



## MEMORANDUM

**TO:** Deschutes County Planning Commission

**FROM:** Nick Lelack, AICP, Director  
Peter Gutowsky, AICP, Planning Manager

**DATE:** September 17, 2020

**SUBJECT:** Deschutes 2040 / Orientation to Statewide Planning Goals 1 and 2

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**I. Background**

The Community Development Department (CDD) anticipates initiating a Deschutes County Comprehensive Plan Update (Deschutes 2040) in Fall 2021. Staff prepared a seven-month, 12-part orientation for the Planning Commission to familiarize itself with the Statewide Planning Goals and their relationship to noteworthy state statutes (ORSs), administrative rules (OARs), Comprehensive Plan Sections, implementing codes, and emerging issues since 2010. More information is available at [www.deschutes.org/Plan2040](http://www.deschutes.org/Plan2040). Table 1 lists the Planning Commission work session dates in relation to the Statewide Planning Goals.

This is part 2 of 12 of the orientation series.

**Table 1 – Planning Commission Work Session Dates & Discussion Topics**

<b>Dates</b>	<b>Statewide Planning Goals</b>
September 10	<b>Oregon Land Use Program Overview</b>
September 24	<b>Goal 1</b> - Citizen Involvement <b>Goal 2</b> - Land Use Planning
October 8	<b>Goal 3</b> - Agricultural Lands and <b>Goal 4</b> - Forest Lands
October 22	<b>Goal 5</b> - Natural Resources, Scenic and Historic Areas, and Open Spaces ( <u>PART 1 - Water Resources, Wildlife</u> )
November 12	<b>Goal 5</b> - Natural Resources, Scenic and Historic Areas, and Open Spaces ( <u>PART 2 - Scenic and Open Spaces and Historic Resources</u> ) <b>Goal 5</b> - Natural Resources, Scenic and Historic Areas, and Open Spaces ( <u>PART 3 - Mineral and Aggregate Resources</u> )
December 10	<b>Goal 6</b> - Air, Water and Land Resources Quality <b>Goal 7</b> - Areas Subject to Natural Hazards
January 14	<b>Goal 8</b> - Recreational Needs

January 28	<b>Goal 9 - Economic Development</b>
February 11	<b>Goal 10 - Housing</b> <b>Goal 11 - Public Facilities and Services</b>
February 25	<b>Goal 12 - Transportation</b>
March 11	<b>Goal 13 - Energy Conservation</b> <b>Goal 14 - Urbanization</b>
March 25	<b>Recap / Annual Work Plan Work Session - Discussion</b>

## II. Statewide Planning Goals 1 and 2

### Goal 1 - Citizen Involvement

Public involvement is a required part of land use planning in Oregon. It is one of the elements that makes Oregon's land use planning program unique. The requirement for public participation is intentionally the first goal of the 19 in the statewide land use planning system. Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program that addresses:

- Opportunities for widespread public involvement
- Effective two-way communication with the public
- The ability for the public to be involved in all phases of the planning process
- Making technical information easy to understand
- Feedback mechanisms for policy makers to respond to public input, and
- Adequate financial support for public involvement efforts
- The goal also calls for local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

The Land Conservation and Development Commission (LCDC), with support from the Department of Land Conservation and Development (DLCD), consults with the Citizen Involvement Advisory Committee (CIAC) to assure widespread public involvement in all phases of the planning process. Per ORS 197.160, committee members of the CIAC are appointed by the commission. The CIAC has eight volunteer members, one from each of Oregon's five Congressional Districts and three chosen at-large. Membership is intended to reflect the city, county, and geographic diversity of the state. It is an advisory body only; it has no explicit or implied authority over any local government or state agency. It does not set policy nor review local land use plans or decisions. Last year, DLCD in consultation with LCDC and CIAC released, "Putting the People in Planning – A guide for local government agencies in Oregon."<sup>1</sup>

<sup>1</sup> [https://www.oregon.gov/lcd/Publications/PPIP-Final\\_2019-06-30.pdf](https://www.oregon.gov/lcd/Publications/PPIP-Final_2019-06-30.pdf). This guide offers concepts, strategies, and suggestions to improve public participation. Many are employed regularly by Deschutes County staff and the Planning Commission, including: advisory committees, direct mailings, fact sheets, website updates, press releases, and presentations at open houses, work sessions, and public hearings at different geographic locations throughout the county.

