic (please circle one or more):

Non-Prime Resource Land  Annual Work Plan  Other

Name: Tim Tess

Address: 21115 Young Ave

City, State, Zip: Bend OR 97703

Comments: I would like to speak to the Affordable Housing, which would allow for the utilization of a second resident on one tax lot in an EFU zone...
Comment Card

If you would like your comments entered into the record, or would like to receive notices regarding updates to the Non-Prime Resources lands please provide your name and address below. However, name and address are optional for commenting.

Comment Topic (please circle one or more):

- Non-Prime Resource Land
- Annual Work Plan
- Other

Name: DEZERK JAROS

Address: PO Box 1957

City, State, Zip: SISTERS, OR 97759

Comments: I would like to receive notice/updates on Non-Prime Resource land

rdjaros@gmail.com
BEND OPEN HOUSE AGENDA

Deschutes County Planning Commission
April 18, 2019

3:15 PM – 4:30 PM  Tour  Skyline Subdivision
See tour schedule for details.

5:30 PM  Open House  Barnes and Sawyer
Draft FY 2019-2020 Planning Division Work Plan
Rooms – 1300 NW Wall Street, Bend
Nonprime Resource Lands Comprehensive Plan
Amendments

Planning Commission Members
Dale Crawford (At Large), Chair
Maggie Kirby (Bend), Vice Chair
Jim Beeger (Bend Area)
Les Hudson (At-Large)
Jessica Kieras (Redmond)
Hugh Palcic (South County)
Steve Swisher (Sisters)

Deschutes County Staff
Nick Lelack, AICP, CDD Director
Peter Gutowsky, AICP, Planning Manager
Zechariah Heck, Associate Planner
Nicole Mardell, Associate Planner
Tanya Saltzman, AICP, Associate Planner
Ashley Williams, Administrative Assistant
TO: Deschutes County Planning Commission

FROM: Nick Lelack, AICP, Director  
Peter Gutowsky, AICP, Planning Manager  
Zechariah Heck, Associate Planner

DATE: April 11, 2019

SUBJECT: Planning Commission Open House / April 18, 2019

I. TOUR OF GREATER BEND COMMITTED RESIDENTIAL AREAS

The Deschutes County Planning Commission will be visiting Skyline Subdivision and First Addition on Thursday afternoon, April 18, 2019. The Nonprime Resource Lands Plan Amendments seek to redesignate these areas among four others (see below). Attachment 1 provides additional information about the tour.

II. OPEN HOUSE / DESCHUTES SERVICES CENTER

A. CDD Work Plan for Fiscal Year (FY) 2019-20

The Planning Commission is holding an open house on April 18, 2019 to gain public input, discuss, and make a recommendation to the Board of County Commissioners (BOCC), regarding the Community Development Department's (CDD) annual work plan for FY 2018-19 (Attachment 2).

Background

Each spring, CDD prepares an annual work plan describing proposed projects for the upcoming fiscal year. It is intended that a review of the draft work plan will provide the BOCC, Planning Commission, Historic Landmarks Commission, County Administration and CDD's customers and partner agencies the opportunity to provide input, including additions, modifications and possible re-prioritization. The work plan describes the most important objectives and proposed projects in each CDD division based on:

1. Board of County Commissioners' annual goals and policies; 
2. Carry-over projects from current or prior years; 
3. Changes in state law; 
4. Grants/funding sources; and 
5. Public comments.
It also serves as the context within which new projects that arise during the course of the year are prioritized and undertaken.

**Draft Work Plan**

The following are notable projects from the draft Planning Division Work Plan:

**Achieve performance measures to issue land use decisions within 21 days (without prior notice) or 45 days (with prior notice).**

**Nonprime Resource Lands:** Complete comprehensive plan amendments to establish eligibility criteria for designating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource (NPR) Lands defined in OAR 660-004-0005(3) as “Non Resource Lands.”

**Community & Area Plans:** Participate in the implementation of Sisters Country Horizons Plan. Engage Tumalo, Terrebonne, and Newberry Country residents to determine if community plans, goals, and policies meet the current and future needs of the area, and determine community interest and readiness for a community plan update. Only one or two such planning efforts may be initiated each fiscal year.

**Growth Management Coordination:** Coordinate with the cities of Bend and Redmond to implement affordable housing pilot projects.

**Legislative Text Amendments:**
- Amend zoning code to comply with federal Religious Land Use and Institutionalized Persons Act (RLUIPA) and sign code laws.
- Amend county code to allow day care, nurseries, and childcare facilities from a conditional use permit to a use permitted outright (subject to site plan review).
- Amend nonfarm dwelling code to be consistent with state law.
- Amend the minor variance 10% lot area rule for farm and forest zoned properties.
- Amend county code to define when replatting is required.

**Transportation:**
- Continue to coordinate with the City of Bend to amend the County's Comprehensive Plan and Development Code to allow new airport-related businesses at the Bend Airport through a streamlined permitting process.
- Initiate County Transportation System Plan (TSP) update in coordination with County Road Dept., if funded by the Oregon Dept. of Transportation.
- Serve on the US 97 Parkway facilities management plan technical advisory committee.
- Participate in the County Road Dept.’s Transportation Safety Action Plan (TSAP) process.

**Outdoor Mass Gathering Permit Amendments:** Consider amending Deschutes County Code 8.16 pertaining to Outdoor Mass Gatherings in coordination with County Legal Counsel, if resources are available.

**Historic Preservation – Certified Local Government Grant:** Administer FY 2019-20 CLG Grant, including coordinating with the Historic Landmarks Commission and City of Sisters on prioritized items noted in the grant.
Planning Commission & Historic Landmarks Commission Policy & Procedures Manuals: Develop policy and procedures manuals for the Planning Commission and Historic Landmarks Commission with sub-committees of each body. The purpose of the manual is to provide a helpful reference guide pertaining to each commission's unique purpose, authorities, roles, decision making processes, applicable laws/regulations and documents, public meeting requirements, etc.

Natural Hazards: TBD.

Grading Ordinance: TBD.

B. Nonprime Resource Lands Plan Amendments

The Planning Commission is also hosting the second of three open houses throughout the county to discuss proposed Comprehensive Plan amendments with the public on April 18. Deschutes County is initiating legislative amendments that seek to establish criteria for redesignating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource Lands, defined in state law as “Non-Resource Lands” (Attachments 3).

Proposed criteria also identify opportunities to redesignate six specific areas (Haner Park, Section 36, Skyline Subdivision and 1st Addition, Squaw Creek Canyon Recreational Estates 1st Addition and Meadow Crest Acres Subdivision) committed to residential uses that were platted or conveyed prior to State enabling planning legislation taking effect in Deschutes County.

These areas are subject to strict resource zoning requirements dictated by State law that affect the siting of new dwellings, remodels, additions and accessory structures. Upon acknowledgment of the Nonprime Resource Lands policies, Deschutes County will adopt two zones: a Nonprime Resource Lands-10 zone that will apply solely to the six areas committed to residential uses, and a Nonprime Resources Land-20 zone for all other eligible lands.

After the informational Open Houses, two public hearings in front of the Planning Commission are scheduled for:

- May 23 at 5:30 p.m. - Deschutes Services Center, 1300 Wall Street, Bend
- June 13 at 5:30 p.m. - Deschutes Services Center, 1300 Wall Street, Bend

Attachments

1. Tour Information
2. Draft CDD FY 2019-20 Work Plan

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1 The third open house is scheduled on April 25 at 6:00 p.m. at Sisters City Hall, 520 E Cascades Avenue, Sisters.
# TOUR SCHEDULE

**Deschutes County Planning Commission Tour**  
April 18, 2019

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
<th>Address</th>
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<tbody>
<tr>
<td>3:20 PM</td>
<td>Leave Deschutes County CDD</td>
<td>117 NW Lafayette Ave, Bend</td>
</tr>
<tr>
<td>3:50 PM – 4:00 PM</td>
<td>Driving tour of Skyline Subdivision and First Addition</td>
<td>15200 Skyliners Rd, Bend*</td>
</tr>
<tr>
<td>4:30 PM</td>
<td>Arrive at Deschutes County Services Building</td>
<td>1300 NW Wall Street, Bend</td>
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</tbody>
</table>

*This address is to be only used for GPS navigation. It is private property and will not be used for gathering. The site visit is a driving tour; no specific stops are planned.*

**Please note: times are estimates. For more information, please contact Zechariah Heck, Associate Planner, at 541-385-1704.
DISCLAIMER:
The information on this map was derived from digital databases on Deschutes County's GIS. Care was taken in the creation of this map, but it is provided "as is." Deschutes County cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. There are no warranties, express or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.
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<td>Introduction</td>
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<tr>
<td>Elected &amp; Appointed Officials</td>
<td>4</td>
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<td>Satellite Offices</td>
<td>5</td>
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<tr>
<td>Overview</td>
<td>6</td>
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<td>Organization &amp; Budget</td>
<td>7</td>
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<td>Key Issues</td>
<td>8</td>
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<td>Population Growth</td>
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<td>Goals &amp; Objectives</td>
<td>10</td>
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<tr>
<td>Performance Measures</td>
<td>12</td>
</tr>
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<td>Divisions &amp; Services</td>
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<td>Staff Directory</td>
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Mission Statement

The Community Development Department facilitates orderly growth and development in the Deschutes County community through coordinated programs of Land Use Planning, Environmental Soils, Building Safety, Code Enforcement, education and service to the public.

Purpose

The FY 2019-20 Work Plan highlights the department’s goals and objectives and is developed to:

• Implement the Board of County Commissioners’ (BOCC) goals and objectives.
• Implement the Deschutes County Customer Service “Every Time” Standards.
• Effectively and efficiently manage organizational assets, capabilities, and finances.
• Fulfill the department’s regulatory compliance requirements.
• Enhance the County as a safe, sustainable, and highly desirable place to live, work, learn, recreate, visit, and more.
• Address changes in state law.

Summaries of CDD’s performance measures are provided in each division’s section.

Adoption

The BOCC adopts the Work Plan after considering public, stakeholder and partner organization input, and Planning Commission and Historic Landmarks Commission recommendations. The Work Plan often includes more projects than there are resources available. CDD coordinates with the BOCC throughout the year to prioritize and initiate projects. Projects not initiated are often carried over to future years.
Elected & Appointed Officials

Board of County Commissioners
Philip G. Henderson, Chair
Patti Adair, Vice Chair
Tony DeBone

County Administration
Tom Anderson, County Administrator
Erik Kropp, Deputy County Administrator

Planning Commission
Dale Crawford - At Large (Chair)
Maggie Kirby - Bend Area (Vice Chair)
Jim Beeger - Bend Area
Les Hudson - At Large
Jessica Kieras - Redmond Area
Hugh Palcic - South County
Steve Swisher - Sisters Area

Historic Landmarks Commission
Chris Horting-Jones, Chair - Unincorporated
Sharon Leighty, Vice Chair - Unincorporated
Kelly Madden - Ex-Officio
Bill Olsen - Pioneer Association
Dennis Schmidling, Secretary - City of Sisters
Rachel Stemach - Unincorporated

Hearings Officers
Liz Fancher
Gregory J. Frank
Stephanie Hicks
Dan Olsen
Will Van Vactor

Bicycle and Pedestrian Advisory Committee
Dave Thomson - Chair
Christopher Cassard - Vice Chair
Morgan Crowell
Katie Hammer
Sam Handelman
Wendy Holzman
Katrina Lagenderf
Ann Marland
Rick Root
David Roth
Mark Smith
Main Office

117 NW Lafayette Avenue
Bend, OR
Mon, Tues, Thurs, Fri,
8:00AM - 5:00PM
Wed, 9:00AM - 5:00PM

La Pine City Hall

16345 Sixth Street
La Pine, OR
Thursday,
9:00AM - 4:00PM

Sisters City Hall

520 East Cascade Avenue
Sisters, OR
Tuesday,
9:00AM - 4:00PM
Overview

The Community Development Department (CDD) consists of Administrative Services and five divisions which provide coordinated planning and development services. The divisions include the following:

**ADMINISTRATIVE SERVICES**
Provides oversight for all departmental operations and facilities, human resources, budget, customer service, technology and performance measures. Systems Analyst staff are responsible for the integration of technology across all CDD divisions and coordinates with the cities as well as providing direct service to the public via application training and support, web-based mapping, reporting services and data distribution.

**COORDINATED SERVICES DIVISION**
Provides coordination of permitting and “front line” direct services to customers at the main office in Bend and at the La Pine and Sisters City Halls.

**ENVIRONMENTAL SOILS DIVISION**
Regulates on-site wastewater treatment systems (septic) and monitors environmental factors for public health and resource protection.

**PLANNING DIVISION**
The Planning Division is separated into two operational areas, Current and Long Range Planning. Current Planning processes individual land use applications and provides information to the public on all land use related issues. Long Range Planning addresses the future needs of the community through updates to the comprehensive plan, changes to County Code and other special projects.

**BUILDING SAFETY DIVISION**
Provides construction plan reviews, consultation and inspections to assure compliance with federal and state building codes in the rural County and cities of La Pine and Sisters.

**CODE ENFORCEMENT DIVISION**
Code enforcement is responsible for investigating code violation complaints to ensure compliance with each of the codes and statutes administered by CDD, and provides direct service on contract to the City of La Pine for solid waste violations.
Organization & Budget

Organizational Chart

Staff Summary

<table>
<thead>
<tr>
<th>Year</th>
<th>FY 2016</th>
<th>FY 2017</th>
<th>FY 2018</th>
<th>FY 2019</th>
<th>FY 2020</th>
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<tr>
<td>Total FTE's</td>
<td>36</td>
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Budget Summary

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<th>FY 2016¹</th>
<th>FY 2017²</th>
<th>FY 2018³</th>
<th>FY 2019⁴</th>
<th>FY 2020⁵</th>
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<td>Resources</td>
<td>$7,213,683</td>
<td>$8,420,357</td>
<td>$8,978,919</td>
<td>$10,657,457</td>
<td>$10,750,824</td>
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<tr>
<td>Requirements</td>
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<td>$8,978,919</td>
<td>$10,657,457</td>
<td>$10,750,824</td>
</tr>
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¹ FY 16 Reserves: $1,037,652
² FY 17 Reserves: $1,375,000
³ FY 18 Reserves: $823,610
⁴ FY 19 Reserves: $1,372,679
⁵ FY 20 Reserves: $1,462,386
Key Issues

Key CDD fiscal issues and operational challenges in FY 2019-20 are summarized below, as well as emerging departmental and community issues.

Operational Challenges and Opportunities

- Maintaining high customer service levels with appropriate staffing levels.
- Responding to new regulations and laws as outcome of 2019-20 legislative sessions.
- Processing complex and controversial land use applications and decisions and code enforcement cases.
- Preparing for workforce turnover through succession planning and staff retention strategies.
- Addressing affordable housing.
- Improving website, development statistics, and other reports.

Fiscal Issues

- Ensuring costs are accounted for and recovered through fees and other revenue sources, per the adopted budget.
- Ensuring financial stability and ongoing operations through establishing a long term financial plan.

Emerging Issues

- Managing population growth and demographic changes.
- Addressing a growing need for affordable housing.
- Preserving and protecting natural resources, water quality and quantity.
- Improving transportation systems.
- Anticipating new economic and agricultural opportunities.
- Maintaining and enhancing a high quality of life.
- Reducing natural hazard risks and preparing for disaster resilience.
- Planning for healthy and safe communities.
- Regional planning, coordination, and partnerships.
- Expanding recreational opportunities.
- Facilitating access to health care and higher education.
Central Oregon is a dynamic region and an extraordinary place to live, work, learn, recreate and visit as clearly demonstrated by the sustained population growth the region has seen over the past six decades.

This page provides a snapshot of the County’s growth since 1960 and the preliminary 50-year Portland State University, Oregon Population Forecast Program, through 2068.

### Geographic Area

<table>
<thead>
<tr>
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<td>Deschutes County</td>
<td>116,277</td>
<td>157,905</td>
<td>3.1%</td>
<td>188,980</td>
<td>2.3%</td>
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<td>Bend</td>
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<td>1.3%</td>
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<td>Unincorporated</td>
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<td>65,720</td>
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<td>79,236</td>
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*AAGR: Average Annual Growth Rate*
ECONOMIC VITALITY (EV)

Promote policies and actions that sustain and stimulate economic vitality.

1. Support affordable housing options through availability of lands and appropriate regulation.
2. Administer land use programs that promote livability, and sustainability.
3. Maintain a safe, efficient and sustainable transportation system.
4. Partner with organizations and manage County assets to attract business development, tourism, and recreation.

SERVICE DELIVERY (SD)

Provide solution-oriented service that is cost effective and efficient.

1. Ensure quality service delivery through the use of innovative technology and systems.
2. Support and promote Deschutes County Customer Service “Every Time” Standards.
3. Promote community participation and engagement with County government.
4. Preserve and enhance capital assets and strengthen fiscal security.
5. Provide collaborative internal support for County operations.
SAFE COMMUNITIES (SC)

Protect the community through planning, preparedness and delivery of coordinated services.

1. Provide safe and secure communities through coordinated public safety services.
2. Reduce crime and recidivism through prevention, intervention, supervision and enforcement.
3. Collaborate with partners to prepare for and respond to emergencies and disasters.

HEALTHY PEOPLE (HP)

Enhance and protect the health and well being of communities and their residents.

1. Support and advance the health and safety of Deschutes County’s residents.
2. Promote well-being through behavioral health and community support programs.
3. Help to sustain natural resources in balance with other community needs.
The Community Development Department’s FY 2019-20 goals are reflected in the performance measures below. These performance measures strategically and comprehensively align CDD’s operations with the Board of County Commissioners’ (BOCC) FY 2019-20 Goals and Objectives and the County’s Customer Service “Every Time” Standards.

The performance measures address service delivery expectations from the perspective of CDD’s customers; ensures the department fulfills its regulatory compliance requirements; effectively manages the organization’s assets, capacities, and finances; and preserves and enhances the County as a safe, sustainable, and desirable place to live, visit, work, learn and recreate.

Each CDD performance measure implements the BOCC’s FY 2019-20 goals and objectives. For example, the CDD performance measure to “achieve 85% voluntary compliance in Code Enforcement cases” implements the BOCC’s Safe Communities Objective 1 to provide safe and secure communities through coordinated public safety and services coordinated public safety and services and will include the reference “SC-1”. Specific performance measures for each individual division within CDD are listed in the following sections.

The following performance measures are related to all Community Development Department Divisions:

- Complete single family dwelling permit process from Application Acceptance to Ready-to-Issue in 30 days (BOCC Goal & Objective: SD-1).
- Complete commercial structural permit process from Application Acceptance to Ready-to-Issue in 35 days (BOCC Goal & Objective: SD-1).
- Achieve a customer feedback rating of 2.7 (out of 3.0) or better (BOCC Goal & Objective: SD-2).
Administrative Services

The Administrative Services Division provides oversight for all departmental operations and facilities, human resources, budgets, customer services, technology and performance measures.

Administrative Services consists of the Community Development Director, Senior Management Analyst, two Systems Analysts, and one Administrative Assistant.

Projects & Objectives: FY 2019-20

• Complete CDD lobby security camera installation to improve safety and customer service.

• Implement CDD Information Technology strategic plan.

• Update CDD website, including division and project webpages.

• Expand CDD’s new weekly and monthly reporting, including a new web-based Monthly Summary Report to communicate department news, development statistics and performance measure results.

• Develop statistical and performance related dashboards for a web-based display of key performance indicators of the department.

• Implement a new customer queue management software for tracking CDD customer wait times, purpose of visit and performance metrics.
Projects & Objectives: FY 2019-20

• Explore expanding the Planning Division’s webpage to provide more information about land use public hearings and opportunities for the public to submit comments on pending applications.

• Develop a response plan to accommodate a major disaster and facilitate recovery.

• Construct an application to display alert messages received when online permits have been submitted, payments have been applied or documents have been uploaded to online permits.

• Initiate a Master Electrical Permit Program for commercial and industrial construction. This program will promote electrical safety and implement a more efficient procedure for handling repair, alteration or replacement of existing electrical products in qualified facilities.
Coordinated Services

The Coordinated Services Division provides services to customers at the main office in Bend, as well as in the La Pine and Sisters City Halls. Staff work to ensure minimal wait times, provide accurate information to the public and ensure the efficient operation of the front counter and coordination among all divisions. Staff also perform basic building plan reviews. The Division consists of an Administrative Manager, eight Permit Technicians and an Administrative Support Technician.

Projects & Objectives: FY 2019-20

• Continue to coordinate and conduct public outreach and education on Accela and related elements to increase customer use of ePermitting and encourage online submittal of applications for participating jurisdictions.

• Continue to monitor customer and permit volumes in the City of La Pine and City of Sisters to ensure resources are allocated to those locations ensuring customers are served in a timely and efficient manner.

• Increase customer and public education on Accela and online permit applications in coordination with System Analyst staff to achieve performance measures.

• Continue to explore options to improve efficiencies for permit application submittals.