- Zechariah Heck, a former Associate Planner with Deschutes County, is a CIAC member and will share his perspectives with the Planning Commission on September 24.

There are no Oregon Administrative Rules (OARs) that implement Goal 1.

## **Goal 2 – Land Use Planning**

Goal 2 requires each local government in Oregon to have and follow a comprehensive land use plan and implementing regulations. Comprehensive Plans are strategic and holistic compared to development code, which is specific and technical. Cities and counties must build their comprehensive plans on a factual base and follow their plans when making decisions on appropriate zoning. City and county plans must be consistent with one another. Special district and state agency plans and programs must be coordinated with comprehensive plans. Comprehensive plans must comply with the requirements of each applicable statewide planning goal. Local governments approved their plans, then submitted them to the state. LCDC reviewed each city and county comprehensive plan for compliance with the goals, and when LCDC found that the plan, as a whole, was consistent with the goals, the commission "acknowledged," or approved, the plan. Once a plan is acknowledged, it replaces the statewide planning goals for the purposes of local land use decision-making.

Except for federal and tribal lands, every inch of Oregon is planned and zoned. The comprehensive plan and zoning ordinances are the guiding documents for local government land use decisions. They help create predictable outcomes for the people who live and operate businesses in the community for development of homes, stores, and industries. Comprehensive plans also guide public development – streets, municipal water, sewer, and parks – and conservation of natural resources. Part II of Goal 2 provides a process a local government can follow when taking an "exception" to one of the land use goals when it finds that unique circumstances warrant a local override of the statewide goal to create a better outcome. Changes to comprehensive plans must also comply with the statewide planning goals.

The following OARs implement Goal 2:

- OAR 660-004 – Interpretation of Goal 2 Exception Process
- OAR 660-012-0065 – Transportation Improvements on Rural Lands
- OAR 660-012-0070 – Exceptions for Transportation Improvements on Rural Land
- OAR 660-014-0030 – Rural Lands Irrevocably Committed to Urban Levels of Development
- OAR 660-014-0040 – Establishment of New Urban Development on Undeveloped Rural Lands
- OAR 660-018 – Post-Acknowledgement Plan Amendments
- OAR 660-025 – Periodic Review
- OAR 660-030 – Review and Approval of State Agency Coordination Programs
- OAR 660-031 – State Permit Compliance and Compatibility
- OAR 660-032 – Population Forecasts

## **III. Deschutes County Comprehensive Plan**

### **Section 1.2 – Community Involvement**

Section 1.2 of the Comprehensive Plan summarizes Statewide Planning Goal 1, and recognizes that State land use regulations are incorporated through Comprehensive Plan policies, which are implemented in part through land use codes such as zoning. It also acknowledges the following advisory committees as providing a critical link between County government and its citizens:

- Deschutes County Planning Commission
- Historic Landmarks Commission
- Other land use related advisory groups (Project Wildfire, Deschutes Provisional Advisory Committee, Deschutes River Mitigation and Enhancement Committee)

Community Involvement Goals and Policies include, among others:

- Maintaining an active and open community involvement program that is accessible to all members of the community;
- The Planning Commission as the Committee for Community Involvement;<sup>2</sup> and
- Encouraging community participation through a variety of tools like holding public hearings in locations and at times convenient to area residents, and pre-application meetings.

Staff embraces many of these policies. The Planning Commission often hosts meetings in locations outside of Bend. The most recent was in Terrebonne as commissioners heard testimony about the Oregon Department of Transportation's proposed amendment to the County's Transportation System Plan for a couplet and interchange in Terrebonne.

### **Section 1.3 – Land Use Planning**

Section 1.3 underscores that land use planning requires a fact-based land use planning process and policy framework to guide land use decisions.<sup>3</sup> Considerable effort is made to summarize:

- Deschutes County's Comprehensive Plan History
- Land Ownership and Jurisdiction
- Comprehensive Plan Designations and Associated Zoning
- Intergovernmental and Other Coordination<sup>4</sup>
- County-Owned Property

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<sup>2</sup> Deschutes County Code (DCC) 2.52.100 recognizes the Deschutes County Planning Commission's Powers and Duties:

1. To carry out a comprehensive planning program, using citizen input and public hearings when appropriate, within its area of jurisdiction and to coordinate its activities with other jurisdictions, planning bodies and districts.
2. To review at its discretion land use decisions of the Hearings Officer within its jurisdiction under Deschutes County ordinances.
3. To act as the citizen involvement committee under the Deschutes County Comprehensive Plan and advise the Board of County Commissioners ("Board") on citizen involvement programs; to study and propose such measures as are advisable for promotion of the public interest, health, safety, comfort, convenience and welfare within the geographic area of the Commission's jurisdiction.