• Work with the City of La Pine Community Development Director to improve efficiencies for reviewing building permit applications, issuance of complex permits, and issuance of Certificates of Occupancy for properties located within the city limits.
Projects & Objectives: FY 2019-20

- Continue to cross train permit technicians to perform simple plan reviews and participate in statewide Permit Technician training programs and Central Oregon Planners Network Training.

- Utilize the Alert Report App in order to increase efficiency in processing online submittals.

- Implement the Master Electrical Permit Program and provide education to electrical professionals regarding the updated process.

- Continue to work with the City of Sisters to improve efficiencies in review of permit applications and issuance of those permits.

- Serve on statewide and regional ePermitting committees, participate in the national Accela conference, and pursue other opportunities to ensure Accela meets Deschutes County’s needs.

Performance Measures

- Achieve 40% of permits applied for at the counter (BOCC Goal & Objective: SD-1).

- Achieve 30% of all permits being submitted online, with the exception of planning applications (the capability does not yet exist) (BOCC Goal & Objective: SD-1).

- Establish and monitor a new performance measure—the target number of days for structural permit ready-to-issue turnaround time for Coordinated Services of four days (BOCC Goal & Objective: SD-1).
Code Enforcement

The Code Enforcement Division is responsible for investigating code violation complaints associated with land use, onsite wastewater disposal, building, and solid waste codes (by contract with the Solid Waste Department). The program’s overriding goal is to achieve voluntary compliance. If necessary, citations are issued for prosecution in Circuit Court or before a Code Enforcement Hearings Officer. The Code Enforcement program consists of three Code Enforcement Specialists and one volunteer. The program is managed by the Coordinated Services Administrative Manager and is supported by a law enforcement technician from the Sheriff's Department and operating divisions.

The program continues to adapt to the County’s challenges of growth and diversification, incorporating new measures to ensure timely code compliance and the legalization of marijuana.

While voluntary compliance is the primary objective, an ever-growing number of cases require further code enforcement action because of lagging correction or non-compliance. Through the continuing development and refinement of Procedures for Administrative Civil Penalty, Code Enforcement is obtaining expedited compliance from citations rather than court adjudication resulting in greater cost recovery.

A disconcerting trend is the necessity for County abatement in some cases. In abatement, the County affects the cure of violations with prioritization on cost recovery. Abatement action is reserved for matters of chronic nuisance and public health and safety. In response to this trend, Code Enforcement is closely coordinating with other County departments in the development and enactment of abatement plans.

Projects & Objectives: FY 2019-20

- Administer the Volunteer Program, focusing on reviewing temporary land use approvals for medical hardships, which require the submittal of annual reports, and similar cases.

- In cooperation with the Building Safety Division, participate in the development of a text amendment on the County Outdoor Lighting Ordinance. The amendment will update tables to include compact fluorescent lighting and LED options.
Projects & Objectives: FY 2019-20

• Consider proactive review and enforcement of non-compliance with land use decision’s conditions of approval.

• Create a tracking system for code enforcement cases submitted and processed as part of the land use application process. Submit report to the BOCC in early 2019.

• Refine property abatement process to cure violations.

• Continue proactive efforts to investigate illegal second dwellings, review temporary use permits, and follow up on replacement dwellings.

• Continue to establish relationships with homeowners’ associations or other interested groups, including offering to speak at meetings to share information and enforcement operating procedures.

• Survey other jurisdictions and incorporate innovative enforcement practices where appropriate. This effort includes direct involvement with the Oregon Code Enforcement Association (OCEA) conference participation and networking.

• Continue to utilize the inmate work crews to resolve solid waste cases where the property owner is unable to comply with County Code due to medical issues.
Projects & Objectives: FY 2019-20

• Continue to coordinate with the Sheriff’s Office, District Attorney, Legal Counsel, and Planning staff to track, process, and resolve marijuana complaints in a timely fashion and revisit the approach to marijuana code violations with the BOCC.

• Update the Code Enforcement Policy and Procedure Manual and County Code, if applicable, to implement:
  - BOCC direction on the approach to marijuana code enforcement and associated procedures to process violations.
  - Land Use procedures code amendments.
  - Other housekeeping amendments to reflect business practices.

Performance Measures

• Achieve 85% voluntary compliance in Code Enforcement cases (BOCC Goal & Objective: SC-1).

• Resolve 75% of Code Enforcement cases within 12 months (BOCC Goal & Objective: SC-1).

Building Safety

The Building Safety Division administers and implements the state-mandated building codes through a process of education and a clear and consistent application of the specialty codes. The Division provides these services throughout the rural county, in the Cities of La Pine and Sisters, and various services to Lake, Jefferson, Klamath and Crook counties, the Cities of Bend and Redmond, and the State of Oregon Building Codes Division on an as-needed basis. The Division consists of the Building Safety Director, Assistant Building Safety Official, three Commercial-Residential Plan Reviewers and eleven Building Safety Inspectors.

Projects & Objectives: FY 2019-20

• Manage staffing resources to meet increased business demands, particularly in plan review.

• Continue succession planning, cross-training, and technology investments to maintain and improve efficiencies.

• Coordinate with State and County staff to promote and educate customers on how to apply for permits and inspections online.

• Participate in public, community, and customer-specific education and outreach efforts.

• Continue to serve in regional and statewide leadership positions to support Deschutes County and Central Oregon interests.
• Achieve an average of 6-10 stops at different construction job sites per day for each Building Inspector. Each stop may consist of multiple inspections (BOCC Goal & Objective: SD-1).

• Achieve an average turnaround time on residential building plan reviews of 10 days or less (BOCC Goal & Objective: SD-1).

• Achieve 50% - 80% of inspections scheduled online (BOCC Goal & Objective: SD-1).

• Achieve 90% - 100% of inspections completed the same day as requested (BOCC Goal & Objective: SD-1).

• Complete 2-4 residential plan reviews per day per plans examiner (BOCC Goal & Objective: SD-1).

• Achieve 20% - 40% of permits applied for online (BOCC Goal & Objective: SD-1).
Projects & Objectives: FY 2019-20

• Increase electronic permit submittal and inspection scheduling through outreach and education of customers, particularly licensed professionals.

• Continue working with the DEQ on permitting protective onsite wastewater systems in South Deschutes County. Re-visit current policies with DEQ staff including a hydrologist, and determine best protective policies moving forward.

• Participate as a member of the Technical Review Committee for the DEQ onsite wastewater treatment system program and provide advice on rulemaking proposals, particularly advanced treatment systems that will have impacts to environmentally sensitive areas of Deschutes County.

• Continue coordination with the City of Bend and DEQ regarding the southeast sewer interceptor and sewer expansion, and the impact on homeowners with onsite wastewater systems.
Projects & Objectives: FY 2019-20

• Participate in the Upper Deschutes Agricultural Water Quality Management Area Local Advisory Committee.

• Prioritize addressing sewage health hazards and protecting public health and the environment.

• Increase staff involvement in a broader variety of Environmental Health related conferences, seminars and workshops to provide new learning opportunities and encourage professional development and new connections beyond the onsite program.

• Participate with DEQ in the pursuit of groundwater protection solutions and possible implementation of the Southern Deschutes/Northern Klamath Groundwater Protection Steering Committee recommendations.

• Provide financial assistance opportunities to South Deschutes County property owners who do not qualify for conventional loans to upgrade onsite systems to nitrogen reducing pollution reduction systems (Nitrogen Reducing System Rebates and the NeighborImpact Non-conforming Loan partnership).

• Develop and publish a quarterly newsletter for Installers.

• Participate in the City of Bend Storm Water Public Advisory Group.

• **LONG TERM PROJECT:**
  - Update the DEQ contract for the Onsite Wastewater Treatment System Program to be more consistent with current rules and requirements (the current contract dates from 1981).
Divisions & Services

Performance Measures

• Achieve compliance with the ATT Operation and Maintenance (O & M) reporting requirements of 95% (BOCC Goal & Objective: HP-3).

• New septic system permit turnaround time: 5-15 days (BOCC Goal & Objective: SD-1).

• Achieve 15% - 50% of permits applied for online (BOCC Goal & Objective: SD-1).

• Achieve 35% - 65% of inspections schedule online (BOCC Goal & Objective: SD-1).

• Achieve 90% - 100% of Pre-cover inspections completed the same day as requested (BOCC Goal & Objective: SD-1).
Planning

The Planning Division consists of two operational areas: Current Planning and Long Range Planning. The Division consists of a Community Development/Planning Director, one Planning Manager, three Senior Planners, one Senior Transportation Planner, six Associate Planners, four Assistant Planners, and one Administrative Assistant.

Current Planning

Responsible for reviewing land use applications for compliance with Deschutes County Code (DCC) and state law, including zoning, subdivision and development regulations, and facilitating public hearings with Hearings Officers and the BOCC. Staff is also responsible for verifying compliance with land use rules for building permit applications and septic permits; coordinating with Code Enforcement to respond to complaints and monitor conditions of approval for land use permits; performing road naming duties; providing assistance at the public information counter, over the telephone and via email; and addressing in the rural County and City of Redmond, under contract.

Long Range Planning

Responsible for planning for the future of Deschutes County, including developing and implementing land use policy with the BOCC, Planning Commission, community and partner organizations. It is in charge of updating the County Comprehensive Plan and zoning regulations, coordinating with cities and agencies on various planning projects taking place in the region, including population forecasts with Portland State University and cities. Staff also monitors and participates in annual legislative sessions, and serves on numerous local, regional and statewide committees primarily focusing on transportation, natural resources, growth management and economic development.
Divisions & Services

Transportation Planning

Provides comments and expertise on land use applications, calculates System Development Charges (SDC’s) as part of land use application review process or upon request; provides comments to the County’s Risk Management Department regarding traffic issues for permitted events; participates in the annual County Capital Improvement Plan (CIP) process with the Road Department; applies for grants for enhanced bicycle and pedestrian facilities in coordination with the Bicycle and Pedestrian Advisory Committee (BPAC); participates in Oregon Department of Transportation (ODOT) funded refinement planning; coordinates road issues with Bureau of Land Management (BLM) and the United States Forest Service (USFS) for urban interface plans; and serves on several local and regional transportation committees, most notably BPAC, the Bend Metropolitan Planning Organization Technical Advisory Committee, and Central Oregon Area Commission on Transportation Technical Advisory Committee (TAC).

Floodplain & Wetlands Planning

Responsible for providing comments and expertise on land use applications, code enforcement, and general property inquiries that require development, fill, or removal in mapped floodplain and wetland areas. Staff maintains certification as an Association of State Floodplain Managers (ASFPM) Certified Floodplain Manager to provide customers with up-to-date and accurate information regarding FEMA regulations, surveying requirements, and construction requirements. Coordination is frequently required with external agencies including FEMA, US Army Corps of Engineers, Oregon Department of State Lands, Oregon Department of Fish and Wildlife, and the US Forest Service.
Projects & Objectives: FY 2019-20

- **LEGISLATIVE TEXT AMENDMENTS:**
  - Amend county code to allow churches consistent with the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) and sign code laws.
  - Amend county code to allow day care, nurseries, and childcare facilities from a conditional use permit to a use permitted outright (subject to site plan review).
  - Amend nonfarm dwelling code to be consistent with state law.
  - Amend the minor variance 10% lot area rule for farm and forest zoned properties.
  - Amend county code to define when replatting is required.

- **TRANSPORTATION:**
  - Continue to coordinate with the City of Bend to amend the County’s Comprehensive Plan and Development Code to allow new airport-related businesses at the Bend Airport through a streamlined permitting process.
  - Initiate County Transportation System Plan (TSP) update in coordination with County Road Dept. if funded by the Oregon Dept. of Transportation.
  - Serve on the US 97 Parkway facilities management plan technical advisory committee.
  - Participate in the County Road Dept.’s Transportation Safety Action Plan (TSAP) process.
  - Initiate amendment to DCC 17.16.105 and related code sections regarding access requirements to rural subdivisions.
  - Serve on Wickiup Junction Refinement Plan technical advisory committee.
  - Serve on the Terrebonne Refinement plan technical advisory committee.
  - Serve on the US 20/Cook-OB Riley Tumalo technical advisory committee.
Projects & Objectives: FY 2019-20

• **NONPRIME RESOURCE LANDS:** Complete comprehensive plan amendments to establish eligibility criteria for designating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource (NPR) Lands defined in OAR 660-004-0005(3) as “Non Resource Lands.” Criteria also identify opportunities to re-designate six specific areas committed to residential uses that were platted or conveyed prior to State enabling planning legislation taking effect in Deschutes County. Upon adoption of the NPR Lands policies, Deschutes County will initiate legislative amendments for two zones: a NPR-10 zone that applies solely to the six areas committed to residential uses, and a NPR-20 zone for all other eligible lands subject to a quasi-judicial application.

• **COMMUNITY & AREA PLANS:** Participate in the implementation of Sisters Country Horizons Plan. Engage Tumalo, Terrebonne, and Newberry Country residents to determine if community plans, goals, and policies meet the current and future needs of the area, and determine community interest and readiness for a community plan update. Only one or two such planning efforts may be initiated each fiscal year.

• **GROWTH MANAGEMENT COORDINATION:** Coordinate with cities, County departments, state agencies, federal agencies and organizations to develop and implement growth management plans, joint management agreements, natural hazard mitigation planning, and cooperative agreements.
Projects & Objectives: FY 2019-20

• **AFFORDABLE HOUSING:** Process City of Bend and City of Redmond UGB amendments related to implementation of Affordable Housing Pilot Project(s) and amend our comprehensive plan. Participate in state legislative committee(s). Consider implementation in FY 2019-20 if rural ADUs are allowed.

• **OUTDOOR MASS GATHERING PERMIT AMENDMENTS:** Consider amending Deschutes County Code 8.16 pertaining to Outdoor Mass Gatherings in coordination with County Legal Counsel if resources are available.

• **HISTORIC PRESERVATION—CERTIFIED LOCAL GOVERNMENT (CLG) GRANT:** Administer FY 2019-20 CLG Grant, including coordinating with the Historic Landmarks Commission and City of Sisters on prioritized items noted in the grant.

• **PLANNING COMMISSION & HISTORIC LANDMARKS COMMISSION POLICY & PROCEDURES MANUALS:** Develop policy and procedures manuals for the Planning Commission and Historic Landmarks Commission with sub-committees of each body. The purpose of the manual is to provide a helpful reference guide pertaining to each commission's unique purpose, authorities, roles, decision making processes, applicable laws/regulations and documents, public meeting requirements, etc.

• **NATURAL HAZARDS:** TBD.

• **EXCAVATION ORDINANCE:** TBD.
Projects & Objectives: FY 2019-20

• **ONGOING ANNUAL PROJECTS:**
  - Conduct joint meeting / tour(s) with BOCC and Planning Commission.
  - Complete housekeeping and legislative text amendments to ensure County Code complies with state law. Consider implementing legislative amendments stemming from laws enacted by the 2019/20 Oregon Legislative Session.
  - Population Forecast: Coordinate with the County Assessor and Administration Office to complete the Portland State University, Population Research Center, annual Housing Unit and Population Questionnaire.

• **TRACKING SYSTEMS: DEVELOP, MAINTAIN, AND IMPROVE TRACKING SYSTEMS FOR:**
  - Comprehensive Plan and Community/Area Plan implementation activities, updates, necessary revisions, and potential areas for new plans.
  - Destination Resort overnight lodging units.
  - Limited Use Permits: Agri-tourism and other commercial events and activities.
  - Marijuana Annual Reports.
  - Non-farm dwellings.
  - Medical Hardships.
  - Conditions of Approval, as necessary.
• Issue all administrative (staff) decisions for land use actions requiring prior notice within 45 days of determination of complete application (BOCC Goal & Objective: SD-1).

• Issue all administrative (staff) decisions for land use actions that do not require prior notice within 21 days of determination of complete application (BOCC Goal & Objective: SD-1).

• Process City of Bend and City of Redmond UGB amendments related to implementation of Affordable Housing Pilot Project(s) and amend our comprehensive plan (BOCC Goals & Objectives: EV-1, EV-2, EV-3, EV-4, & HP-1).

• Coordinate with the City of Bend to implement the Bend Airport Master Plan (BOCC Goal & Objective: EV-2).

• Re-evaluate agricultural land designations (BOCC Goal & Objective: EV-2).

• Amend zoning code to comply with federal RLUIPA and sign code laws (BOCC Goals & Objectives: EV-2 & EV-4).
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<td>Building Inspector I</td>
<td>(541) 383-6711</td>
<td><a href="mailto:Laurie.Wilson@deschutes.org">Laurie.Wilson@deschutes.org</a></td>
</tr>
<tr>
<td>Richard Wright</td>
<td>Building Inspector III</td>
<td>x1626</td>
<td><a href="mailto:Richard.Wright@deschutes.org">Richard.Wright@deschutes.org</a></td>
</tr>
</tbody>
</table>
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><strong>1,529,552</strong></td>
<td><strong>79.9%</strong></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><strong>1,499,365</strong></td>
<td><strong>78.4%</strong></td>
</tr>
</tbody>
</table>

* Acres of parcels – does not includes 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 in 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>Nonprime Resource Lands</td>
<td>Title 18 - NPR-10, NPR-20</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</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 are defined in ORS 198.010 and are recognized as government bodies. Special districts include the following.

Table 1.3.4 - Special Districts

<table>
<thead>
<tr>
<th>Utility district</th>
<th>Rural fire protection district</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water supply district</td>
<td>Irrigation district</td>
</tr>
<tr>
<td>Cemetery maintenance district</td>
<td>Drainage district</td>
</tr>
<tr>
<td>Park and recreation district organized</td>
<td>Water improvement district</td>
</tr>
</tbody>
</table>
Mass transit district | Water control district
---|---
Metropolitan service district organized | Vector control district
Special road district | 9-1-1 communications district
Road assessment district | Geothermal heating district
Highway lighting district | Transportation district
Health district | Library district
Sanitary district | Soil & water conservation district
Sanitary authority, water authority or joint | water and sanitary authority

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 #
94-138 | 98-127
96-071 | 2004-001
97-147 | 2004-037
97-151 | 2006-019
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>
<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 as non-resource Nonprime Resource Lands defined in OAR 660-004-005(3) as “Non Resource Lands,” 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 agri-tourism 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 in OAR 660-004-005(3) as “Non Resource Lands,” 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 definition of 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 2019 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 designating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource Lands defined in OAR 660-004-0005(3) as “Non Resource Lands.” Criteria also identified opportunities to re-designate six specific areas committed to residential uses that were platted or conveyed prior to State enabling planning legislation taking effect in Deschutes County.
County. These areas are subject to strict resource zoning requirements dictated by State law that affect the siting of new dwellings, remodels, additions and accessory structures.

**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  The minimum parcel size for new rural residential parcels in the Nonprime Resource Lands-10 zone shall be 10 acres.

Policy 3.3.3  The minimum parcel size for new rural residential parcels in the Nonprime Resource Lands-20 zone shall be 20 acres.

Policy 3.3.24  Incorporate annual farm and forest housing reports into a wider system for tracking the cumulative impacts of rural housing development.

Policy 3.3.35  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 3.3.46  Encourage new subdivisions to incorporate alternative development patterns, such as cluster development, that mitigate community and environmental impacts.

Policy 3.3.57  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 3.3.68  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 3.3.79  Utilize block grants and other funding to assist in providing and maintaining low and moderate income housing.
Section 3.11 Nonprime Resource Lands

Background

Over the past decade, Deschutes County has supported and participated in numerous state legislative processes and coordinated with the Oregon Department of Land Conservation and Development (DLCD) to study and legislatively update agricultural and forest land designations. Unfortunately, these efforts did not result in a clear path forward to undertake such a land use change. The Comprehensive Plan provides a general directive to consider “Non-Resource” lands proposals (Policy 2.2.3). As of April 2019, Deschutes County has approved six applicant-initiated requests to amend Exclusive Farm Use zoning.

In April 2019, Deschutes County initiated its own process to establish eligibility criteria for designating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource Lands defined in OAR 660-004-0005(3) as “Non Resource Lands.” Criteria also identified opportunities to re-designate six specific areas committed to residential uses that were platted or conveyed prior to State enabling planning legislation taking effect in Deschutes County.

These areas are subject to strict resource zoning requirements dictated by State law that affect the siting of new dwellings, remodels, additions and accessory structures. Upon acknowledgment of the Nonprime Resource Lands policies, Deschutes County will adopt two zones: a Nonprime Resource Lands-10 zone that will apply solely to the six areas committed to residential uses, and a Nonprime Resources Land-20 zone for all other eligible lands subject to a quasi-judicial application.

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, and the accompanying Oregon Administrative Rules due to the presence of poor soil conditions, a lack of irrigation, climate conditions and other relevant factors, including but not limited to past use. 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. As summarized above, they also contain platted subdivisions or conveyed parcels that preexisted Statewide Planning legislation taking effect in Deschutes County.
Section 3.11 Nonprime Resource Lands

Policies

Goal and Policies

Goal I Approve the designation of Nonprime Resource Lands in Deschutes County

Nonprime Resource Lands – General Policies

Policy 3.11.1 A proposal to designate Nonprime Resource Lands may be initiated by either a property owner or Deschutes County.

Policy 3.11.2 The purpose of the Nonprime Resource Lands designation is to allow low intensity rural development.