<sup>3</sup> Exceptions to the Statewide Planning Goals are described in more detail in Section 5.10 of the Comprehensive Plan.

<sup>4</sup> Coordinating population forecasts is cited under Intergovernmental and Other Coordination. Deschutes County completed its last forecast in 2005. HB 2253 in 2013 removed this responsibility from Oregon counties. It designates the Portland State University Population Research Center as the agency to supply population forecasts and allocations for all jurisdictions outside of Metro's jurisdiction. Population forecasts are no longer land use decisions and so cannot be appealed to the Land Use Board of Appeals (LUBA). The idea is to make population forecasts, which are the first step in any process to amend an urban growth boundary (UGB), as uniform and substantiated as possible.

Land Use Planning Goals and Policies recognize among others:

- Maintaining an open and public land use process in which decisions are based on the objective evaluation of facts;
- Considering sustainability and cumulative impacts when creating and revising land use policies and regulations;
- Involving the public when amending County Code;
- Reviewing the Comprehensive Plan every 5 years;
- Maintaining a list of actions to implement the Comprehensive Plan, reviewed annually by CDD and the Board of County Commissioners (Board); and
- Participating in and, where appropriate, coordinating a regional planning effort.

To this end, every spring CDD prepares an annual work plan describing proposed projects for the coming fiscal year. A review of the draft work plan provides the Planning Commission, Historic Landmarks Commission, County Administration, CDD's customers and partner agencies, and the Board the opportunity to provide input, including additions, modifications, and possible re-prioritizations. The work plan describes the most important objectives and proposed projects in each CDD division based on:

1. Board 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.

Sharing the annual work plan with the stakeholders noted above ensures transparency with respect to CDD's goals, priorities, and allocation of resources, and makes it possible for the public to propose new projects for the department to initiate, subject to Board approval.

Attachment:

Comprehensive Plan

Section 1.1

Section 1.2

Section 1.3

Section 5.10



## Chapter 1

## Comprehensive



## Planning



# Section 1.1 Introduction

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## Background

The purpose of the Deschutes County Comprehensive Plan is to provide a blueprint for land use conservation and development. This is accomplished through goals and policies that tell a cohesive story of where and how development should occur and what places should remain undeveloped. The Plan provides a legal framework for establishing more specific land use actions and regulations such as zoning. The goals and policies are based on existing conditions and trends, community values and the statewide planning system.

This Plan covers a 20-year period from 2010-2030. To remain useful over that time, the Plan must provide clear policy direction yet remain flexible. As Deschutes County conditions change, legislative amendments will ensure the Plan remains relevant and timely.

The unincorporated areas of the County are covered by this Plan. The cities of Bend, La Pine, Redmond and Sisters each maintain their own comprehensive plans within their respective Urban Growth Boundaries (UGBs). The cities and County use intergovernmental agreements to coordinate land use within UGBs.



In Oregon, comprehensive plans must comply with the statewide planning system, which was adopted in 1973 to ensure consistent land use policies across the State. While compliance with the statewide system is required, it is also important for a comprehensive plan to reflect local needs and interests. This Plan balances statewide requirements and local land use values.

## Purpose of this Chapter

This chapter clarifies the reason for comprehensive planning, addresses the role of the community in planning processes and discusses basic land use principles. The chapter is divided into three sections.

- Introduction (Section 1.1)
- Community Involvement (Section 1.2)
- Land Use (Section 1.3)

## Snapshot of Deschutes County

Deschutes County lies in the heart of the State of Oregon and encompasses a total of 3,054 square miles. The County was created in 1916 from a portion of Crook County and was named after the Deschutes River.

Deschutes County is defined in part by the variety and beauty of the natural landscape. On the western side of the County, large snow-capped volcanoes tower over pine forests dotted with mountain lakes. The eastern side is characterized by high desert, sagebrush and large buttes. The Deschutes River runs north through the County, fed by numerous smaller rivers, creeks and springs.



Approximately 80 percent of the land in the County is publicly owned by the federal, state or local governments. Many of these lands are managed for public use and provide easy access for both residents and visitors to participate in hiking, biking, hunting, fishing, canoeing, skiing and other outdoor activities.