Policy 3.11.3 To qualify for a Nonprime Resource Lands comprehensive plan designation and Nonprime Resource Lands zoning, a property must demonstrate:

a. The State’s soil and definitional standards of agricultural land do not apply because:
   i. Fifty-one percent of a property contains Class VII or VIII soils as classified by the NRCS;
   ii. The site is not suitable for farm use:
      1. It cannot be used for grazing or in conjunction with adjoining or nearby agricultural or grazing operations.
      2. It has no availability of water for farm irrigation.
      3. It cannot be combined with any other adjacent land for farming to occur.
      4. It is not intermingled with lands in Class I-VI soils.
      5. It is unnecessary to allow adjacent properties to continue to function as agricultural land.

b. The State’s soil and definitional standards of forest land or forest productivity potential do not apply by showing the entire parcel possesses a potential productivity of less than 20 cubic feet per acre per year, at culmination of mean annual increment, for one or more tree species native to Deschutes County;

c. It does not contain Goal 5 natural resources;

d. It is located in a fire-protection district or can be annexed into one;

e. It does not significantly affect a County or State transportation system consistent with Statewide Planning Goal 12;

f. If irrigation districts are impacted by a Nonprime Resource Lands designation, identify conditions of approval that should be placed on the property.

Policy 3.11.4 A Nonprime Resource Lands-20 zone provides procedures and standards for low density rural development that balances the public’s interest in the management of community growth with the protection of individual property rights.
Policy 3.11.5 The Nonprime Resource Lands-20 zone applies to eligible properties excluding those identified in Policy 3.11.12.

Policy 3.11.6 The minimum parcel size for the Nonprime Resource Lands-20 zone shall be 20 acres.

Policy 3.11.7 A single family dwelling or a manufactured home and their accessory uses shall be permitted outright.

Policy 3.11.8 Until a Nonprime Resource Lands-20 zone is adopted, property owners can continue as before and apply for a rezone from Exclusive Farm Use to Multiple Use Agriculture.

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 3.11.9 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 3.11.10 A single family dwelling or a manufactured home and their accessory uses shall be permitted outright.

Policy 3.11.11 The minimum parcel size for the Nonprime Resource Lands-10 zone shall be 10 acres.

Policy 3.11.12 The Nonprime Resource Lands-10 zone is available only for the following properties committed to residential uses because they are platted, parcelized, or partially developed:

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 3.11.13 Notwithstanding Policies 3.11.3.a.i. and 3.11.3.a.ii.4., 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 3.11.14 Notwithstanding Policy 3.11.3b., lots in Haner Park, Section 36, Skyline Subdivision, and Skyline Subdivision 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 3.11.15 Notwithstanding Policy 3.11.3.c, lands committed to residential uses with significant Goal 5 natural resources are eligible for a Nonprime Resource Lands-10 zone subject to an ESEE analysis.

Policy 3.11.16 Until a Nonprime Resource Lands-10 zone is adopted, property owners can continue as before and apply for a rezone from Exclusive Farm Use to Multiple Use Agriculture.
OPEN HOUSE

Work Plan, Non-Prime Resource Lands & Other Issues

Planning Commission
April 2019
Agenda

- Introductions
- Planning Commission & CDD Overview
- Draft Work Plan
- Non-Prime Resource Lands Summary
- Public Comments & Suggestions, Q & A
CDD Mission Statement

Our mission is to facilitate orderly growth and development in the Deschutes County community through coordinated programs of Land Use Planning, Environmental Soils, Building Safety, Code Enforcement, education and service to the public.
## Planning Commission Overview

### Board of County Commissioners

<table>
<thead>
<tr>
<th>Committee</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Planning Commission</td>
<td>(County Citizen Involvement Advisory Committee, Comprehensive Planning, Policy &amp; Regulations, Work Plan)</td>
</tr>
<tr>
<td>Historic Landmarks Commission</td>
<td>(Historic Preservation policy, regulations, and historic building/site decisions)</td>
</tr>
<tr>
<td>Hearings Officers</td>
<td>(Development review land use decisions)</td>
</tr>
<tr>
<td>Bicycle &amp; Pedestrian Advisory Committee</td>
<td>(Recommendations to County &amp; cities)</td>
</tr>
</tbody>
</table>

### Planning Commission

- 7 members, 4-year terms, represent geographic regions of County, volunteers
- Meets twice monthly, addresses rural, unincorporated County
CDD Overview: Agents of the State

**Planning Division**
(Development Review, Long Range Planning, Transportation, Historic Preservation, Wetlands, Floodplain, Urban Growth Management Coordination)

**Building Division**
(Construction Plan Review, Consultation, & Inspections in compliance with State & Federal Building Codes)

**Environmental Soils**
(Regulates on-site wastewater/septic treatment systems, monitors environmental factors for public health and resource protection)

**Coordinated Services & Code Enforcement**
(Coordinates permitting & “front-line” services; investigates code violation complaints to ensure compliance with CDD-related codes)

**CDD Director / Administration**
(Budget, Human Resources, Information Technology, Performance Management, Communications)
CDD Overview: Implements State Law

CDD Director / Administration
(Budget, Human Resources, Information Technology, Performance Management, Communications)

Planning Division
(Development Review, Long Range Planning, Transportation, Historic Preservation, Wetlands, Floodplain, Urban Growth Management Coordination)

Building Division
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(Regulates on-site wastewater/septic treatment systems, monitors environmental factors for public health and resource protection)

Coordinated Services & Code Enforcement
(Coordinates permitting & “front-line” services; investigates code violation complaints to ensure compliance with CDD-related codes)
Deschutes County CDD, PC Jurisdiction

![Map of Deschutes County with jurisdiction details]

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Total Acres</th>
<th>Area (sq miles)</th>
<th>% of County</th>
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</thead>
<tbody>
<tr>
<td>Federal Ownership</td>
<td>1,463,698 Ac.</td>
<td>2,287</td>
<td>76.5%</td>
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<tr>
<td>State, County Ownership</td>
<td>65,854 Ac.</td>
<td>103</td>
<td>3.5%</td>
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<tr>
<td>Incorporated Cities</td>
<td>70,803 Ac.</td>
<td>50</td>
<td>1.6%</td>
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<tr>
<td>County Jurisdiction</td>
<td>313,095 Ac.</td>
<td>550</td>
<td>18.4%</td>
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</table>

**Legend**
- Federal Land Ownership
- State, County Land Ownership
- City Limit
Population

Coordinated Population Forecast

2018 Through 2068

Deschutes County

Urban Growth Boundaries (UGB) & Area Outside UGBs

https://www.pdx.edu/prc/cycle-2-region-1-documents
Population Forecast

- 23,100
- 30,442
- 62,142
- 74,958
- 115,367
- 157,211
- 187,621
- 199,793
- 244,018
- 289,225
- 334,042
- 385,803
- 432,930

1960 - 2068
## Population Forecast

<table>
<thead>
<tr>
<th>Area / Year</th>
<th>2018</th>
<th>2020</th>
<th>2025</th>
<th>2030</th>
<th>2035</th>
<th>2040</th>
<th>2043</th>
<th>2068</th>
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<tr>
<td>Deschutes County (Total)</td>
<td>187,621</td>
<td>199,793</td>
<td>220,708</td>
<td>244,018</td>
<td>266,840</td>
<td>289,225</td>
<td>301,999</td>
<td>432,930</td>
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<tr>
<td>Bend</td>
<td>91,373</td>
<td>98,205</td>
<td>109,338</td>
<td>123,574</td>
<td>138,587</td>
<td>153,696</td>
<td>162,362</td>
<td>255,291</td>
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<tr>
<td>La Pine</td>
<td>1,833</td>
<td>2,081</td>
<td>2,304</td>
<td>2,670</td>
<td>3,023</td>
<td>3,386</td>
<td>3,594</td>
<td>5,894</td>
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<tr>
<td>Redmond</td>
<td>29,364</td>
<td>30,812</td>
<td>33,839</td>
<td>38,524</td>
<td>43,473</td>
<td>48,575</td>
<td>51,625</td>
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<td>Sisters</td>
<td>2,691</td>
<td>3,018</td>
<td>3,340</td>
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<td>4,867</td>
<td>5,169</td>
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<td>Unincorporated/Rural</td>
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<td>65,677</td>
<td>71,887</td>
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<td>77,373</td>
<td>78,702</td>
<td>79,248</td>
<td>80,739</td>
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## 2018 Population Comparisons

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<tbody>
<tr>
<td>DESCHUTES</td>
<td>188,980</td>
<td>182,930</td>
<td>6,050</td>
<td>3.3%</td>
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<tr>
<td>CROOK</td>
<td>22,710</td>
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<td>605</td>
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<td>WASHINGTON</td>
<td>606,280</td>
<td>595,860</td>
<td>10,420</td>
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<td>JEFFERSON</td>
<td>23,560</td>
<td>23,190</td>
<td>370</td>
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<tr>
<td>CLACKAMAS</td>
<td>419,425</td>
<td>413,000</td>
<td>6,425</td>
<td>1.6%</td>
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</table>

<table>
<thead>
<tr>
<th></th>
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<tr>
<td>WASHINGTON</td>
<td>606,280</td>
<td>595,860</td>
<td>10,420</td>
<td>1.7%</td>
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<tr>
<td>MULTNOMAH</td>
<td>813,300</td>
<td>803,000</td>
<td>10,300</td>
<td>1.3%</td>
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<tr>
<td>CLACKAMAS</td>
<td>419,425</td>
<td>413,000</td>
<td>6,425</td>
<td>1.6%</td>
</tr>
<tr>
<td>DESCHUTES</td>
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<td>182,930</td>
<td>6,050</td>
<td>3.3%</td>
</tr>
<tr>
<td>MARION</td>
<td>344,035</td>
<td>339,200</td>
<td>4,835</td>
<td>1.4%</td>
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</tbody>
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ACCOMPLISHMENTS & WORK PLAN
Work Plan Process

Jan.-Mar:  Staff drafts Work Plan based on:
            Board of County Commissioners (BOCC) goals and objectives
            Changes in state law
            Grants / funding sources
            Public comments (customer, stakeholder, citizen)
            Carry-over projects from prior year

April/May: Planning Commission & Historic Landmarks Commission hearings & recommendations

May/June: Board of County Commissioners public hearing & adoption
Accomplishments Snapshot

• Sisters Country Horizons Plan
• Central Oregon Regional Large Lot Industrial Lands – Redmond UGB Amendment
• Childcare Text Amendment
• Rural Industrial Plan Amendment
• Marijuana Text Amendments
• Water Panel
• Westside Transect
• Housekeeping Text Amendments
• Inventory of historic properties in Sisters
• Transportation Planning & Coordination
Draft Work Plan FY 2019

• Support opportunities to provide affordable housing – rural ADUs, UGB amendments

• Consider amendments to County Code:
  • Churches & Signs – compliance with federal law
  • Floodplains
  • Marijuana
  • Wildfire Mitigation
  • Outdoor Mass Gatherings

• Participate in County transportation planning processes

• Research & evaluate dust mitigation regulations

• Participate in Sisters Horizon Plan Implementation & Redmond’s Comp Plan (new) Update
Nonprime Resource Lands
What is the County Proposing?

Comprehensive Plan Policies

• Identify six EFU or F1/F2 residential areas that are incorrectly designated.

• Clarify path for other eligible properties to correct inaccurate designations.
Next steps...

Two New Zones:

NPR-10 Zone
• Apply to six EFU or F1/F2 residential areas that are incorrectly designated.

NPR-20 Zone
• Make available for other eligible properties to correct inaccurate designations.
Outcomes

1. Correct designation of rural properties.
2. Streamline process to obtain building permit.
3. No increase of residential properties or densities.
4. Establish new zone for other eligible properties.
Legacy Issue in Deschutes County

- 1970 farm land designations limited by available soil maps.
- Non-urban, non-forest, undeveloped and uncommitted lands determined to be farm and forest lands.
- Farm designations in some areas based on available information.
- Since 2008, Deschutes County has participated in state legislative processes to study and legislatively update agricultural and forest land designations.
Comprehensive Plan

2.2.3 – Allow comprehensive plan and zoning map amendments, including for those that qualify as non-resource land, for individual EFU parcels...

2.2.4 – Develop [policies] to provide clarity on when and how EFU parcels can be converted to other designations.

2.2.13 – Identify and retain accurately designated agricultural lands.
Deschutes Land Area

- Forest: 54%
- Agricultural: 37%
- Residential: 4%
- Other: 5%
What are Nonprime Resource Lands?

• Known as “Non-Resource” Lands under OAR 660-004-005(3).

• Exceedingly low capacity to be managed for commercial agriculture and/or forestry activities.

• Do not meet definitions of either agricultural land or forestlands in State law due to poor soil conditions, a lack of irrigation, climate conditions and other relevant factors, including but not limited to past use.
Residential Committed Areas
Example: Skyline Subdivision
Non-prime Resources Lands are not...

• Agricultural soils.

• Suitable for farming/forestry uses.

• Warranting protection in order to prevent conflict with surrounding uses.
Draft Policies

• Lists eligibility criteria.
• NPR-10 zone is only available for six residentially committed areas.
• NPR-20 zone pertains to all other eligible properties.
• Single family dwelling or manufactured home and accessory uses allowed outright.
Public Open Houses & Hearings

Open Houses
• Bend – April 18
• Sisters – April 25

Planning Commission Hearings:
• May 23 & June 13

Board of County Commissioners hearing:
• TBD
More Info...

Project website: https://www.deschutes.org/npr

Zechariah Heck, Associate Planner
541-385-1704 or zechh@Deschutes.org
BEND OPEN HOUSE AGENDA

Deschutes County Planning Commission
April 18, 2019

3:15 PM – 4:30 PM  Tour
See tour schedule for details.  Skyline Subdivision

5:30 PM  Open House
• Draft FY 2019-2020 Planning Division Work Plan
• Nonprime Resource Lands Comprehensive Plan Amendments
Barnes and Sawyer Rooms – 1300 NW Wall Street, Bend

Planning Commission Members
Dale Crawford (At Large), Chair
Maggie Kirby (Bend), Vice Chair
Jim Beeger (Bend Area)
Les Hudson (At-Large)
Jessica Kieras (Redmond)
Hugh Palcic (South County)
Steve Swisher (Sisters)

Deschutes County Staff
Nick Lelack, AICP, CDD Director
Peter Gutowsky, AICP, Planning Manager
Zechariah Heck, Associate Planner
Nicole Mardell, Associate Planner
Tanya Saltzman, AICP, Associate Planner
Ashley Williams, Administrative Assistant
TO: Deschutes County Planning Commission

FROM: Nick Lelack, AICP, Director
Peter Gutowsky, AICP, Planning Manager
Zechariah Heck, Associate Planner

DATE: April 11, 2019

SUBJECT: Planning Commission Open House / April 18, 2019

I. TOUR OF GREATER BEND COMMITTED RESIDENTIAL AREAS

The Deschutes County Planning Commission will be visiting Skyline Subdivision and First Addition on Thursday afternoon, April 18, 2019. The Nonprime Resource Lands Plan Amendments seek to redesignate these areas among four others (see below). Attachment 1 provides additional information about the tour.

II. OPEN HOUSE / DESCHUTES SERVICES CENTTER

A. CDD Work Plan for Fiscal Year (FY) 2019-20

The Planning Commission is holding an open house on April 18, 2019 to gain public input, discuss, and make a recommendation to the Board of County Commissioners (BOCC), regarding the Community Development Department’s (CDD) annual work plan for FY 2018-19 (Attachment 2).

Background

Each spring, CDD prepares an annual work plan describing proposed projects for the upcoming fiscal year. It is intended that a review of the draft work plan will provide the BOCC, Planning Commission, Historic Landmarks Commission, County Administration and CDD’s customers and partner agencies the opportunity to provide input, including additions, modifications and possible re-prioritization. The work plan describes the most important objectives and proposed projects in each CDD division based on:

1. Board of County Commissioners’ annual goals and policies;
2. Carry-over projects from current or prior years;
3. Changes in state law;
4. Grants/funding sources; and
5. Public comments.
It also serves as the context within which new projects that arise during the course of the year are prioritized and undertaken.

**Draft Work Plan**

The following are notable projects from the draft Planning Division Work Plan:

**Achieve performance measures to issue land use decisions within 21 days (without prior notice) or 45 days (with prior notice).**

**Nonprime Resource Lands:** Complete comprehensive plan amendments to establish eligibility criteria for designating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource (NPR) Lands defined in OAR 660-004-0005(3) as “Non Resource Lands.”

**Community & Area Plans:** Participate in the implementation of Sisters Country Horizons Plan. Engage Tumalo, Terrebonne, and Newberry Country residents to determine if community plans, goals, and policies meet the current and future needs of the area, and determine community interest and readiness for a community plan update. Only one or two such planning efforts may be initiated each fiscal year.

**Growth Management Coordination:** Coordinate with the cities of Bend and Redmond to implement affordable housing pilot projects.

**Legislative Text Amendments:**

- Amend zoning code to comply with federal Religious Land Use and Institutionalized Persons Act (RLUIPA) and sign code laws.
- Amend county code to allow day care, nurseries, and childcare facilities from a conditional use permit to a use permitted outright (subject to site plan review).
- Amend nonfarm dwelling code to be consistent with state law.
- Amend the minor variance 10% lot area rule for farm and forest zoned properties.
- Amend county code to define when replatting is required.

**Transportation:**

- Continue to coordinate with the City of Bend to amend the County's Comprehensive Plan and Development Code to allow new airport-related businesses at the Bend Airport through a streamlined permitting process.
- Initiate County Transportation System Plan (TSP) update in coordination with County Road Dept., if funded by the Oregon Dept. of Transportation.
- Serve on the US 97 Parkway facilities management plan technical advisory committee.
- Participate in the County Road Dept.’s Transportation Safety Action Plan (TSAP) process.

**Outdoor Mass Gathering Permit Amendments:** Consider amending Deschutes County Code 8.16 pertaining to Outdoor Mass Gatherings in coordination with County Legal Counsel, if resources are available.

**Historic Preservation – Certified Local Government Grant:** Administer FY 2019-20 CLG Grant, including coordinating with the Historic Landmarks Commission and City of Sisters on prioritized items noted in the grant.
Planning Commission & Historic Landmarks Commission Policy & Procedures Manuals: Develop policy and procedures manuals for the Planning Commission and Historic Landmarks Commission with sub-committees of each body. The purpose of the manual is to provide a helpful reference guide pertaining to each commission's unique purpose, authorities, roles, decision making processes, applicable laws/regulations and documents, public meeting requirements, etc.

Natural Hazards: TBD.

Grading Ordinance: TBD.

B. Nonprime Resource Lands Plan Amendments

The Planning Commission is also hosting the second of three open houses throughout the county to discuss proposed Comprehensive Plan amendments with the public on April 18.¹ Deschutes County is initiating legislative amendments that seek to establish criteria for redesignating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource Lands, defined in state law as “Non-Resource Lands” (Attachments 3).

Proposed criteria also identify opportunities to redesignate six specific areas (Haner Park, Section 36, Skyline Subdivision and 1st Addition, Squaw Creek Canyon Recreational Estates 1st Addition and Meadow Crest Acres Subdivision) committed to residential uses that were platted or conveyed prior to State enabling planning legislation taking effect in Deschutes County.

These areas are subject to strict resource zoning requirements dictated by State law that affect the siting of new dwellings, remodels, additions and accessory structures. Upon acknowledgment of the Nonprime Resource Lands policies, Deschutes County will adopt two zones: a Nonprime Resource Lands-10 zone that will apply solely to the six areas committed to residential uses, and a Nonprime Resources Land-20 zone for all other eligible lands.

After the informational Open Houses, two public hearings in front of the Planning Commission are scheduled for:

- May 23 at 5:30 p.m. - Deschutes Services Center, 1300 Wall Street, Bend
- June 13 at 5:30 p.m. - Deschutes Services Center, 1300 Wall Street, Bend

Attachments

1. Tour Information
2. Draft CDD FY 2019-20 Work Plan

¹ The third open house is scheduled on April 25 at 6:00 p.m. at Sisters City Hall, 520 E Cascades Avenue, Sisters.
### TOUR SCHEDULE

**Deschutes County Planning Commission Tour**  
April 18, 2019

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
<th>Location</th>
</tr>
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<tbody>
<tr>
<td>3:20 PM</td>
<td>Leave Deschutes County CDD</td>
<td>117 NW Lafayette Ave, Bend</td>
</tr>
<tr>
<td>3:50 PM – 4:00 PM</td>
<td>Driving tour of Skyline Subdivision and First Addition</td>
<td>15200 Skyliners Rd, Bend*</td>
</tr>
<tr>
<td>4:30 PM</td>
<td>Arrive at Deschutes County Services Building</td>
<td>1300 NW Wall Street, Bend</td>
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</table>

*This address is to be only used for GPS navigation. It is private property and will not be used for gathering. The site visit is a driving tour; no specific stops are planned.

**Please note: times are estimates. For more information, please contact Zechariah Heck, Associate Planner, at 541-385-1704.
DISCLAIMER:
The information on this map was derived from digital databases on Deschutes County’s G.I.S.
Care was taken in the creation of this map, but it is provided "as is." Deschutes County cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. There are no warranties, express or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.
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Mission Statement

The Community Development Department facilitates orderly growth and development in the Deschutes County community through coordinated programs of Land Use Planning, Environmental Soils, Building Safety, Code Enforcement, education and service to the public.

Purpose

The FY 2019-20 Work Plan highlights the department’s goals and objectives and is developed to:
• Implement the Board of County Commissioners’ (BOCC) goals and objectives.
• Implement the Deschutes County Customer Service “Every Time” Standards.
• Effectively and efficiently manage organizational assets, capabilities, and finances.
• Fulfill the department’s regulatory compliance requirements.
• Enhance the County as a safe, sustainable, and highly desirable place to live, work, learn, recreate, visit, and more.
• Address changes in state law.

Summaries of CDD’s performance measures are provided in each division’s section.

Adoption

The BOCC adopts the Work Plan after considering public, stakeholder and partner organization input, and Planning Commission and Historic Landmarks Commission recommendations. The Work Plan often includes more projects than there are resources available. CDD coordinates with the BOCC throughout the year to prioritize and initiate projects. Projects not initiated are often carried over to future years.
Elected & Appointed Officials

Board of County Commissioners
Philip G. Henderson, Chair
Patti Adair, Vice Chair
Tony DeBone

County Administration
Tom Anderson, County Administrator
Erik Kropp, Deputy County Administrator

Planning Commission
Dale Crawford - At Large (Chair)
Maggie Kirby - Bend Area (Vice Chair)
Jim Beeger - Bend Area
Les Hudson - At Large
Jessica Kieras - Redmond Area
Hugh Palcic - South County
Steve Swisher - Sisters Area

Historic Landmarks Commission
Chris Horting-Jones, Chair - Unincorporated
Sharon Leighty, Vice Chair - Unincorporated
Kelly Madden - Ex-Officio
Bill Olsen - Pioneer Association
Dennis Schmidling, Secretary - City of Sisters
Rachel Stemach - Unincorporated

Hearings Officers
Liz Fancher
Gregory J. Frank
Stephanie Hicks
Dan Olsen
Will Van Vactor

Bicycle and Pedestrian Advisory Committee
Dave Thomson - Chair
Christopher Cassard - Vice Chair
Morgan Crowell
Katie Hammer
Sam Handelman
Wendy Holzman
Katrina Lagenderf
Ann Marland
Rick Root
David Roth
Mark Smith
Main Office
117 NW Lafayette Avenue
Bend, OR
Mon, Tues, Thurs, Fri, 8:00AM - 5:00PM
Wed, 9:00AM - 5:00PM

La Pine City Hall
16345 Sixth Street
La Pine, OR
Thursday, 9:00AM - 4:00PM

Sisters City Hall
520 East Cascade Avenue
Sisters, OR
Tuesday, 9:00AM - 4:00PM
Overview

The Community Development Department (CDD) consists of Administrative Services and five divisions which provide coordinated planning and development services. The divisions include the following:

**ADMINISTRATIVE SERVICES**
Provides oversight for all departmental operations and facilities, human resources, budget, customer service, technology and performance measures. Systems Analyst staff are responsible for the integration of technology across all CDD divisions and coordinates with the cities as well as providing direct service to the public via application training and support, web-based mapping, reporting services and data distribution.

**COORDINATED SERVICES DIVISION**
Provides coordination of permitting and “front line” direct services to customers at the main office in Bend and at the La Pine and Sisters City Halls.

**ENVIRONMENTAL SOILS DIVISION**
Regulates on-site wastewater treatment systems (septic) and monitors environmental factors for public health and resource protection.

**PLANNING DIVISION**
The Planning Division is separated into two operational areas, Current and Long Range Planning. Current Planning processes individual land use applications and provides information to the public on all land use related issues. Long Range Planning addresses the future needs of the community through updates to the comprehensive plan, changes to County Code and other special projects.

**BUILDING SAFETY DIVISION**
Provides construction plan reviews, consultation and inspections to assure compliance with federal and state building codes in the rural County and cities of La Pine and Sisters.

**CODE ENFORCEMENT DIVISION**
Code enforcement is responsible for investigating code violation complaints to ensure compliance with each of the codes and statutes administered by CDD, and provides direct service on contract to the City of La Pine for solid waste violations.
Organizational Chart

Staff Summary

<table>
<thead>
<tr>
<th>Year</th>
<th>FY 2016</th>
<th>FY 2017</th>
<th>FY 2018</th>
<th>FY 2019</th>
<th>FY 2020</th>
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<tr>
<td>Total FTE's</td>
<td>36</td>
<td>45</td>
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<td>55</td>
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Budget Summary

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<th>Year</th>
<th>FY 2016¹</th>
<th>FY 2017²</th>
<th>FY 2018³</th>
<th>FY 2019⁴</th>
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<td>Resources</td>
<td>$7,213,683</td>
<td>$8,420,357</td>
<td>$8,978,919</td>
<td>$10,657,457</td>
<td>$10,750,824</td>
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<tr>
<td>Requirements</td>
<td>$7,213,683</td>
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<td>$8,978,919</td>
<td>$10,657,457</td>
<td>$10,750,824</td>
</tr>
</tbody>
</table>

¹ FY 16 Reserves: $1,037,652
² FY 17 Reserves: $1,375,000
³ FY 18 Reserves: $823,610
⁴ FY 19 Reserves: $1,372,679
⁵ FY 20 Reserves: $1,462,386
Key Issues

Key CDD fiscal issues and operational challenges in FY 2019-20 are summarized below, as well as emerging departmental and community issues.

Operational Challenges and Opportunities

- Maintaining high customer service levels with appropriate staffing levels.
- Responding to new regulations and laws as outcome of 2019-20 legislative sessions.
- Processing complex and controversial land use applications and decisions and code enforcement cases.
- Preparing for workforce turnover through succession planning and staff retention strategies.
- Addressing affordable housing.
- Improving website, development statistics, and other reports.

Fiscal Issues

- Ensuring costs are accounted for and recovered through fees and other revenue sources, per the adopted budget.
- Ensuring financial stability and ongoing operations through establishing a long term financial plan.

Emerging Issues

- Managing population growth and demographic changes.
- Addressing a growing need for affordable housing.
- Preserving and protecting natural resources, water quality and quantity.
- Improving transportation systems.
- Anticipating new economic and agricultural opportunities.
- Maintaining and enhancing a high quality of life.
- Reducing natural hazard risks and preparing for disaster resilience.
- Planning for healthy and safe communities.
- Regional planning, coordination, and partnerships.
- Expanding recreational opportunities.
- Facilitating access to health care and higher education.
Population Growth

Central Oregon is a dynamic region and an extraordinary place to live, work, learn, recreate and visit as clearly demonstrated by the sustained population growth the region has seen over the past six decades.

This page provides a snapshot of the County’s growth since 1960 and the preliminary 50-year Portland State University, Oregon Population Forecast Program, through 2068

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Deschutes County</td>
<td>116,277</td>
<td>157,905</td>
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<td>188,980</td>
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<td>432,930</td>
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<td>Bend</td>
<td>52,163</td>
<td>77,010</td>
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<td>Sisters</td>
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<td>7.8%</td>
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<td>La Pine</td>
<td>899</td>
<td>1,653</td>
<td>6.3%</td>
<td>1,840</td>
<td>1.3%</td>
<td>3,954</td>
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<tr>
<td>Unincorporated</td>
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<td>50,524</td>
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<td>65,720</td>
<td>3.3%</td>
<td>79,236</td>
<td>80,739</td>
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*AAGR: Average Annual Growth Rate
Goals & Objectives

Board of County Commissioners: Fiscal Year 2019-20 Goals & Objectives

ECONOMIC VITALITY (EV)

*Promote policies and actions that sustain and stimulate economic vitality.*

1. Support affordable housing options through availability of lands and appropriate regulation.
2. Administer land use programs that promote livability, and sustainability.
3. Maintain a safe, efficient and sustainable transportation system.
4. Partner with organizations and manage County assets to attract business development, tourism, and recreation.

SERVICE DELIVERY (SD)

*Provide solution-oriented service that is cost effective and efficient.*

1. Ensure quality service delivery through the use of innovative technology and systems.
2. Support and promote Deschutes County Customer Service “Every Time” Standards.
3. Promote community participation and engagement with County government.
4. Preserve and enhance capital assets and strengthen fiscal security.
5. Provide collaborative internal support for County operations.
**SAFE COMMUNITIES (SC)**

*Protect the community through planning, preparedness and delivery of coordinated services.*

1. Provide safe and secure communities through coordinated public safety services.
2. Reduce crime and recidivism through prevention, intervention, supervision and enforcement.
3. Collaborate with partners to prepare for and respond to emergencies and disasters.

**HEALTHY PEOPLE (HP)**

*Enhance and protect the health and well being of communities and their residents.*

1. Support and advance the health and safety of Deschutes County’s residents.
2. Promote well-being through behavioral health and community support programs.
3. Help to sustain natural resources in balance with other community needs.
The Community Development Department’s FY 2019-20 goals are reflected in the performance measures below. These performance measures strategically and comprehensively align CDD’s operations with the Board of County Commissioners’ (BOCC) FY 2019-20 Goals and Objectives and the County’s Customer Service “Every Time” Standards.

The performance measures address service delivery expectations from the perspective of CDD’s customers; ensures the department fulfills its regulatory compliance requirements; effectively manages the organization’s assets, capacities, and finances; and preserves and enhances the County as a safe, sustainable, and desirable place to live, visit, work, learn and recreate.

Each CDD performance measure implements the BOCC’s FY 2019-20 goals and objectives. For example, the CDD performance measure to “achieve 85% voluntary compliance in Code Enforcement cases” implements the BOCC’s Safe Communities Objective 1 to provide safe and secure communities through coordinated public safety and services coordinated public safety and services and will include the reference “SC-1”. Specific performance measures for each individual division within CDD are listed in the following sections.

The following performance measures are related to all Community Development Department Divisions:

- Complete single family dwelling permit process from Application Acceptance to Ready-to-Issue in 30 days (BOCC Goal & Objective: SD-1).

- Complete commercial structural permit process from Application Acceptance to Ready-to-Issue in 35 days (BOCC Goal & Objective: SD-1).

- Achieve a customer feedback rating of 2.7 (out of 3.0) or better (BOCC Goal & Objective: SD-2).
Administrative Services

The Administrative Services Division provides oversight for all departmental operations and facilities, human resources, budgets, customer services, technology and performance measures.

Administrative Services consists of the Community Development Director, Senior Management Analyst, two Systems Analysts, and one Administrative Assistant.

Projects & Objectives: FY 2019-20

- Complete CDD lobby security camera installation to improve safety and customer service.
- Implement CDD Information Technology strategic plan.
- Update CDD website, including division and project webpages.
- Expand CDD’s new weekly and monthly reporting, including a new web-based Monthly Summary Report to communicate department news, development statistics and performance measure results.
- Develop statistical and performance related dashboards for a web-based display of key performance indicators of the department.
- Implement a new customer queue management software for tracking CDD customer wait times, purpose of visit and performance metrics.
Projects & Objectives: FY 2019-20

• Explore expanding the Planning Division’s webpage to provide more information about land use public hearings and opportunities for the public to submit comments on pending applications.

• Develop a response plan to accommodate a major disaster and facilitate recovery.

• Construct an application to display alert messages received when online permits have been submitted, payments have been applied or documents have been uploaded to online permits.

• Initiate a Master Electrical Permit Program for commercial and industrial construction. This program will promote electrical safety and implement a more efficient procedure for handling repair, alteration or replacement of existing electrical products in qualified facilities.
Divisions & Services

Coordinated Services

The Coordinated Services Division provides services to customers at the main office in Bend, as well as in the La Pine and Sisters City Halls. Staff work to ensure minimal wait times, provide accurate information to the public and ensure the efficient operation of the front counter and coordination among all divisions. Staff also perform basic building plan reviews. The Division consists of an Administrative Manager, eight Permit Technicians and an Administrative Support Technician.

Projects & Objectives: FY 2019-20

• Continue to coordinate and conduct public outreach and education on Accela and related elements to increase customer use of ePermitting and encourage online submittal of applications for participating jurisdictions.

• Continue to monitor customer and permit volumes in the City of La Pine and City of Sisters to ensure resources are allocated to those locations ensuring customers are served in a timely and efficient manner.

• Increase customer and public education on Accela and online permit applications in coordination with System Analyst staff to achieve performance measures.

• Continue to explore options to improve efficiencies for permit application submittals.

• Work with the City of La Pine Community Development Director to improve efficiencies for reviewing building permit applications, issuance of complex permits, and issuance of Certificates of Occupancy for properties located within the city limits.
Projects & Objectives: FY 2019-20

- Continue to cross train permit technicians to perform simple plan reviews and participate in statewide Permit Technician training programs and Central Oregon Planners Network Training.

- Utilize the Alert Report App in order to increase efficiency in processing online submittals.

- Implement the Master Electrical Permit Program and provide education to electrical professionals regarding the updated process.

- Continue to work with the City of Sisters to improve efficiencies in review of permit applications and issuance of those permits.

- Serve on statewide and regional ePermitting committees, participate in the national Accela conference, and pursue other opportunities to ensure Accela meets Deschutes County’s needs.

Performance Measures

- Achieve 40% of permits applied for at the counter (BOCC Goal & Objective: SD-1).

- Achieve 30% of all permits being submitted online, with the exception of planning applications (the capability does not yet exist) (BOCC Goal & Objective: SD-1).

- Establish and monitor a new performance measure—the target number of days for structural permit ready-to-issue turnaround time for Coordinated Services of four days (BOCC Goal & Objective: SD-1).
The Code Enforcement Division is responsible for investigating code violation complaints associated with land use, onsite wastewater disposal, building, and solid waste codes (by contract with the Solid Waste Department). The program’s overriding goal is to achieve voluntary compliance. If necessary, citations are issued for prosecution in Circuit Court or before a Code Enforcement Hearings Officer. The Code Enforcement program consists of three Code Enforcement Specialists and one volunteer. The program is managed by the Coordinated Services Administrative Manager and is supported by a law enforcement technician from the Sheriff's Department and operating divisions.

The program continues to adapt to the County’s challenges of growth and diversification, incorporating new measures to ensure timely code compliance and the legalization of marijuana.

While voluntary compliance is the primary objective, an ever-growing number of cases require further code enforcement action because of lagging correction or non-compliance. Through the continuing development and refinement of Procedures for Administrative Civil Penalty, Code Enforcement is obtaining expedited compliance from citations rather than court adjudication resulting in greater cost recovery.

A disconcerting trend is the necessity for County abatement in some cases. In abatement, the County affects the cure of violations with prioritization on cost recovery. Abatement action is reserved for matters of chronic nuisance and public health and safety. In response to this trend, Code Enforcement is closely coordinating with other County departments in the development and enactment of abatement plans.

Projects & Objectives: FY 2019-20

- Administer the Volunteer Program, focusing on reviewing temporary land use approvals for medical hardships, which require the submittal of annual reports, and similar cases.

- In cooperation with the Building Safety Division, participate in the development of a text amendment on the County Outdoor Lighting Ordinance. The amendment will update tables to include compact florescent lighting and LED options.
Projects & Objectives: FY 2019-20

• Consider proactive review and enforcement of non-compliance with land use decision’s conditions of approval.

• Create a tracking system for code enforcement cases submitted and processed as part of the land use application process. Submit report to the BOCC in early 2019.

• Refine property abatement process to cure violations.

• Continue proactive efforts to investigate illegal second dwellings, review temporary use permits, and follow up on replacement dwellings.

• Continue to establish relationships with homeowners’ associations or other interested groups, including offering to speak at meetings to share information and enforcement operating procedures.

• Survey other jurisdictions and incorporate innovative enforcement practices where appropriate. This effort includes direct involvement with the Oregon Code Enforcement Association (OCEA) conference participation and networking.

• Continue to utilize the inmate work crews to resolve solid waste cases where the property owner is unable to comply with County Code due to medical issues.
Projects & Objectives: FY 2019-20

- Continue to coordinate with the Sheriff’s Office, District Attorney, Legal Counsel, and Planning staff to track, process, and resolve marijuana complaints in a timely fashion and revisit the approach to marijuana code violations with the BOCC.

- Update the Code Enforcement Policy and Procedure Manual and County Code, if applicable, to implement:
  - BOCC direction on the approach to marijuana code enforcement and associated procedures to process violations.
  - Land Use procedures code amendments.
  - Other housekeeping amendments to reflect business practices.

Performance Measures

- Achieve 85% voluntary compliance in Code Enforcement cases (BOCC Goal & Objective: SC-1).

- Resolve 75% of Code Enforcement cases within 12 months (BOCC Goal & Objective: SC-1).

Building Safety

The Building Safety Division administers and implements the state-mandated building codes through a process of education and a clear and consistent application of the specialty codes. The Division provides these services throughout the rural county, in the Cities of La Pine and Sisters, and various services to Lake, Jefferson, Klamath and Crook counties, the Cities of Bend and Redmond, and the State of Oregon Building Codes Division on an as-needed basis. The Division consists of the Building Safety Director, Assistant Building Safety Official, three Commercial-Residential Plan Reviewers and eleven Building Safety Inspectors.

Projects & Objectives: FY 2019-20

• Manage staffing resources to meet increased business demands, particularly in plan review.

• Continue succession planning, cross-training, and technology investments to maintain and improve efficiencies.

• Coordinate with State and County staff to promote and educate customers on how to apply for permits and inspections online.

• Participate in public, community, and customer-specific education and outreach efforts.

• Continue to serve in regional and statewide leadership positions to support Deschutes County and Central Oregon interests.
Performance Measures

• Achieve an average of 6-10 stops at different construction job sites per day for each Building Inspector. Each stop may consist of multiple inspections (BOCC Goal & Objective: SD-1).

• Achieve an average turnaround time on residential building plan reviews of 10 days or less (BOCC Goal & Objective: SD-1).

• Achieve 50% - 80% of inspections scheduled online (BOCC Goal & Objective: SD-1).

• Achieve 90% - 100% of inspections completed the same day as requested (BOCC Goal & Objective: SD-1).

• Complete 2-4 residential plan reviews per day per plans examiner (BOCC Goal & Objective: SD-1).

• Achieve 20% - 40% of permits applied for online (BOCC Goal & Objective: SD-1).
Divisions & Services

Environmental Soils

The Environmental Soils Division provides site evaluations, design review, permitting, inspection, education and coordination with the Oregon Department of Environmental Quality (DEQ) for onsite wastewater treatment and dispersal systems. Staff inspects sewage pumper trucks, reports on the condition of existing wastewater systems, maintains an Operations and Maintenance tracking system, provides the public with information on wastewater treatment systems and regulations, and investigates sewage hazards. Staff are also engaged in the proactive pursuit of protecting the groundwater in Deschutes County. The division consists of one Environmental Health Supervisor, one Environmental Health Specialist II, two Environmental Health Specialist I Trainees, one On-call Inspector and one Permit Technician.

Projects & Objectives: FY 2019-20

• Increase electronic permit submittal and inspection scheduling through outreach and education of customers, particularly licensed professionals.

• Continue working with the DEQ on permitting protective onsite wastewater systems in South Deschutes County. Re-visit current policies with DEQ staff including a hydrologist, and determine best protective policies moving forward.

• Participate as a member of the Technical Review Committee for the DEQ onsite wastewater treatment system program and provide advice on rulemaking proposals, particularly advanced treatment systems that will have impacts to environmentally sensitive areas of Deschutes County.

• Continue coordination with the City of Bend and DEQ regarding the southeast sewer interceptor and sewer expansion, and the impact on homeowners with onsite wastewater systems.
Projects & Objectives: FY 2019-20

• Participate in the Upper Deschutes Agricultural Water Quality Management Area Local Advisory Committee.

• Prioritize addressing sewage health hazards and protecting public health and the environment.

• Increase staff involvement in a broader variety of Environmental Health related conferences, seminars and workshops to provide new learning opportunities and encourage professional development and new connections beyond the onsite program.

• Participate with DEQ in the pursuit of groundwater protection solutions and possible implementation of the Southern Deschutes/ Northern Klamath Groundwater Protection Steering Committee recommendations.

• Provide financial assistance opportunities to South Deschutes County property owners who do not qualify for conventional loans to upgrade onsite systems to nitrogen reducing pollution reduction systems (Nitrogen Reducing System Rebates and the NeighborImpact Non-conforming Loan partnership).

• Develop and publish a quarterly newsletter for Installers.

• Participate in the City of Bend Storm Water Public Advisory Group.

• **LONG TERM PROJECT:**
  - Update the DEQ contract for the Onsite Wastewater Treatment System Program to be more consistent with current rules and requirements (the current contract dates from 1981).
Divisions & Services

Performance Measures

• Achieve compliance with the ATT Operation and Maintenance (O & M) reporting requirements of 95% (BOCC Goal & Objective: HP-3).

• New septic system permit turnaround time: 5-15 days (BOCC Goal & Objective: SD-1).

• Achieve 15% - 50% of permits applied for online (BOCC Goal & Objective: SD-1).