These natural amenities make Deschutes County an attractive place to live. The U.S. Census in 2010 estimated Deschutes County's population at 157,733. According to Deschutes County's Population Forecast, the population will grow to 240,811 by 2025. Extrapolating the forecast out five years, the County anticipates a 2030 population of 266,538. Of that number, 88,748 people are expected to reside in the unincorporated areas covered under this Plan. Chapter 4 contains more detailed population information.



## Legal Framework



In 1973 the Oregon Legislature adopted a statewide planning system that draws a bright line between urban and rural land uses, channeling growth into urban areas while protecting farm and forest lands. Public outreach around the State led to the adoption of 19 Statewide Planning Goals (Statewide Goals). These Statewide Goals are implemented through local governments' adopted comprehensive plans. Local comprehensive plans are reviewed for compliance with the Statewide Goals by the Oregon Land Conservation and Development Commission (LCDC), a seven-member committee appointed by the Governor and staffed by the Department of Land Conservation and Development (DLCD). The comprehensive plans are, in turn, implemented through zoning, land division ordinances and other techniques.

The majority of the Statewide Goals are written broadly, with specific regulations codified either in Oregon Revised Statute (ORS) or Oregon Administrative Rule (OAR). LCDC adopts the OARs, which clarify and implement the Statewide Goals. Over time, the rules, regulations and case law defining the Statewide Goals have become more detailed and complex, and are a significant factor in determining the elements of a comprehensive plan.

## Statewide Planning Goals

**Goal 1 Citizen Involvement:** To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

**Goal 2 Land Use Planning:** To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

**Goal 3 Agricultural Lands:** To preserve and maintain agricultural lands.

**Goal 4 Forest Lands:** To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

**Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces:** To protect natural resources and conserve scenic and historic areas and open space.



**Goal 6 Air, Water, and Land Resources Quality:** To maintain and improve the quality of the air, water, and land resources of the state.

**Goal 7 Areas Subject to Natural Hazards:** To protect people and property from natural hazards.

**Goal 8 Recreational Needs:** To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

**Goal 9 Economic Development:** To provide adequate opportunities through the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

**Goal 10 Housing:** To provide for the housing needs of citizens of the state.

**Goal 11 Public Facilities and Services:** To plan and develop a timely, orderly and efficient arrangement of public facilities and service to serve as a framework for urban and rural development.

**Goal 12 Transportation:** To provide and encourage a safe, convenient and economic transportation system.

**Goal 13 Energy Conservation:** To conserve energy.

**Goal 14 Urbanization:** To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

**Note:** Statewide Planning Goals 15-19 do not apply to Deschutes County.

### **History of Planning in Deschutes County**

Deschutes County's first Comprehensive Plan, *Comprehensive Plan to 1990*, was adopted in 1970. To comply with newly adopted statewide planning regulations a new plan was adopted in 1979, *Deschutes County Year 2000 Comprehensive Plan* (1979 Plan). In 1981, the 1979 Plan was acknowledged as being in compliance with the Statewide Goals. Along with the 1979 Plan, the County adopted a background document and map. The *Deschutes County Comprehensive Plan Resource Element (Resource Element)* contained valuable information pertaining to resources and demographics. The map depicted the long-term general land use categories for all lands in the County.



Over time, the County amended the 1979 Plan to comply with changes initiated by the State, the Board of County Commissioners or property owners. Periodic Review, a plan update process once required by the state, started in 1988 and was completed in 2003. Periodic Review included major additions and amendments to the 1979 Plan to keep the Plan and its policies consistent with evolving State planning regulations and local conditions. The 1979 Plan was codified as Title 23 in the Deschutes County Code.

Unintentionally, the additions, amendments and codification of the Plan led to a document that was no longer cohesive or user friendly. Some of the original chapters remained static and contained outdated information. New chapters were added that were not formatted to match earlier ones. In order to provide consistent and clear land use direction, the County initiated a

major update and rewrite of the 1979 Plan in 2008. This Plan, *Deschutes County Comprehensive Plan*, is a broad revision of the 1979 Plan.