• Achieve 35% - 65% of inspections schedule online (BOCC Goal & Objective: SD-1).

• Achieve 90% - 100% of Pre-cover inspections completed the same day as requested (BOCC Goal & Objective: SD-1).
Planning

The Planning Division consists of two operational areas: Current Planning and Long Range Planning. The Division consists of a Community Development/Planning Director, one Planning Manager, three Senior Planners, one Senior Transportation Planner, six Associate Planners, four Assistant Planners, and one Administrative Assistant.

Current Planning

Responsible for reviewing land use applications for compliance with Deschutes County Code (DCC) and state law, including zoning, subdivision and development regulations, and facilitating public hearings with Hearings Officers and the BOCC. Staff is also responsible for verifying compliance with land use rules for building permit applications and septic permits; coordinating with Code Enforcement to respond to complaints and monitor conditions of approval for land use permits; performing road naming duties; providing assistance at the public information counter, over the telephone and via email; and addressing in the rural County and City of Redmond, under contract.

Long Range Planning

Responsible for planning for the future of Deschutes County, including developing and implementing land use policy with the BOCC, Planning Commission, community and partner organizations. It is in charge of updating the County Comprehensive Plan and zoning regulations, coordinating with cities and agencies on various planning projects taking place in the region, including population forecasts with Portland State University and cities. Staff also monitors and participates in annual legislative sessions, and serves on numerous local, regional and statewide committees primarily focusing on transportation, natural resources, growth management and economic development.
**Transportation Planning**

Provides comments and expertise on land use applications, calculates System Development Charges (SDC’s) as part of land use application review process or upon request; provides comments to the County’s Risk Management Department regarding traffic issues for permitted events; participates in the annual County Capital Improvement Plan (CIP) process with the Road Department; applies for grants for enhanced bicycle and pedestrian facilities in coordination with the Bicycle and Pedestrian Advisory Committee (BPAC); participates in Oregon Department of Transportation (ODOT) funded refinement planning; coordinates road issues with Bureau of Land Management (BLM) and the United States Forest Service (USFS) for urban interface plans; and serves on several local and regional transportation committees, most notably BPAC, the Bend Metropolitan Planning Organization Technical Advisory Committee, and Central Oregon Area Commission on Transportation Technical Advisory Committee (TAC).

**Floodplain & Wetlands Planning**

Responsible for providing comments and expertise on land use applications, code enforcement, and general property inquiries that require development, fill, or removal in mapped floodplain and wetland areas. Staff maintains certification as an Association of State Floodplain Managers (ASFPM) Certified Floodplain Manager to provide customers with up-to-date and accurate information regarding FEMA regulations, surveying requirements, and construction requirements. Coordination is frequently required with external agencies including FEMA, US Army Corps of Engineers, Oregon Department of State Lands, Oregon Department of Fish and Wildlife, and the US Forest Service.
Projects & Objectives: FY 2019-20

• LEGISLATIVE TEXT AMENDMENTS:
  - Amend county code to allow churches consistent with the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) and sign code laws.
  - Amend county code to allow day care, nurseries, and childcare facilities from a conditional use permit to a use permitted outright (subject to site plan review).
  - Amend nonfarm dwelling code to be consistent with state law.
  - Amend the minor variance 10% lot area rule for farm and forest zoned properties.
  - Amend county code to define when replatting is required.

• TRANSPORTATION:
  - Continue to coordinate with the City of Bend to amend the County’s Comprehensive Plan and Development Code to allow new airport-related businesses at the Bend Airport through a streamlined permitting process.
  - Initiate County Transportation System Plan (TSP) update in coordination with County Road Dept. if funded by the Oregon Dept. of Transportation.
  - Serve on the US 97 Parkway facilities management plan technical advisory committee.
  - Participate in the County Road Dept.’s Transportation Safety Action Plan (TSAP) process.
  - Initiate amendment to DCC 17.16.105 and related code sections regarding access requirements to rural subdivisions.
  - Serve on Wickiup Junction Refinement Plan technical advisory committee.
  - Serve on the Terrebonne Refinement plan technical advisory committee.
  - Serve on the US 20/Cook-OB Riley Tumalo technical advisory committee.
Projects & Objectives: FY 2019-20

• **NONPRIME RESOURCE LANDS:** Complete comprehensive plan amendments to establish eligibility criteria for designating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource (NPR) Lands defined in OAR 660-004-0005(3) as “Non Resource Lands.” Criteria also identify opportunities to re-designate six specific areas committed to residential uses that were platted or conveyed prior to State enabling planning legislation taking effect in Deschutes County. Upon adoption of the NPR Lands policies, Deschutes County will initiate legislative amendments for two zones: a NPR-10 zone that applies solely to the six areas committed to residential uses, and a NPR-20 zone for all other eligible lands subject to a quasi-judicial application.

• **COMMUNITY & AREA PLANS:** Participate in the implementation of Sisters Country Horizons Plan. Engage Tumalo, Terrebonne, and Newberry Country residents to determine if community plans, goals, and policies meet the current and future needs of the area, and determine community interest and readiness for a community plan update. Only one or two such planning efforts may be initiated each fiscal year.

• **GROWTH MANAGEMENT COORDINATION:** Coordinate with cities, County departments, state agencies, federal agencies and organizations to develop and implement growth management plans, joint management agreements, natural hazard mitigation planning, and cooperative agreements.
Projects & Objectives: FY 2019-20

• **AFFORDABLE HOUSING**: Process City of Bend and City of Redmond UGB amendments related to implementation of Affordable Housing Pilot Project(s) and amend our comprehensive plan. Participate in state legislative committee(s). Consider implementation in FY 2019-20 if rural ADUs are allowed.

• **OUTDOOR MASS GATHERING PERMIT AMENDMENTS**: Consider amending Deschutes County Code 8.16 pertaining to Outdoor Mass Gatherings in coordination with County Legal Counsel if resources are available.

• **HISTORIC PRESERVATION—CERTIFIED LOCAL GOVERNMENT (CLG) GRANT**: Administer FY 2019-20 CLG Grant, including coordinating with the Historic Landmarks Commission and City of Sisters on prioritized items noted in the grant.

• **PLANNING COMMISSION & HISTORIC LANDMARKS COMMISSION POLICY & PROCEDURES MANUALS**: Develop policy and procedures manuals for the Planning Commission and Historic Landmarks Commission with sub-committees of each body. The purpose of the manual is to provide a helpful reference guide pertaining to each commission’s unique purpose, authorities, roles, decision making processes, applicable laws/regulations and documents, public meeting requirements, etc.

• **NATURAL HAZARDS**: TBD.

• **EXCAVATION ORDINANCE**: TBD.
Projects & Objectives: FY 2019-20

• **ONGOING ANNUAL PROJECTS:**
  - Conduct joint meeting / tour(s) with BOCC and Planning Commission.
  - Complete housekeeping and legislative text amendments to ensure County Code complies with state law. Consider implementing legislative amendments stemming from laws enacted by the 2019/20 Oregon Legislative Session.
  - Population Forecast: Coordinate with the County Assessor and Administration Office to complete the Portland State University, Population Research Center, annual Housing Unit and Population Questionnaire.

• **TRACKING SYSTEMS: DEVELOP, MAINTAIN, AND IMPROVE TRACKING SYSTEMS FOR:**
  - Comprehensive Plan and Community/Area Plan implementation activities, updates, necessary revisions, and potential areas for new plans.
  - Destination Resort overnight lodging units.
  - Limited Use Permits: Agri-tourism and other commercial events and activities.
  - Marijuana Annual Reports.
  - Non-farm dwellings.
  - Medical Hardships.
  - Conditions of Approval, as necessary.
Divisions & Services

Performance Measures

- Issue all administrative (staff) decisions for land use actions requiring prior notice within 45 days of determination of complete application (**BOCC Goal & Objective: SD-1**).

- Issue all administrative (staff) decisions for land use actions that do not require prior notice within 21 days of determination of complete application (**BOCC Goal & Objective: SD-1**).

- Process City of Bend and City of Redmond UGB amendments related to implementation of Affordable Housing Pilot Project(s) and amend our comprehensive plan (**BOCC Goals & Objectives: EV-1, EV-2, EV-3, EV-4, & HP-1**).

- Coordinate with the City of Bend to implement the Bend Airport Master Plan (**BOCC Goal & Objective: EV-2**).

- Re-evaluate agricultural land designations (**BOCC Goal & Objective: EV-2**).

- Amend zoning code to comply with federal RLUIPA and sign code laws (**BOCC Goals & Objectives: EV-2 & EV-4**).
# Staff Directory

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
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</tbody>
</table>
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>
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<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>
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<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 in 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><strong>Title 18 - NPR-10, NPR-20</strong></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</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 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.

<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>
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<td>23</td>
<td>Irrigated pasture and some hay</td>
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<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>
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<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 as non-resource Nonprime Resource Land defined in OAR 660-004-005(3) as “Non Resource Lands,” 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 agri-tourism 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 Statute (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 in OAR 660-004-005(3) as “Non Resource Lands,” 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 definition of 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 2029 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 designating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource Lands defined in OAR 660-004-000S(3) as “Non Resource Lands.” Criteria also identified opportunities to re-designate six specific areas committed to residential uses that were platted or conveyed prior to State enabling planning legislation taking effect in Deschutes County.
These areas are subject to strict resource zoning requirements dictated by State law that affect the siting of new dwellings, remodels, additions and accessory structures.

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 The minimum parcel size for new rural residential parcels in the Nonprime Resource Lands-10 zone shall be 10 acres.

Policy 3.3.3 The minimum parcel size for new rural residential parcels in the Nonprime Resource Lands-20 zone shall be 20 acres.

Policy 3.3.24 Incorporate annual farm and forest housing reports into a wider system for tracking the cumulative impacts of rural housing development.

Policy 3.3.35 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 3.3.46 Encourage new subdivisions to incorporate alternative development patterns, such as cluster development, that mitigate community and environmental impacts.

Policy 3.3.57 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 3.3.68 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 3.3.79 Utilize block grants and other funding to assist in providing and maintaining low and moderate income housing.
Section 3.11 Nonprime Resource Lands

Background

Over the past decade, Deschutes County has supported and participated in numerous state legislative processes and coordinated with the Oregon Department of Land Conservation and Development (DLCD) to study and legislatively update agricultural and forest land designations. Unfortunately, these efforts did not result in a clear path forward to undertake such a land use change. The Comprehensive Plan provides a general directive to consider “Non-Resource” lands proposals (Policy 2.2.3). As of April 2019, Deschutes County has approved six applicant-initiated requests to amend Exclusive Farm Use zoning.

In April 2019, Deschutes County initiated its own process to establish eligibility criteria for designating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource Lands defined in OAR 660-004-0005(3) as “Non Resource Lands.” Criteria also identified opportunities to re-designate six specific areas committed to residential uses that were platted or conveyed prior to State enabling planning legislation taking effect in Deschutes County. These areas are subject to strict resource zoning requirements dictated by State law that affect the siting of new dwellings, remodels, additions and accessory structures. Upon acknowledgment of the Nonprime Resource Lands policies, Deschutes County will adopt two zones: a Nonprime Resource Lands-10 zone that will apply solely to the six areas committed to residential uses, and a Nonprime Resources Land-20 zone for all other eligible lands subject to a quasi-judicial application.

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, and the accompanying Oregon Administrative Rules due to the presence of poor soil conditions, a lack of irrigation, climate conditions and other relevant factors, including but not limited to past use. 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. As summarized above, they also contain platted subdivisions or conveyed parcels that preexisted Statewide Planning legislation taking effect in Deschutes County.
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 Policies

Policy 3.11.1 A proposal to designate Nonprime Resource Lands may be initiated by either a property owner or Deschutes County.

Policy 3.11.2 The purpose of the Nonprime Resource Lands designation is to allow low intensity rural development.

Policy 3.11.3 To qualify for a Nonprime Resource Lands comprehensive plan designation and Nonprime Resource Lands zoning, a property must demonstrate:

a. The State’s soil and definitional standards of agricultural land do not apply because:
   i. Fifty-one percent of a property contains Class VII or VIII soils as classified by the NRCS;
   ii. The site is not suitable for farm use:
      1. It cannot be used for grazing or in conjunction with adjoining or nearby agricultural or grazing operations.
      2. It has no availability of water for farm irrigation.
      3. It cannot be combined with any other adjacent land for farming to occur
      4. It is not intermingled with lands in Class I-VI soils.
      5. It is unnecessary to allow adjacent properties to continue to function as agricultural land.

b. The State’s soil and definitional standards of forest land or forest productivity potential do not apply by showing the entire parcel possesses a potential productivity of less than 20 cubic feet per acre per year, at culmination of mean annual increment, for one or more tree species native to Deschutes County;

c. It does not contain Goal 5 natural resources;

d. It is located in a fire-protection district or can be annexed into one;

e. It does not significantly affect a County or State transportation system consistent with Statewide Planning Goal 12;

f. If irrigation districts are impacted by a Nonprime Resource Lands designation, identify conditions of approval that should be placed on the property.

Policy 3.11.4 A Nonprime Resource Lands-20 zone provides procedures and standards for low density rural development that balances the public’s interest in the management of community growth with the protection of individual property rights.
Policy 3.11.5 The Nonprime Resource Lands-20 zone applies to eligible properties excluding those identified in Policy 3.11.12.

Policy 3.11.6 The minimum parcel size for the Nonprime Resource Lands-20 zone shall be 20 acres.

Policy 3.11.7 A single family dwelling or a manufactured home and their accessory uses shall be permitted outright.

Policy 3.11.8 Until a Nonprime Resource Lands-20 zone is adopted, property owners can continue as before and apply for a rezone from Exclusive Farm Use to Multiple Use Agriculture.

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 3.11.9 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 3.11.10 A single family dwelling or a manufactured home and their accessory uses shall be permitted outright.

Policy 3.11.11 The minimum parcel size for the Nonprime Resource Lands-10 zone shall be 10 acres.

Policy 3.11.12 The Nonprime Resource Lands-10 zone is available only for the following properties committed to residential uses because they are platted, parcelized, or partially developed:

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 3.11.13 Notwithstanding Policies 3.11.3.a.i. and 3.11.3.a.ii.4., 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 3.11.14 Notwithstanding Policy 3.11.3b., lots in Haner Park, Section 36, Skyline Subdivision, and Skyline Subdivision 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 3.11.15 Notwithstanding Policy 3.11.3.c, lands committed to residential uses with significant Goal 5 natural resources are eligible for a Nonprime Resource Lands-10 zone subject to an ESEE analysis.

Policy 3.11.16 Until a Nonprime Resource Lands-10 zone is adopted, property owners can continue as before and apply for a rezone from Exclusive Farm Use to Multiple Use Agriculture.
Open House - Minutes
DESHUTES COUNTY PLANNING COMMISSION
DESHUTES SERVICES CENTER
1300 NW WALL STREET, BEND, OREGON, 97703
APRIL 18, 2019 - 5:30 P.M.

I. Call to Order

The meeting was called to order at 5:30 p.m. by Chair Dale Crawford. Board members present: Vice Chair Maggie Kirby, Hugh Palcic, Les Hudson, Jim Beeger and Jessica Kieras. Staff present: Nick Lelack – Community Development Director, Peter Gutowsky – Planning Manager, Zechariah Heck – Associate Planner, Nicole Mardell – Associate Planner, Tanya Saltzman – Associate Planner, and Ashley Williams – Administrative Assistant.

II. Introductions

Chair Crawford requested that anyone providing public comments use a sign in sheet for record keeping purposes. He went over the layout of the meeting which would include brief presentations regarding the Annual Work Plan and Non-Prime Resource Lands (NPR Lands). He emphasized the importance of public comments and said that there were opportunities for both written and oral testimony at this meeting. Each Commissioner introduced themselves, noting their representation area, and years of service. The staff all introduced themselves and gave their titles.

III. Work Plan presentation, Nick Lelack – Community Development Director

Director Lelack went over the work plan briefly. Some of the items he went over included: Planning Commission formation, appointment of positions, and duties; Divisions of the Community Development department; population forecasts and statistics; work plan development process; this fiscal year accomplishments, and next fiscal year goals.

IV. Non-Prime Resource Land Presentation, Zechariah Heck – Associate Planner

Mr. Heck introduced himself and went over the amendment proposal and background. He said that the proposal includes re-designation of 6 areas to an NPR-10 zone and allows for applicant initiated changes to NPR-20 zone. He said that existing lots smaller than the 10 and 20 acres would be allowed, but those lots could not be divided any further.
He said that this is a legacy issue in Deschutes County. He described the processes taken since 2008 which attempted to do what this amendment, if approved, would accomplish. He said that the County has worked with the State and other agencies in the past in attempt to correct these designations, but those attempts were unsuccessful. He noted that zone re-designation is already allowed through the County's Comprehensive Plan.

He provided the state definition of Non Resource Lands and described the characteristics of the land in the specific 6 areas for re-designation. He went over a map of these areas. He said that the areas were platted as subdivisions before the inception of the Deschutes County Zoning Code. He said that the average lot size for Skyline Subdivision and 1st Addition is .7 acres and is approximately 80% developed.

He then described the characteristics that these areas do not have including high value soils and timber harvesting qualities. He discussed the draft language for the amendment. He said it is a two-step process. The code comes first, and the zone development will come second, and will also be a public process.

He closed by providing the schedule for the remaining open houses and public hearings. He reminded the audience that all comments are entered into the public record and are crucial for the Planning Commission and Board of County Commissioners when making a decision.

V. Public Comments

To see if outreach methods were successful Commissioner Palcic asked how many members of the audience received the post cards mailed out. Three attending members of the public had received the postcard and it was mentioned that there was a broadcasting on the news.

Tim Tess, 21115 Young Avenue, Bend, Oregon 97703, asked what the motivation for the amendment was. He wondered if this would increase revenues or impact tax deferment. Peter Gutowsky, Planning Manager, said that this process would not impact existing taxation. Mr. Heck said that the motivation for this was to streamline building permit processes to make this easier for property owners. Mr. Tess acknowledged that at the time of development the taxes would change, but not prior to any development.

Director Lelack said that some of the momentum for this amendment stemmed from an analysis in 2014 of how the Agriculture Plan was doing. At that time there was discussion on whether to keep it, revise it or completely change it. The consensus was to revise parts of it. He described the process that an owner would need to go through to get a building permitted in one of these areas. He said that while the process is much more cumbersome for these folks the outcome is the same. Staff is trying to make the process simpler for these property owners.
Mr. Gutowsky wanted to note, based on a question from the hearing last week, that lands designated in wildlife corridors could not be re-zoned. He said that wildlife habitat is important for the county to maintain, and for this reason it was built into the draft policies. Mr. Tess asked if someone could initiate the zone change and subdivide lots. In response Director Lelack said that the minimum parcel size once rezoned would be 20 acres.

Bob Stojohann, 16314 Skyliners Road, Bend, Oregon 97703, asked about the larger lots surrounding his [Skyline] subdivision. He wondered if someone could apply to rezone and make another neighborhood, similar to the existing neighborhood, or if there could be an influx of short term rentals built. Mr. Gutowsky said that they could not re-plat the large parcels into a small subdivision. He also said that there would only be a Single Family Dwelling and Accessory structure allowed on the lots, and that no second dwellings could be built.

Kenna Hunt, 16205 Hawks Lair Road, La Pine, Oregon 97739, said that she was pleased to hear that the re-zoning, if approved, would not affect taxes. She said she was concerned with the restrictions that may come with these changes. Mr. Heck said that the zoning standards have not been developed, but it isn’t likely that there would be strict restrictions regarding livestock. He said that the county is cognizant that these are rural areas. The zoning permissions and restrictions would go through a process where the public would be able to provide input on what would be fitting restrictions.

Ms. Hunt asked about a large Marijuana Farm that is next to her [Meadow Crest] subdivision. She wondered if that could be subdivided to make smaller lots. Mr. Heck said that subdividing farm land is an in depth process. A partition may be allowed, but those parcels would likely be more than 20 acres. He said that he could provide her with more details regarding this after the meeting when he could see statistics on the property. There was a discussion on the tradeoffs and regulations surrounding re-zoning, especially in the EFU zone, since it is hard to prove that an existing farm is not productive.

Randy Hunt, 16205 Hawks Lair Road, La Pine, Oregon 97739, provided comments regarding the decline in the elk population in his area due to development. He said that he is concerned with the development in the Crescent Creek Subdivision in La Pine and the killing of Cougars in his area. Director Lelack said that there is a Board of County Commissioners joint meeting with the La Pine City Council next week in La Pine. He also said that the City of La Pine has jurisdiction over the lot sizes in Crescent Creek subdivision. Commissioner Beeger had questions about the statistics in Meadow Crest Subdivision. Mr. Heck said that there are 44 total lots, 13 undeveloped and the average lot is 1 acre.

Craig Renker, 64025 Deschutes Market Road, Bend, Oregon 97701, asked if lots that are smaller than 10 acres are non-conforming. He also wanted to know if lots could be divided small neighborhood sized lots in if an applicant was to petition for a zone change. Mr. Heck said that 20 acres was the minimum for applicant initiated zone changes. Mr. Renker acknowledged that the existing lots would be grandfathered in at the existing size. Mr.
Renker discussed the uses neighboring his property. He said that they are somewhat industrial in nature. He also had concerns with the zoning being inconsistent creating a checkerboard effect. He said that his closing comment would be that he hears a lot about quantity of housing, but does not hear much about the quality. He wants to make sure that quality is not missing from the equation. Commissioner Kieras said that she would be interested in learning more about his property, and the neighbors uses, after the meeting.

Chris Breitenstein, 20025 Rodeo Drive, Bend, Oregon 97703, said that her concerns are with livability of rural life. She described a situation on her private road where someone rented out an illegal accessory dwelling and the impacts it had on her neighborhood. She said that the occupants were not part of the community and didn’t respect the privately maintained road. She hopes that the county will consider these things before approving more density. She had specific questions regarding the Historic ADU amendments that came before the Commission last month. Director Lelack recommended she attend the public hearing before the Board of County Commissioners on Historic ADUs since it has now be elevated to their level.

Mr. Tess said that he built a second home on his property [zoned EFU] and he was disappointed that the former home could not be rented out. He said that it seemed like a waste when the need for affordable housing was so apparent. Staff offered to provide him some guidance on the Historic ADU amendment and other possible procedures after the meeting to address this issue.

Mr. Hunt provided some history on the development of the Meadow Crest Subdivision. He said that the roads are in rough shape and wondered if something could be done about it. He said that he has had discussions with the Deschutes County Sheriff about this, but there is little that they can do. He also had questions about how county property becomes city property. Director Lelack said that land is acquired through an Urban Growth Boundary Expansion process and that it is likely La Pine will not do that process again for many years. He also offered to discuss the road issues with the Senior Transportation Planner. Mr. Hunt closed by saying that it would be difficult for an emergency vehicle to travel the roads if needed.

Chair Crawford closed this part of the meeting and thanked the public for their participation. He provided the standard meeting schedule and said that the Commission is always looking for input. Commissioner Palcic said that the input received makes a real difference when making decisions.

VI. Closing – Commission and Staff Comments

Commissioner Beeger said that often times the destruction of roads and want for Urban Growth is initiated by the neighbors in your area. Commissioner Kieras thanked the public for their comments, noting that often times they bring up new points for consideration that the Commission hasn’t thought of. She said that she could relate to some of the issues discussed in her own neighborhood. Commissioner Hudson outlined the process for these
amendments. He thought it noteworthy that the citizens attend the public hearings to be on the formal record.

Director Lelack provided some takeaways from the National Planning Conference. He said that there was significant emphasis on Community Engagement. He said that there was very healthy discussion about the rising sea level in Florida. He said that displacement was another solid issue, and that high importance is placed on the allowance of growth without displacement of citizens. Mr. Gutowsky said that there are a lot of things happening in the Bay Area that Central Oregon could relate to. San Francisco is a hub of development, similar to Bend, and that the surrounding communities are striving to find their own identity from the City, very much similar to the areas surrounding Bend. He said that while it is completely different situations the conversations are about the same things.

Chair Crawford said he will not be able to attend the meeting next week. Vice-Chair Kirby will also be absent. It was determined that there would be a quorum available and that Commissioner Swisher would sit in as the Chairman.

Next Planning Commission meeting will be an Open House on April 25, 2019 in Sisters, Oregon.

There being no further business, the meeting was adjourned at 7:27 pm.

Respectfully submitted,

Ashley Williams

Administrative Assistant

All materials including (but not limited to) video, presentations, written material and submittals are subject to the County Retention Policy; All items are posted and available for public viewing on the Deschutes County Meeting Portal. For further detail on this and other meetings please follow link below.

# Open House

**Sign-In Sheet**

Date: 4-18-19  
Meeting Location: 1300 NW Wall Blvd OR

Please write legibly and include complete contact information.

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<th>Name/Names</th>
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<th>Phone</th>
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<tr>
<td>Tim Teas</td>
<td>21115 Young Ave, Bend, OR 97703</td>
<td>541-925-9457</td>
</tr>
<tr>
<td>Bob Stor Johann</td>
<td>16314 Skyliners Rd, Bend 97703</td>
<td>541-388-1602</td>
</tr>
<tr>
<td>Chris Bredenstien</td>
<td>20025 Rodeo Dr, Bend 97703</td>
<td>541-408-6162</td>
</tr>
<tr>
<td>Craig Renkert</td>
<td>6425 Deschutes Hwy, Bend 97701</td>
<td>541-797-3598</td>
</tr>
<tr>
<td>Brian Necco</td>
<td>PO Box #7047, Bend, OR 97706</td>
<td>541-389-3573</td>
</tr>
<tr>
<td>Randy &amp; Kenna Hunt</td>
<td>16205 Hawks Hme, La Pine</td>
<td>530-410-2329</td>
</tr>
<tr>
<td>Cheryl &amp; Danny Young</td>
<td>20903 Knott Rd, Bend, OR 97702</td>
<td>760-774-3413</td>
</tr>
<tr>
<td>Robb Vona</td>
<td>1679 NE Dogleg Ct, Bend, OR 97701</td>
<td>541-318-6652</td>
</tr>
<tr>
<td>Rory Isboll</td>
<td>50 SW Bond St, Ste 4, Bend 97702</td>
<td>541-647-2130</td>
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File No(s): 19-265-PA

NPR Lands
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<tr>
<td>Tim Tess</td>
<td>2115 Young Ave, Bend, OR 97703</td>
<td>(310) 925-9757</td>
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<tr>
<td>Bob Sorensen</td>
<td>16314 Skyliners Rd, OR 97703</td>
<td>541-388-1602</td>
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<tr>
<td>Kenna Hunt</td>
<td>16805 Hawks Lair Rd, La Pine</td>
<td>530-410-2339</td>
</tr>
<tr>
<td>Randy Hunt</td>
<td></td>
<td>(530) 410-1930</td>
</tr>
<tr>
<td>Craig Renken</td>
<td>64075 Deschutes Mkt Rd, 97701</td>
<td>541-797-3598</td>
</tr>
<tr>
<td>Chris Breitenstein</td>
<td>26025 Reden Dr, Bend 97703</td>
<td>541-408-6162</td>
</tr>
</tbody>
</table>

Please write legibly and include complete contact information.

Meeting Location: Bend, OR

Date: 9/8/19

File No(s): NPIR
OPEN HOUSE AGENDA

Deschutes County Planning Commission
April 11, 2019
1:50 PM and 5:30 PM

1:50 PM – 4:30 PM  Tours
See tour schedule for details
(Attachment 1 to Staff memorandum)

Various Locations

5:30 PM  Open House
• Draft FY 2019-2020 Planning Division Work Plan
• Nonprime Resource Lands Comprehensive Plan Amendments

La Pine Senior Center

Planning Commission Members
Dale Crawford (At Large), Chair
Maggie Kirby (Bend), Vice Chair
Jim Beeger (Bend Area)
Les Hudson (At-Large)
Jessica Kieras (Redmond)
Hugh Palcic (South County)
Steve Swisher (Sisters)

Deschutes County Staff
Nick Lelack, AICP, CDD Director
Peter Gutowsky, AICP, Planning Manager
Zechariah Heck, Associate Planner
Nicole Mardell, Associate Planner
Tanya Saltzman, AICP, Associate Planner
Ashley Williams, Administrative Assistant
MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Nick Lelack, AICP, Director
       Peter Gutowsky, AICP, Planning Manager
       Zechariah Heck, Associate Planner

DATE: April 4, 2019

SUBJECT: Planning Commission Open House / April 11, 2019

I. TOUR OF SOUTH COUNTY COMMITTED RESIDENTIAL AREAS

The Deschutes County Planning Commission will be visiting Meadow Crest Acres Subdivision, Haner Park, and Section 36 on Thursday afternoon, April 11, 2019. The Nonprime Resource Lands Plan Amendments seek to redesignate these areas. Attachment 1 provides additional information about the tour.

II. OPEN HOUSE / LA PINE SENIOR CENTER

A. CDD Work Plan for Fiscal Year (FY) 2019-20

The Planning Commission is holding an open house on April 11, 2019 to gain public input, discuss, and make a recommendation to the Board of County Commissioners (BOCC), regarding the Community Development Department’s (CDD) annual work plan for FY 2018-19 (Attachment 2).

Background

Each spring, CDD prepares an annual work plan describing proposed projects for the upcoming fiscal year. It is intended that a review of the draft work plan will provide the BOCC, Planning Commission, Historic Landmarks Commission, County Administration and CDD’s customers and partner agencies the opportunity to provide input, including additions, modifications and possible re-prioritization. The work plan describes the most important objectives and proposed projects in each CDD division based on:

1. Board of County Commissioners’ annual goals and policies;
2. Carry-over projects from current or prior years;
3. Changes in state law;
4. Grants/funding sources; and
5. Public comments.

It also serves as the context within which new projects that arise during the course of the year are prioritized and undertaken.
Draft Work Plan

The following are notable projects from the draft Planning Division Work Plan:

**Achieve performance measures to issue land use decisions within 21 days (without prior notice) or 45 days (with prior notice).**

**Nonprime Resource Lands:** Complete comprehensive plan amendments to establish eligibility criteria for designating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource (NPR) Lands defined in OAR 660-004-0005(3) as “Non Resource Lands.”

**Community & Area Plans:** Participate in the implementation of Sisters Country Horizons Plan. Engage Tumalo, Terrebonne, and Newberry Country residents to determine if community plans, goals, and policies meet the current and future needs of the area, and determine community interest and readiness for a community plan update. Only one or two such planning efforts may be initiated each fiscal year.

**Growth Management Coordination:** Coordinate with the cities of Bend and Redmond to implement affordable housing pilot projects.

**Legislative Text Amendments:**
- Amend zoning code to comply with federal Religious Land Use and Institutionalized Persons Act (RLUIPA) and sign code laws.
- Amend county code to allow day care, nurseries, and childcare facilities from a conditional use permit to a use permitted outright (subject to site plan review).
- Amend nonfarm dwelling code to be consistent with state law.
- Amend the minor variance 10% lot area rule for farm and forest zoned properties.
- Amend county code to define when replatting is required.

**Transportation:**
- Continue to coordinate with the City of Bend to amend the County's Comprehensive Plan and Development Code to allow new airport-related businesses at the Bend Airport through a streamlined permitting process.
- Initiate County Transportation System Plan (TSP) update in coordination with County Road Dept., if funded by the Oregon Dept. of Transportation.
- Serve on the US 97 Parkway facilities management plan technical advisory committee.
- Participate in the County Road Dept.’s Transportation Safety Action Plan (TSAP) process.

**Outdoor Mass Gathering Permit Amendments:** Consider amending Deschutes County Code 8.16 pertaining to Outdoor Mass Gatherings in coordination with County Legal Counsel, if resources are available.

**Historic Preservation – Certified Local Government Grant:** Administer FY 2019-20 CLG Grant, including coordinating with the Historic Landmarks Commission and City of Sisters on prioritized items noted in the grant.
Planning Commission & Historic Landmarks Commission Policy & Procedures Manuals: Develop policy and procedures manuals for the Planning Commission and Historic Landmarks Commission with sub-committees of each body. The purpose of the manual is to provide a helpful reference guide pertaining to each commission’s unique purpose, authorities, roles, decision making processes, applicable laws/regulations and documents, public meeting requirements, etc.

Natural Hazards: TBD.

Grading Ordinance: TBD.

B. Nonprime Resource Lands Plan Amendments

The Planning Commission is also hosting the first of three open houses throughout the county to discuss proposed Comprehensive Plan amendments with the public on April 11.¹ Deschutes County is initiating legislative amendments that seek to establish criteria for redesignating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource Lands, defined in state law as “Non-Resource Lands” (Attachments 3).

Proposed criteria also identify opportunities to redesignate six specific areas (Haner Park, Section 36, Skyline Subdivision and 1st Addition, Squaw Creek Canyon Recreational Estates 1st Addition and Meadow Crest Acres Subdivision) committed to residential uses that were platted or conveyed prior to State enabling planning legislation taking effect in Deschutes County.

These areas are subject to strict resource zoning requirements dictated by State law that affect the siting of new dwellings, remodels, additions and accessory structures. Upon acknowledgment of the Nonprime Resource Lands policies, Deschutes County will adopt two zones: a Nonprime Resource Lands-10 zone that will apply solely to the six areas committed to residential uses, and a Nonprime Resources Land-20 zone for all other eligible lands.

After the informational Open Houses, two public hearings in front of the Planning Commission are scheduled for:

- May 23 at 5:30 p.m. - Deschutes Services Center, 1300 Wall Street, Bend
- June 13 at 5:30 p.m. - Deschutes Services Center, 1300 Wall Street, Bend

Attachments

1. Tour Information
2. Draft CDD FY 2019-20 Work Plan

¹ The other two open houses are scheduled on April 18 at 5:30 p.m. – Deschutes Services Center, 1300 Wall Street and April 25 at 6:00 p.m. at Sisters City Hall, 520 E Cascades Avenue, Sisters.
### Deschutes County Planning Commission Tour

**April 11, 2019**  
1:50 PM – 4:30 PM

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<td>Leave Community Development Department</td>
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<td>2:25 PM – 2:35 PM</td>
<td>Stop 1: Meadow Crest Acres Subdivision</td>
<td>16201 Hawks Lair Rd La Pine</td>
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<td>3:10 PM – 3:35 PM</td>
<td>Stop 2: Haner Park</td>
<td>52037 Old Wickiup Rd La Pine</td>
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<td>4:00 PM – 4:20 PM</td>
<td>Stop 3: Section 36</td>
<td>50340 Darlene Way La Pine</td>
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<tr>
<td>4:30 PM</td>
<td>Arrive at La Pine Senior Center</td>
<td>16450 Victory Way La Pine</td>
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Deschutes County Planning Commission's South County Tour and Open House

1 - Meadow Crest Acres Subdivision
(Use address 16201 Hawks Lair Rd, La Pine)

2 - Haner Park
(Use address 52037 Old Wickiup Rd, La Pine)

3 - "Section 36"
(Use address 50340 Darlene Way, La Pine)

4 - La Pine Senior Center - Open House
(Use address 16450 Victory Way, La Pine)
Mission Statement

The Community Development Department facilitates orderly growth and development in the Deschutes County community through coordinated programs of Land Use Planning, Environmental Soils, Building Safety, Code Enforcement, education and service to the public.

Purpose

The FY 2019-20 Work Plan highlights the department’s goals and objectives and is developed to:
• Implement the Board of County Commissioners’ (BOCC) goals and objectives.
• Implement the Deschutes County Customer Service “Every Time” Standards.
• Effectively and efficiently manage organizational assets, capabilities, and finances.
• Fulfill the department’s regulatory compliance requirements.
• Enhance the County as a safe, sustainable, and highly desirable place to live, work, learn, recreate, visit, and more.
• Address changes in state law.

Summaries of CDD’s performance measures are provided in each division’s section.

Adoption

The BOCC adopts the Work Plan after considering public, stakeholder and partner organization input, and Planning Commission and Historic Landmarks Commission recommendations. The Work Plan often includes more projects than there are resources available. CDD coordinates with the BOCC throughout the year to prioritize and initiate projects. Projects not initiated are often carried over to future years.
Elected & Appointed Officials

**Board of County Commissioners**
- Philip G. Henderson, Chair
- Patti Adair, Vice Chair
- Tony DeBone

**County Administration**
- Tom Anderson, County Administrator
- Erik Kropp, Deputy County Administrator

**Planning Commission**
- Dale Crawford - At Large (Chair)
- Maggie Kirby - Bend Area (Vice Chair)
- Jim Beeger - Bend Area
- Les Hudson - At Large
- Jessica Kieras - Redmond Area
- Hugh Palcic - South County
- Steve Swisher - Sisters Area

**Historic Landmarks Commission**
- Chris Horting-Jones, Chair - Unincorporated
- Sharon Leighty, Vice Chair - Unincorporated
- Kelly Madden - Ex-Officio
- Bill Olsen - Pioneer Association
- Dennis Schmidling, Secretary - City of Sisters
- Rachel Stemach - Unincorporated

**Hearings Officers**
- Liz Fancher
- Gregory J. Frank
- Stephanie Hicks
- Dan Olsen
- Will Van Vactor

**Bicycle and Pedestrian Advisory Committee**
- Dave Thomson - Chair
- Christopher Cassard - Vice Chair
- Morgan Crowell
- Katie Hammer
- Sam Handelman
- Wendy Holzman
- Katrina Lagenderf
- Ann Marland
- Rick Root
- David Roth
- Mark Smith
Satellite Offices

Main Office
117 NW Lafayette Avenue
Bend, OR
Mon, Tues, Thurs, Fri,
8:00AM - 5:00PM
Wed, 9:00AM - 5:00PM

La Pine City Hall
16345 Sixth Street
La Pine, OR
Thursday,
9:00AM - 4:00PM

Sisters City Hall
520 East Cascade Avenue
Sisters, OR
Tuesday,
9:00AM - 4:00PM
Overview

The Community Development Department (CDD) consists of Administrative Services and five divisions which provide coordinated planning and development services. The divisions include the following:

**ADMINISTRATIVE SERVICES**
Provides oversight for all departmental operations and facilities, human resources, budget, customer service, technology and performance measures. Systems Analyst staff are responsible for the integration of technology across all CDD divisions and coordinates with the cities as well as providing direct service to the public via application training and support, web-based mapping, reporting services and data distribution.

**COORDINATED SERVICES DIVISION**
Provides coordination of permitting and “front line” direct services to customers at the main office in Bend and at the La Pine and Sisters City Halls.

**ENVIRONMENTAL SOILS DIVISION**
Regulates on-site wastewater treatment systems (septic) and monitors environmental factors for public health and resource protection.

**PLANNING DIVISION**
The Planning Division is separated into two operational areas, Current and Long Range Planning. Current Planning processes individual land use applications and provides information to the public on all land use related issues. Long Range Planning addresses the future needs of the community through updates to the comprehensive plan, changes to County Code and other special projects.

**BUILDING SAFETY DIVISION**
Provides construction plan reviews, consultation and inspections to assure compliance with federal and state building codes in the rural County and cities of La Pine and Sisters.

**CODE ENFORCEMENT DIVISION**
Code enforcement is responsible for investigating code violation complaints to ensure compliance with each of the codes and statutes administered by CDD, and provides direct service on contract to the City of La Pine for solid waste violations.

“Enhancing the lives of citizens by delivering quality services in a cost effective manner.”
Organization & Budget

Organizational Chart

Staff Summary

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Budget Summary

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¹ FY 16 Reserves: $1,037,652
² FY 17 Reserves: $1,375,000
³ FY 18 Reserves: $823,610
⁴ FY 19 Reserves: $1,372,679
⁵ FY 20 Reserves: $1,462,386
Key Issues

Key CDD fiscal issues and operational challenges in FY 2019-20 are summarized below, as well as emerging departmental and community issues.

Operational Challenges and Opportunities

- Maintaining high customer service levels with appropriate staffing levels.
- Responding to new regulations and laws as outcome of 2019-20 legislative sessions.
- Processing complex and controversial land use applications and decisions and code enforcement cases.
- Preparing for workforce turnover through succession planning and staff retention strategies.
- Addressing affordable housing.
- Improving website, development statistics, and other reports.

Fiscal Issues

- Ensuring costs are accounted for and recovered through fees and other revenue sources, per the adopted budget.
- Ensuring financial stability and ongoing operations through establishing a long term financial plan.

Emerging Issues

- Managing population growth and demographic changes.
- Addressing a growing need for affordable housing.
- Preserving and protecting natural resources, water quality and quantity.
- Improving transportation systems.
- Anticipating new economic and agricultural opportunities.
- Maintaining and enhancing a high quality of life.
- Reducing natural hazard risks and preparing for disaster resilience.
- Planning for healthy and safe communities.
- Regional planning, coordination, and partnerships.
- Expanding recreational opportunities.
- Facilitating access to health care and higher education.
Central Oregon is a dynamic region and an extraordinary place to live, work, learn, recreate and visit as clearly demonstrated by the sustained population growth the region has seen over the past six decades.

This page provides a snapshot of the County’s growth since 1960 and the preliminary 50-year Portland State University, Oregon Population Forecast Program, through 2068.

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*AAGR: Average Annual Growth Rate*
ECONOMIC VITALITY (EV)

Promote policies and actions that sustain and stimulate economic vitality.

1. Support affordable housing options through availability of lands and appropriate regulation.
2. Administer land use programs that promote livability, and sustainability.
3. Maintain a safe, efficient and sustainable transportation system.
4. Partner with organizations and manage County assets to attract business development, tourism, and recreation.

SERVICE DELIVERY (SD)

Provide solution-oriented service that is cost effective and efficient.

1. Ensure quality service delivery through the use of innovative technology and systems.
2. Support and promote Deschutes County Customer Service “Every Time” Standards.
3. Promote community participation and engagement with County government.
4. Preserve and enhance capital assets and strengthen fiscal security.
5. Provide collaborative internal support for County operations.
**Goals & Objectives**

**SAFE COMMUNITIES (SC)**

*Protect the community through planning, preparedness and delivery of coordinated services.*

1. Provide safe and secure communities through coordinated public safety services.
2. Reduce crime and recidivism through prevention, intervention, supervision and enforcement.
3. Collaborate with partners to prepare for and respond to emergencies and disasters.

**HEALTHY PEOPLE (HP)**

*Enhance and protect the health and well being of communities and their residents.*

1. Support and advance the health and safety of Deschutes County’s residents.
2. Promote well-being through behavioral health and community support programs.
3. Help to sustain natural resources in balance with other community needs.
The Community Development Department’s FY 2019-20 goals are reflected in the performance measures below. These performance measures strategically and comprehensively align CDD’s operations with the Board of County Commissioners’ (BOCC) FY 2019-20 Goals and Objectives and the County’s Customer Service “Every Time” Standards.

The performance measures address service delivery expectations from the perspective of CDD’s customers; ensures the department fulfills its regulatory compliance requirements; effectively manages the organization’s assets, capacities, and finances; and preserves and enhances the County as a safe, sustainable, and desirable place to live, visit, work, learn and recreate.

Each CDD performance measure implements the BOCC’s FY 2019-20 goals and objectives. For example, the CDD performance measure to “achieve 85% voluntary compliance in Code Enforcement cases” implements the BOCC’s Safe Communities Objective 1 to provide safe and secure communities through coordinated public safety and services coordinated public safety and services and will include the reference “SC-1”. Specific performance measures for each individual division within CDD are listed in the following sections.

The following performance measures are related to all Community Development Department Divisions:

- Complete single family dwelling permit process from Application Acceptance to Ready-to-Issue in 30 days (BOCC Goal & Objective: SD-1).

- Complete commercial structural permit process from Application Acceptance to Ready-to-Issue in 35 days (BOCC Goal & Objective: SD-1).

- Achieve a customer feedback rating of 2.7 (out of 3.0) or better (BOCC Goal & Objective: SD-2).
Administrative Services

The Administrative Services Division provides oversight for all departmental operations and facilities, human resources, budgets, customer services, technology and performance measures.

Administrative Services consists of the Community Development Director, Senior Management Analyst, two Systems Analysts, and one Administrative Assistant.

Projects & Objectives: FY 2019-20

• Complete CDD lobby security camera installation to improve safety and customer service.

• Implement CDD Information Technology strategic plan.

• Update CDD website, including division and project webpages.

• Expand CDD’s new weekly and monthly reporting, including a new web-based Monthly Summary Report to communicate department news, development statistics and performance measure results.

• Develop statistical and performance related dashboards for a web-based display of key performance indicators of the department.

• Implement a new customer queue management software for tracking CDD customer wait times, purpose of visit and performance metrics.
Projects & Objectives: FY 2019-20

• Explore expanding the Planning Division’s webpage to provide more information about land use public hearings and opportunities for the public to submit comments on pending applications.

• Develop a response plan to accommodate a major disaster and facilitate recovery.

• Construct an application to display alert messages received when online permits have been submitted, payments have been applied or documents have been uploaded to online permits.

• Initiate a Master Electrical Permit Program for commercial and industrial construction. This program will promote electrical safety and implement a more efficient procedure for handling repair, alteration or replacement of existing electrical products in qualified facilities.
Coordinated Services

The Coordinated Services Division provides services to customers at the main office in Bend, as well as in the La Pine and Sisters City Halls. Staff work to ensure minimal wait times, provide accurate information to the public and ensure the efficient operation of the front counter and coordination among all divisions. Staff also perform basic building plan reviews. The Division consists of an Administrative Manager, eight Permit Technicians and an Administrative Support Technician.

Projects & Objectives: FY 2019-20

• Continue to coordinate and conduct public outreach and education on Accela and related elements to increase customer use of ePermitting and encourage online submittal of applications for participating jurisdictions.

• Continue to monitor customer and permit volumes in the City of La Pine and City of Sisters to ensure resources are allocated to those locations ensuring customers are served in a timely and efficient manner.

• Increase customer and public education on Accela and online permit applications in coordination with System Analyst staff to achieve performance measures.

• Continue to explore options to improve efficiencies for permit application submittals.

• Work with the City of La Pine Community Development Director to improve efficiencies for reviewing building permit applications, issuance of complex permits, and issuance of Certificates of Occupancy for properties located within the city limits.
Projects & Objectives: FY 2019-20

- Continue to cross train permit technicians to perform simple plan reviews and participate in statewide Permit Technician training programs and Central Oregon Planners Network Training.

- Utilize the Alert Report App in order to increase efficiency in processing online submittals.

- Implement the Master Electrical Permit Program and provide education to electrical professionals regarding the updated process.

- Continue to work with the City of Sisters to improve efficiencies in review of permit applications and issuance of those permits.

- Serve on statewide and regional ePermitting committees, participate in the national Accela conference, and pursue other opportunities to ensure Accela meets Deschutes County’s needs.

Performance Measures

- Achieve 40% of permits applied for at the counter (BOCC Goal & Objective: SD-1).

- Achieve 30% of all permits being submitted online, with the exception of planning applications (the capability does not yet exist) (BOCC Goal & Objective: SD-1).

- Establish and monitor a new performance measure—the target number of days for structural permit ready-to-issue turnaround time for Coordinated Services of four days (BOCC Goal & Objective: SD-1).
Code Enforcement

The Code Enforcement Division is responsible for investigating code violation complaints associated with land use, onsite wastewater disposal, building, and solid waste codes (by contract with the Solid Waste Department). The program’s overriding goal is to achieve voluntary compliance. If necessary, citations are issued for prosecution in Circuit Court or before a Code Enforcement Hearings Officer. The Code Enforcement program consists of three Code Enforcement Specialists and one volunteer. The program is managed by the Coordinated Services Administrative Manager and is supported by a law enforcement technician from the Sheriff’s Department and operating divisions.

The program continues to adapt to the County’s challenges of growth and diversification, incorporating new measures to ensure timely code compliance and the legalization of marijuana.

While voluntary compliance is the primary objective, an ever-growing number of cases require further code enforcement action because of lagging correction or non-compliance. Through the continuing development and refinement of Procedures for Administrative Civil Penalty, Code Enforcement is obtaining expedited compliance from citations rather than court adjudication resulting in greater cost recovery.

A disconcerting trend is the necessity for County abatement in some cases. In abatement, the County affects the cure of violations with prioritization on cost recovery. Abatement action is reserved for matters of chronic nuisance and public health and safety. In response to this trend, Code Enforcement is closely coordinating with other County departments in the development and enactment of abatement plans.

Projects & Objectives: FY 2019-20

• Administer the Volunteer Program, focusing on reviewing temporary land use approvals for medical hardships, which require the submittal of annual reports, and similar cases.

• In cooperation with the Building Safety Division, participate in the development of a text amendment on the County Outdoor Lighting Ordinance. The amendment will update tables to include compact fluorescent lighting and LED options.
Projects & Objectives: FY 2019-20

• Consider proactive review and enforcement of non-compliance with land use decision’s conditions of approval.

• Create a tracking system for code enforcement cases submitted and processed as part of the land use application process. Submit report to the BOCC in early 2019.

• Refine property abatement process to cure violations.

• Continue proactive efforts to investigate illegal second dwellings, review temporary use permits, and follow up on replacement dwellings.

• Continue to establish relationships with homeowners’ associations or other interested groups, including offering to speak at meetings to share information and enforcement operating procedures.

• Survey other jurisdictions and incorporate innovative enforcement practices where appropriate. This effort includes direct involvement with the Oregon Code Enforcement Association (OCEA) conference participation and networking.

• Continue to utilize the inmate work crews to resolve solid waste cases where the property owner is unable to comply with County Code due to medical issues.
Projects & Objectives: FY 2019-20

• Continue to coordinate with the Sheriff’s Office, District Attorney, Legal Counsel, and Planning staff to track, process, and resolve marijuana complaints in a timely fashion and revisit the approach to marijuana code violations with the BOCC.

• Update the Code Enforcement Policy and Procedure Manual and County Code, if applicable, to implement:
  - BOCC direction on the approach to marijuana code enforcement and associated procedures to process violations.
  - Land Use procedures code amendments.
  - Other housekeeping amendments to reflect business practices.

Performance Measures

• Achieve 85% voluntary compliance in Code Enforcement cases (BOCC Goal & Objective: SC-1).

• Resolve 75% of Code Enforcement cases within 12 months (BOCC Goal & Objective: SC-1).

Building Safety

The Building Safety Division administers and implements the state-mandated building codes through a process of education and a clear and consistent application of the specialty codes. The Division provides these services throughout the rural county, in the Cities of La Pine and Sisters, and various services to Lake, Jefferson, Klamath and Crook counties, the Cities of Bend and Redmond, and the State of Oregon Building Codes Division on an as-needed basis. The Division consists of the Building Safety Director, Assistant Building Safety Official, three Commercial-Residential Plan Reviewers and eleven Building Safety Inspectors.

Projects & Objectives: FY 2019-20

• Manage staffing resources to meet increased business demands, particularly in plan review.

• Continue succession planning, cross-training, and technology investments to maintain and improve efficiencies.

• Coordinate with State and County staff to promote and educate customers on how to apply for permits and inspections online.

• Participate in public, community, and customer-specific education and outreach efforts.

• Continue to serve in regional and statewide leadership positions to support Deschutes County and Central Oregon interests.
• Achieve an average of 6-10 stops at different construction job sites per day for each Building Inspector. Each stop may consist of multiple inspections (BOCC Goal & Objective: SD-1).

• Achieve an average turnaround time on residential building plan reviews of 10 days or less (BOCC Goal & Objective: SD-1).

• Achieve 50% - 80% of inspections scheduled online (BOCC Goal & Objective: SD-1).

• Achieve 90% - 100% of inspections completed the same day as requested (BOCC Goal & Objective: SD-1).

• Complete 2-4 residential plan reviews per day per plans examiner (BOCC Goal & Objective: SD-1).

• Achieve 20% - 40% of permits applied for online (BOCC Goal & Objective: SD-1).
Projects & Objectives: FY 2019-20

• Increase electronic permit submittal and inspection scheduling through outreach and education of customers, particularly licensed professionals.

• Continue working with the DEQ on permitting protective onsite wastewater systems in South Deschutes County. Re-visit current policies with DEQ staff including a hydrologist, and determine best protective policies moving forward.

• Participate as a member of the Technical Review Committee for the DEQ onsite wastewater treatment system program and provide advice on rulemaking proposals, particularly advanced treatment systems that will have impacts to environmentally sensitive areas of Deschutes County.

• Continue coordination with the City of Bend and DEQ regarding the southeast sewer interceptor and sewer expansion, and the impact on homeowners with onsite wastewater systems.
Projects & Objectives: FY 2019-20

- Participate in the Upper Deschutes Agricultural Water Quality Management Area Local Advisory Committee.

- Prioritize addressing sewage health hazards and protecting public health and the environment.

- Increase staff involvement in a broader variety of Environmental Health related conferences, seminars and workshops to provide new learning opportunities and encourage professional development and new connections beyond the onsite program.

- Participate with DEQ in the pursuit of groundwater protection solutions and possible implementation of the Southern Deschutes/ Northern Klamath Groundwater Protection Steering Committee recommendations.

- Provide financial assistance opportunities to South Deschutes County property owners who do not qualify for conventional loans to upgrade onsite systems to nitrogen reducing pollution reduction systems (Nitrogen Reducing System Rebates and the NeighborImpact Non-conforming Loan partnership).

- Develop and publish a quarterly newsletter for Installers.

- Participate in the City of Bend Storm Water Public Advisory Group.

- **LONG TERM PROJECT:**
  - Update the DEQ contract for the Onsite Wastewater Treatment System Program to be more consistent with current rules and requirements (the current contract dates from 1981).
Divisions & Services

Performance Measures

- Achieve compliance with the ATT Operation and Maintenance (O & M) reporting requirements of 95% *(BOCC Goal & Objective: HP-3).*

- New septic system permit turnaround time: 5-15 days *(BOCC Goal & Objective: SD-1).*

- Achieve 15% - 50% of permits applied for online *(BOCC Goal & Objective: SD-1).*

- Achieve 35% - 65% of inspections schedule online *(BOCC Goal & Objective: SD-1).*

- Achieve 90% - 100% of Pre-cover inspections completed the same day as requested *(BOCC Goal & Objective: SD-1).*
Planning

The Planning Division consists of two operational areas: Current Planning and Long Range Planning. The Division consists of a Community Development/Planning Director, one Planning Manager, three Senior Planners, one Senior Transportation Planner, six Associate Planners, four Assistant Planners, and one Administrative Assistant.

Current Planning

Responsible for reviewing land use applications for compliance with Deschutes County Code (DCC) and state law, including zoning, subdivision and development regulations, and facilitating public hearings with Hearings Officers and the BOCC. Staff is also responsible for verifying compliance with land use rules for building permit applications and septic permits; coordinating with Code Enforcement to respond to complaints and monitor conditions of approval for land use permits; performing road naming duties; providing assistance at the public information counter, over the telephone and via email; and addressing in the rural County and City of Redmond, under contract.

Long Range Planning

Responsible for planning for the future of Deschutes County, including developing and implementing land use policy with the BOCC, Planning Commission, community and partner organizations. It is in charge of updating the County Comprehensive Plan and zoning regulations, coordinating with cities and agencies on various planning projects taking place in the region, including population forecasts with Portland State University and cities. Staff also monitors and participates in annual legislative sessions, and serves on numerous local, regional and statewide committees primarily focusing on transportation, natural resources, growth management and economic development.
Divisions & Services

Transportation Planning

Provides comments and expertise on land use applications, calculates System Development Charges (SDC’s) as part of land use application review process or upon request; provides comments to the County’s Risk Management Department regarding traffic issues for permitted events; participates in the annual County Capital Improvement Plan (CIP) process with the Road Department; applies for grants for enhanced bicycle and pedestrian facilities in coordination with the Bicycle and Pedestrian Advisory Committee (BPAC); participates in Oregon Department of Transportation (ODOT) funded refinement planning; coordinates road issues with Bureau of Land Management (BLM) and the United States Forest Service (USFS) for urban interface plans; and serves on several local and regional transportation committees, most notably BPAC, the Bend Metropolitan Planning Organization Technical Advisory Committee, and Central Oregon Area Commission on Transportation Technical Advisory Committee (TAC).

Floodplain & Wetlands Planning

Responsible for providing comments and expertise on land use applications, code enforcement, and general property inquiries that require development, fill, or removal in mapped floodplain and wetland areas. Staff maintains certification as an Association of State Floodplain Managers (ASFPM) Certified Floodplain Manager to provide customers with up-to-date and accurate information regarding FEMA regulations, surveying requirements, and construction requirements. Coordination is frequently required with external agencies including FEMA, US Army Corps of Engineers, Oregon Department of State Lands, Oregon Department of Fish and Wildlife, and the US Forest Service.
Projects & Objectives: FY 2019-20

• **LEGISLATIVE TEXT AMENDMENTS:**
  - Amend county code to allow churches consistent with the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) and sign code laws.
  - Amend county code to allow day care, nurseries, and childcare facilities from a conditional use permit to a use permitted outright (subject to site plan review).
  - Amend nonfarm dwelling code to be consistent with state law.
  - Amend the minor variance 10% lot area rule for farm and forest zoned properties.
  - Amend county code to define when replatting is required.

• **TRANSPORTATION:**
  - Continue to coordinate with the City of Bend to amend the County’s Comprehensive Plan and Development Code to allow new airport-related businesses at the Bend Airport through a streamlined permitting process.
  - Initiate County Transportation System Plan (TSP) update in coordination with County Road Dept. if funded by the Oregon Dept. of Transportation.
  - Serve on the US 97 Parkway facilities management plan technical advisory committee.
  - Participate in the County Road Dept.’s Transportation Safety Action Plan (TSAP) process.
  - Initiate amendment to DCC 17.16.105 and related code sections regarding access requirements to rural subdivisions.
  - Serve on Wickiup Junction Refinement Plan technical advisory committee.
  - Serve on the Terrebonne Refinement plan technical advisory committee.
  - Serve on the US 20/Cook-OB Riley Tumalo technical advisory committee.
Projects & Objectives: FY 2019-20

• **NONPRIME RESOURCE LANDS:** Complete comprehensive plan amendments to establish eligibility criteria for designating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource (NPR) Lands defined in OAR 660-004-0005(3) as “Non Resource Lands.” Criteria also identify opportunities to re-designate six specific areas committed to residential uses that were platted or conveyed prior to State enabling planning legislation taking effect in Deschutes County. Upon adoption of the NPR Lands policies, Deschutes County will initiate legislative amendments for two zones: a NPR-10 zone that applies solely to the six areas committed to residential uses, and a NPR-20 zone for all other eligible lands subject to a quasi-judicial application.

• **COMMUNITY & AREA PLANS:** Participate in the implementation of Sisters Country Horizons Plan. Engage Tumalo, Terrebonne, and Newberry Country residents to determine if community plans, goals, and policies meet the current and future needs of the area, and determine community interest and readiness for a community plan update. Only one or two such planning efforts may be initiated each fiscal year.

• **GROWTH MANAGEMENT COORDINATION:** Coordinate with cities, County departments, state agencies, federal agencies and organizations to develop and implement growth management plans, joint management agreements, natural hazard mitigation planning, and cooperative agreements.
Projects & Objectives: FY 2019-20

• **AFFORDABLE HOUSING:** Process City of Bend and City of Redmond UGB amendments related to implementation of Affordable Housing Pilot Project(s) and amend our comprehensive plan. Participate in state legislative committee(s). Consider implementation in FY 2019-20 if rural ADUs are allowed.

• **OUTDOOR MASS GATHERING PERMIT AMENDMENTS:** Consider amending Deschutes County Code 8.16 pertaining to Outdoor Mass Gatherings in coordination with County Legal Counsel if resources are available.

• **HISTORIC PRESERVATION—CERTIFIED LOCAL GOVERNMENT (CLG) GRANT:** Administer FY 2019-20 CLG Grant, including coordinating with the Historic Landmarks Commission and City of Sisters on prioritized items noted in the grant.

• **PLANNING COMMISSION & HISTORIC LANDMARKS COMMISSION POLICY & PROCEDURES MANUALS:** Develop policy and procedures manuals for the Planning Commission and Historic Landmarks Commission with sub-committees of each body. The purpose of the manual is to provide a helpful reference guide pertaining to each commission’s unique purpose, authorities, roles, decision making processes, applicable laws/regulations and documents, public meeting requirements, etc.

• **NATURAL HAZARDS:** TBD.

• **EXCAVATION ORDINANCE:** TBD.
Projects & Objectives: FY 2019-20

• ONGOING ANNUAL PROJECTS:
  - Conduct joint meeting / tour(s) with BOCC and Planning Commission.
  - Complete housekeeping and legislative text amendments to ensure County Code complies with state law. Consider implementing legislative amendments stemming from laws enacted by the 2019/20 Oregon Legislative Session.
  - Population Forecast: Coordinate with the County Assessor and Administration Office to complete the Portland State University, Population Research Center, annual Housing Unit and Population Questionnaire.

• TRACKING SYSTEMS: DEVELOP, MAINTAIN, AND IMPROVE TRACKING SYSTEMS FOR:
  - Comprehensive Plan and Community/Area Plan implementation activities, updates, necessary revisions, and potential areas for new plans.
  - Destination Resort overnight lodging units.
  - Limited Use Permits: Agri-tourism and other commercial events and activities.
  - Marijuana Annual Reports.
  - Non-farm dwellings.
  - Medical Hardships.
  - Conditions of Approval, as necessary.
• Issue all administrative (staff) decisions for land use actions requiring prior notice within 45 days of determination of complete application (BOCC Goal & Objective: SD-1).

• Issue all administrative (staff) decisions for land use actions that do not require prior notice within 21 days of determination of complete application (BOCC Goal & Objective: SD-1).

• Process City of Bend and City of Redmond UGB amendments related to implementation of Affordable Housing Pilot Project(s) and amend our comprehensive plan (BOCC Goals & Objectives: EV-1, EV-2, EV-3, EV-4, & HP-1).

• Coordinate with the City of Bend to implement the Bend Airport Master Plan (BOCC Goal & Objective: EV-2).

• Re-evaluate agricultural land designations (BOCC Goal & Objective: EV-2).

• Amend zoning code to comply with federal RLUIPA and sign code laws (BOCC Goals & Objectives: EV-2 & EV-4).
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<tr>
<td>Nick Lelack, AICP</td>
<td>Community Development Director</td>
<td>(541) 385-1708</td>
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<td>Tara Campbell-Alvarez</td>
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</tr>
<tr>
<td>Name</td>
<td>Title</td>
<td>Phone</td>
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</tr>
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</tr>
</tbody>
</table>
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 publicly 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 in 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, NPR-20</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</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 are defined in ORS 198.010 and are recognized as government bodies. Special districts include the following.

Table 1.3.4 - Special Districts

<table>
<thead>
<tr>
<th>Utility district</th>
<th>Rural fire protection district</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water supply district</td>
<td>Irrigation district</td>
</tr>
<tr>
<td>Cemetery maintenance district</td>
<td>Drainage district</td>
</tr>
<tr>
<td>Park and recreation district organized</td>
<td>Water improvement district</td>
</tr>
</tbody>
</table>
Mass transit district          Water control district
Metropolitan service district organized  Vector control district
Special road district          9-1-1 communications district
Road assessment district      Geothermal heating district
Highway lighting district     Transportation district
Health district              Library district
Sanitary district            Soil & water conservation district
Sanitary authority, water authority or joint water and sanitary authority

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 III. 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 #      Order #
94-138       98-127
96-071       2004-001
97-147       2004-037
97-151       2006-019
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>
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<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

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Policy 2.2.3  Allow comprehensive plan and zoning map amendments, including those that qualifying as non-resource Nonprime Resource Lands defined in OAR 660-004-005(3) as “Non Resource Lands,” 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 agri-tourism 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 in OAR 660-004-005(3) as “Non Resource Lands,” 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 definition of 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 2019 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 designating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource Lands defined in OAR 660-004-0005(3) as “Non Resource Lands.” Criteria also identified opportunities to re-designate six specific areas committed to residential uses that were platted or conveyed prior to State enabling planning legislation taking effect in Deschutes.
County. These areas are subject to strict resource zoning requirements dictated by State law that affect the siting of new dwellings, remodels, additions and accessory structures.

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  The minimum parcel size for new rural residential parcels in the Nonprime Resource Lands-10 zone shall be 10 acres.

Policy 3.3.3  The minimum parcel size for new rural residential parcels in the Nonprime Resource Lands-20 zone shall be 20 acres.

Policy 3.3.24  Incorporate annual farm and forest housing reports into a wider system for tracking the cumulative impacts of rural housing development.

Policy 3.3.35  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 3.3.46  Encourage new subdivisions to incorporate alternative development patterns, such as cluster development, that mitigate community and environmental impacts.

Policy 3.3.57  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 3.3.68  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 3.3.79  Utilize block grants and other funding to assist in providing and maintaining low and moderate income housing.
Section 3.11 Nonprime Resource Lands

Background
Over the past decade, Deschutes County has supported and participated in numerous state legislative processes and coordinated with the Oregon Department of Land Conservation and Development (DLCD) to study and legislatively update agricultural and forest land designations. Unfortunately, these efforts did not result in a clear path forward to undertake such a land use change. The Comprehensive Plan provides a general directive to consider “Non-Resource” lands proposals (Policy 2.2.3). As of April 2019, Deschutes County has approved six applicant-initiated requests to amend Exclusive Farm Use zoning.

In April 2019, Deschutes County initiated its own process to establish eligibility criteria for designating Exclusive Farm Use or Forest Use zoned properties to Nonprime Resource Lands defined in OAR 660-004-0005(3) as “Non Resource Lands.” Criteria also identified opportunities to re-designate six specific areas committed to residential uses that were platted or conveyed prior to State enabling planning legislation taking effect in Deschutes County. These areas are subject to strict resource zoning requirements dictated by State law that affect the siting of new dwellings, remodels, additions and accessory structures. Upon acknowledgment of the Nonprime Resource Lands policies, Deschutes County will adopt two zones: a Nonprime Resource Lands-10 zone that will apply solely to the six areas committed to residential uses, and a Nonprime Resources Land-20 zone for all other eligible lands subject to a quasi-judicial application.

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, and the accompanying Oregon Administrative Rules due to the presence of poor soil conditions, a lack of irrigation, climate conditions and other relevant factors, including but not limited to past use. 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. As summarized above, they also contain platted subdivisions or conveyed parcels that preexisted Statewide Planning legislation taking effect in Deschutes County.
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 Policies

Policy 3.11.1 A proposal to designate Nonprime Resource Lands may be initiated by either a property owner or Deschutes County.

Policy 3.11.2 The purpose of the Nonprime Resource Lands designation is to allow low intensity rural development.

Policy 3.11.3 To qualify for a Nonprime Resource Lands comprehensive plan designation and Nonprime Resource Lands zoning, a property must demonstrate:
   a. The State’s soil and definitional standards of agricultural land do not apply because:
      i. Fifty-one percent of a property contains Class VII or VIII soils as classified by the NRCS;
      ii. The site is not suitable for farm use:
         1. It cannot be used for grazing or in conjunction with adjoining or nearby agricultural or grazing operations.
         2. It has no availability of water for farm irrigation.
         3. It cannot be combined with any other adjacent land for farming to occur.
         4. It is not intermingled with lands in Class I-VI soils.
         5. It is unnecessary to allow adjacent properties to continue to function as agricultural land.
   b. The State’s soil and definitional standards of forest land or forest productivity potential do not apply by showing the entire parcel possesses a potential productivity of less than 20 cubic feet per acre per year, at culmination of mean annual increment, for one or more tree species native to Deschutes County;
   c. It does not contain Goal 5 natural resources;
   d. It is located in a fire-protection district or can be annexed into one;
   e. It does not significantly affect a County or State transportation system consistent with Statewide Planning Goal 12;
   f. If irrigation districts are impacted by a Nonprime Resource Lands designation, identify conditions of approval that should be placed on the property.

Policy 3.11.4 A Nonprime Resource Lands-20 zone provides procedures and standards for low density rural development that balances the public’s interest in the management of community growth with the protection of individual property rights.
Policy 3.11.5 The Nonprime Resource Lands-20 zone applies to eligible properties excluding those identified in Policy 3.11.12.

Policy 3.11.6 The minimum parcel size for the Nonprime Resource Lands-20 zone shall be 20 acres.

Policy 3.11.7 A single family dwelling or a manufactured home and their accessory uses shall be permitted outright.

Policy 3.11.8 Until a Nonprime Resource Lands-20 zone is adopted, property owners can continue as before and apply for a rezone from Exclusive Farm Use to Multiple Use Agriculture.

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 3.11.9 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 3.11.10 A single family dwelling or a manufactured home and their accessory uses shall be permitted outright.

Policy 3.11.11 The minimum parcel size for the Nonprime Resource Lands-10 zone shall be 10 acres.

Policy 3.11.12 The Nonprime Resource Lands-10 zone is available only for the following properties committed to residential uses because they are platted, parcelized, or partially developed:
   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 3.11.13 Notwithstanding Policies 3.11.3.a.i. and 3.11.3.a.ii.4., 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 3.11.14 Notwithstanding Policy 3.11.3b., lots in Haner Park, Section 36, Skyline Subdivision, and Skyline Subdivision 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 3.11.15 Notwithstanding Policy 3.11.3.c, lands committed to residential uses with significant Goal 5 natural resources are eligible for a Nonprime Resource Lands-10 zone subject to an ESEE analysis.

Policy 3.11.16 Until a Nonprime Resource Lands-10 zone is adopted, property owners can continue as before and apply for a rezone from Exclusive Farm Use to Multiple Use Agriculture.
Open House - Minutes

DESHUTES COUNTY PLANNING COMMISSION

LA PINE SENIOR CENTER
16450 VICTORY WAY, LA PINE, OR 97739

APRIL 11, 2019 - 5:30 P.M.

I. Call to Order

The meeting was called to order at 5:30 p.m. by Chair Dale Crawford. Board members present: Vice Chair Maggie Kirby, Hugh Palcic, Les Hudson, Jim Beeger, Steve Swisher and Jessica Kieras. Staff present: Nick Lelack – Community Development Director, Peter Gutowsky – Planning Manager, Zechariah Heck – Associate Planner, Nicole Mardell – Associate Planner, Tanya Saltzman – Associate Planner, and Ashley Williams – Administrative Assistant.

II. Introductions

Chair Crawford took a moment to recognize former Planning Commissioner Ed Criss. He requested that anyone providing public comments use a sign in sheet for record keeping purposes. He went over the layout of the meeting which would include brief presentations regarding the Annual Work Plan and Non-Prime Resource Lands (NPR Lands). He said that the bulk of the meeting will be reserved for public comments on either topic. Each Commissioner introduced themselves, noting their representation area, and years of service. It was mentioned that Hugh Palcic, the South County Representative’s term would soon end and need a replacement. The staff all introduced themselves and gave their titles.

III. Work Plan presentation, Nick Lelack – Community Development Director

Director Lelack went over the work plan briefly. Some of the items he went over included: Divisions of the Community Development department; Planning Commission formation, appointment of positions, and duties; population forecasts; work plan development process; this fiscal year accomplishments, and next fiscal year goals.

IV. Non-Prime Resource Land Presentation, Zechariah Heck – Associate Planner

Mr. Heck went over the presentation for NPR Lands. He said that these lands were likely designated incorrectly at the inception of the land use process in Deschutes County. He
said that the County has been looking for a way to re-designate these lands since 2008. He
said that this amendment would create two new zones that would have 10 and 20 acre minimums so the land could not be further subdivided. He said that this amendment will make residential uses a permitted use outright, and that this would streamline the building process for landowners.

He went over what NPR land looks like, the state definition of Non-Prime Lands, and the land designations around these areas. He went over the justifications that these lands do not meet the requirements for farm or forest land including: poor soils, lack of water, climate conditions, and small sizes.

He provided contact information for the project and said he would be available after the meeting to answer any questions.

Mr. Gutowsky went over the high level points of the presentation. He wanted to emphasize that this would not create an expansion of available lands because the lots could not be reduced to smaller than 10 acres, and many are already smaller than that. He said that the County hopes to have these adopted within 8-10 months.

In conclusion, Chair Crawford went over his view of the amendments which, in his words, “seemed like a win-win for property owners.” He thought this could facilitate better development for single family homes, and was interested to hear whether the public had concerns or comments.

V. Public Comments

Michele Krogler, PO Box 3156 La Pine, Oregon 97739, wondered what the effects on Wildlife Corridors would be. She was concerned that applicant initiated changes could have impacts on the wildlife if their land was a new designation. Mr. Gutowsky said that one of the criteria that must be met is that there are no existing designations for wildlife on the land proposed. He said that the County has many existing wildlife corridors already designated.

James Buchholz, 4835 Noren Ave NE, Keizer, Oregon 97303, wanted to know how more development would impact the existing access, Darlene Way, and if improvements would be made to that access. Staff could not provide direct response to this question, but noted that it would be included in the record. Mr. Heck said that there are transportation SDCs (System Development Charges) assessed to each new residential development and that those dollars are reserved for County-wide transportation improvements.

Phillip Johnson, PO Box 2365, La Pine, Oregon 97739, had questions about ownership and maintenance of Darlene Way. It was discussed that BLM (Bureau of Land Management) owns the road and the County maintains it. This is likely demonstrated through an IGA.
Daniel Fitzgerald, 1330 West Sherman, Lebanon, Oregon 97355, said that he is currently going through a Conditional Use permit and that the process is very cumbersome. He said that it is also expensive. Mr. Gutowsky said that these are the types of situations that this amendment is trying to eliminate. He appreciated the honesty from Mr. Fitzgerald regarding the process and said that there is nothing they can do for the past, but hopefully they can make this easier for future applicants.

Ed Criss, 53446 Brookie Way, La Pine, Oregon 97739, discussed the setbacks for these areas and noted that they are unfair in relation to lot characteristics and surrounding land uses. He said that he is happy to see these amendments, although he was initially concerned about them.

There was discussion amongst members of the public and staff regarding Darlene Way becoming a bypass, and the fairness of these new processes on past applicants that had already applied. Staff said that they were not aware of Darlene Way becoming a bypass in the near future, and had heard no plans regarding such a venture. Staff also recognized that the old rules were cumbersome, but state regulated. They reiterated that they would like to make this process more streamlined in the future.

Phillip Johnson, PO Box 2365, La Pine, Oregon 97739, had questions regarding lot sizes and if the lots could be further divided. Mr. Heck said that the minimum lot size would be 10 acres, so any parcel under 20 acres could not be further divided since the lots, once divided, would be smaller than 10 acres. There was clarification that existing lots already smaller than 10 acres, for instance 2 acres, are recognized as legal buildable lots.

Daniel Fitzgerald, 1330 West Sherman, Lebanon, Oregon 97355, said that the existing setbacks are hard to reach because they are so far from the property line. Mr. Gutowsky said that those would change and be reduced with the amendment.

Etta Epling, 68445 Nehalem Hwy N, Vernonia, Oregon 97064, provided history on the original development of the land. She said that the lots were not supposed to be reduced to less than 10 acres. She wondered how that happened. Mr. Gutowsky said that before there were land use regulations in the County property could be conveyed in any increment size desired by the seller of that land. He also said that since the inception of land use laws surrounding property owners are notified at the time of land division, where in the past they were not.

There was discussion amongst staff and citizens about the history of the land proposed for re-designation, both Section 36 and Haner Park. There was also discussion about the Biomass Plant, the Geothermal testing area on Newberry Crater, and Master Planning for the Newberry Country area.
Jeff Lay, 23643 Warthen Road, Elmira, Oregon 97437 said that these amendments are good news for him. He is close to retirement and had purchased property in Section 36. He said that he was considering selling his property after hearing from his neighbors how difficult it can be to develop.

VI. Closing

Chair Crawford expressed his appreciation for the public that attended the meeting. He said that the Commission does it’s best to address concerns and make them high priority. Commissioner Palcic thanked everyone for coming and mentioned that his seat would be vacant soon. He encouraged anyone interested to apply for the position and said he has learned a lot through his years of experience. Commissioner Beeger said that this is the best meeting he has been to. He recommended discussing road concerns with their local Board of County Commissioners representative. Commissioner Hudson said that he was in favor of the amendments because the land has already been divided and is no longer useful for commercial logging or farming uses.

Next Planning Commission meeting will be an Open House on April 18, 2019.

There being no further business, the meeting was adjourned at 6:54 pm.

Respectfully submitted,

Ashley Williams

Administrative Assistant

All materials including (but not limited to) video, presentations, written material and submittals are subject to the County Retention Policy; All items are posted and available for public viewing on the Deschutes County Meeting Portal. For further detail on this and other meetings please follow link below.

Haner Park

- 59 lots total, 23 are vacant.
- Average lot size: 1.19 acres.
- No lots are tax deferred.

In 1940, Joseph Haner acquired 80 acres in the 1940s and donated it to the Elks Lodge. Cabins were subsequently established.

The Elks eventually sold the properties to Haner Park, LLC, formed by existing cabin owners. After receiving Lot of Record decisions, lots were conveyed through deeds.

Legend

- Haner Park
- FS - Forest Use 1
- OS&C - Open Space & Conservation
Nonprime Resource Lands Amendment

Section 36

- 54 lots total, 44 are vacant.
- Average lot size: 11.65 acres.
- Three lots are tax deferred.

Formerly, a "school section", meaning it was given to the State of Oregon on statehood, February 14, 1859.

The Clerk's deed index shows by 1908 the entire section had been conveyed piecemeal to private parties by the state.
Nonprime Resource Lands Amendment

Meadow Crest Acres Subdivision

- Platted in 1980
- 33 lots total, 14 are vacant.
- Average lot size: 1.07 acres.
- No lots are tax deferred.
- Meadow Crest Acres Subdivision received preliminary plat approval in 1978.
- Zoning at the time of the preliminary plat was Rural Recreation (RR-1).

Legend

- Meadow Crest Acres
- EFULA - La Pine Subzone
- F1 - Forest Use 1
- OS&C - Open Space & Conservation
- RR10 - Rural Residential

DISCLAIMER:
The information on this map was derived from digital databases on Deschutes County's GIS. Care was taken in the creation of this map, but it is provided "as is". Deschutes County cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. There are no warranties, express or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.
Nonprime Resource Lands Amendment

Skyline Subdivision and 1st Addition

- 49 lots total, 11 are vacant.
- Average lot size: 0.73 acres.
- No lots are tax deferred.

Legend

- Skyline Subdivision and 1st Addition
- F1 - Forest Use 1
- F2 - Forest Use 2
- FP - Flood Plain

DISCLAIMER:
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Squaw Creek Canyon Rec Estates 1st Addition
- 42 lots total, 18 are vacant.
- Average lot size: 2.5 acres.
- No lots are tax deferred.
- Platted in 1982.
- Part of the subdivision is zoned RR-10.
Hello,

Thanks for your email. I answered your questions in red text below. If you have follow up questions, please be in touch. What day of the week would you like me to call in for a conference call with the Board? We might be able to work something out, depending on time and day of the week.

Zechariah Heck
Deschutes County
541-385-1704

From: Haner Park HOA Board
Sent: Tuesday, March 26, 2019 7:48 PM
To: Zechariah Heck
Cc: Terry Cunningham ; Mary Kenney ; Rick Kay ; Jason Stull ; Sarah Medary
Subject: Non Prime Resource Lands

Hi Zechariah,

Our HOA members have all been receiving postcards over the past few days regarding upcoming meetings and hearings related to Haner Park. I would like to be able to send out more info to our members by the end of this week, or early next week, so they understand what they may or may not want to individually testify about. The HOA board will also need to discuss whether we want to make a board recommendation. A couple of questions:
- The findings state that the County initiated this on March 20, 2019, but I can't find any evidence of that in the meeting agenda for the DBCC for that date. Can you provide the materials and link or minutes to the meeting where this was initiated? I’m not sure when or if there was a specific meeting that initiated the NPR Lands program. March 20 was the date we took the first step in mailing out notices. There have been several meetings over the past year where staff has discussed NPR Lands with the Planning Commission and/or the Board of County Commissioners (BoCC). If you would like a list of these meetings, let me know.
- Several years ago, the HOA was in support of the text amendments reducing setback requirements for lots in HP. How does this current proposal support or change that?
  Do you know what year this was or, better yet, what file number the text amendments had? I could do more research with this information. I do know of a similar program six years ago. It involved creation of a new zone, which may have involved reducing setback requirements. This proposal, if approved, would likewise create a new zone but the specifics of that new zone have not been developed.
- What does this mean for all of the existing lots in HP that are closer to one acre than 10?
If approved, the NPR zone would allow more flexibility in residential uses compared to the EFU/F1/F2 zones. A good general comparison would be MUA-10 zone. There are many lots in the RR-10 or MUA-10 zone that are not 10 acres in size. If a property is under the minimum lot size in a given zone, it just means that lot cannot be further partitioned. Technically, the lot would be considered a “legal, non-conforming” lot because of its size.

- Will there be associated new zoning rules for this designation? If so, how will property owners be involved in those proposals/discussions/decision?

Yes, as stated above, if the proposed policies are proposed, staff will then begin creation of a new zoning designation. The process will be open to the public and will be reviewed by the Planning Commission and the BoCC. Public comments/input are always welcome at these meetings. Comments during this plan amendment process that speak to suggested specifics of the zoning district are welcome.

- The residents/property owners of HP consider ourselves stewards of the river and surrounding areas, and sometimes feel unsupported by the County, Forest Service and Bureau of Reclamation. We have concerns about road management and emergency access outside of our boundaries, river and flow management and the impact to natural resources and associated erosion and bank de-stabilization and overall ability to maintain and re-develop our properties. How does this process address or impact those concerns? Does it keep things the same or move us in a different direction? I'll do my best to read all of the details and help develop conclusions from our perspective, but your professional opinion would help a lot.

The NPR lands program policies do not address road management, emergency access, river flow/management, and bank stabilization, etc.. The program is focused on reducing zoning restrictions from the EFU/F1/F2 zoning districts for lands that we believe were incorrectly zoned. The main uses that will be allowed are residential and their accessory uses.

- Can you be available for a conference call with our HOA board prior to the first public hearing? This would need to be a weekday evening or weekend morning call.

We're hopeful this work is something we can support and help implement, but need to understand more of the details first. I've copied our board on this email.

Thank you, Sarah
Deschutes County Zoning

City Limit

Zoning Designation

AD - Airport Development
EFUAL - Alfalfa Subzone
EFUHR - Horse Ridge Subzone
EFULA - La Pine Subzone
EFULB - Lower Bridge Subzone
EFUSC - Sisters/Cloverdale Subzone
EFUTE - Terrebonne Subzone
EFUTRB - Tumalo/Redmond/Bend Subzone
F1 - Forest Use 1
F2 - Forest Use 2
FP - Flood Plain
MUA10 - Multiple Use Agricultural
OS&C - Open Space & Conservation
RI - Rural Industrial
RC - Rural Commercial
RR10 - Rural Residential
SM - Surface Mining
UAR10 - Urban Area Reserve - 10 Acre Minimum
SR 2.5 - Residential 2.5 Acre Minimum

Urban Unincorporated Community
Rural Service Center
Resort Community
Rural Commercial

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Comment Card

If you would like your comments entered into the record, or would like to receive notices regarding updates to the Non-Prime Resources lands please provide your name and address below. However, name and address are optional for commenting.

Comment Topic (please circle one or more):

- [ ] Non-Prime Resource Land
- [ ] Annual Work Plan
- [ ] Other

Name: Michele Kogler

Address: P.O. Box 3152

City, State, Zip: La Pine OR 97739

Comments: We were extremely impressed with the presentation tonight. Nice, knowledgeable staff. Thank you for all the hard work and taking the time for our input and concerns. We could tell you care so much and that means a lot to us! Very refreshing. All our questions/concerns were addressed. Thank you!

Additional space provided on the back