#### *Summary of Deschutes County Comprehensive Plans*

- 1970                      Comprehensive Plan to 1990
- 1979                      Comprehensive Plan to 2000
- 1988-2003              Periodic Review
- 2011                      Comprehensive Plan to 2030

### **Creating the Plan**

Land use is a key component of a community's quality of life. Historically, regulation was initiated in this country to mitigate the negative impacts to communities that stemmed from "incompatible" land uses, like rendering plants next to homes. Yet finding the balance between controlling impacts for the public welfare and allowing individual property rights remains challenging. The United States Supreme Court in 1926 ruled in support of zoning in *Village of Euclid, Ohio v Ambler Realty*. In that case they held that land use is a reasonable extension of police powers, the idea that the state may regulate behavior and enforce order to promote general welfare, morals, health and safety.

The challenge is that most people want impacts from their neighbors' land uses controlled, but they also want the right to use their own properties without restrictions. This makes land use decisions often deeply personal and highly controversial. While consensus may not be possible, one strategy is to search for common ground by building on community values.



In 2008, Deschutes County initiated public meetings to listen to community values about land use issues. This plan integrates the values communicated through those meetings with numerous studies documenting current conditions and trends. It has been reviewed for compliance with the Statewide Planning Goals, ORS's, OAR's and local ordinances.

Two sections were undertaken as complementary projects to the Plan update: the Transportation System Plan (TSP) and destination resort mapping. In addition, two community plans were initiated for areas that would benefit from local approaches to address specific issues.

- Transportation System Plan (TSP)
- Destination Resort Remapping
- Deschutes Junction Policies
- Terrebonne Community Plan
- Tumalo Community Plan

### **Community Conversations**

In May 2008 County staff and the Deschutes County Planning Commission initiated a community input process called Community Conversations. Four community involvement goals evolved.

- Encourage the community to get involved in setting land use policy
- Ensure the updated plan addresses community interests and values

- Create significant and continuing opportunities for informal land use discussions
- Familiarize the public with the purposes and processes of state land use regulations

### *Steering Committee Appointed*

During the summer, the Board of County Commissioners designated the seven-member Planning Commission as the Steering Committee for the Comprehensive Plan. The Steering Committee hosted 12 informal public meetings to review and discuss chapters from the existing Plan. At each meeting the discussion focused on a current Comprehensive Plan chapter, the state requirements and current conditions. Some of these meetings included panel discussions with stakeholders and experts.

### *Community Awareness*

In the fall, a flyer was sent to 42,500 households in the unincorporated areas of the County with their annual 2008 tax bills announcing upcoming Steering Committee meetings. This flyer was also handed out at public meetings and events.

Additionally, a website was launched and continually updated to reflect each community conversation and steering committee meeting. Other media outreach with radio, television, and the local newspaper, the *Bulletin*, maximized awareness of the Plan update.



### *Stakeholder Outreach*

Letters were sent to more than 150 governmental/quasi-governmental agencies and local organizations offering staff's availability to meet with the agencies and organizations and/or conduct a presentation for their members. The goal was to inform stakeholders about the Plan update and discuss to any issues they would like the Plan update to address.

### *Community Outreach*

Informal meetings were scheduled around the County to hear from the community. Staff organized the County into seven management areas and held community listening sessions in five areas with rural populations (two areas were unpopulated Federal lands). Additional meetings were held in Terrebonne, Tumalo and Deschutes Junction. Planners also staffed a booth at the spring and fall 2009 Home and Garden Shows, to get input from members of the community who traditionally do not attend land use meetings.

### *Draft Comprehensive Plan*

On September 30, 2009 an updated draft Comprehensive Plan was released to the public. Ten additional Steering Committee meetings and six open houses were scheduled in locations around the County to gather public input on the draft Plan. The Planning Commission spent the next twelve months reviewing and revising the draft goals and policies in depth. A revised draft was completed in fall of 2010 and notice of the first evidentiary hearing was sent to the DLCD on September 30, 2010.

### *Hearings and Adoption*

The Planning Commission held public hearings on November 18, December 2 and December 9, 2010 and continued the hearings to December 16, 2010. Deliberations took place starting on

December 16 and continued to January 6 and January 13, 2011, when they voted to forward to the Board of County Commissioners a recommendation to adopt the draft Comprehensive Plan as modified.

The Board of County Commissioners held public hearings on the Planning Commission recommended Plan on March 29, March 31 and April 5, 2011. The hearings were continued until May 11 and May 31, 2011, at which time the hearing was closed. Deliberations and first reading took place July 6; the second reading was scheduled for July 27, but was continued until August 10. The updated Plan was then adopted with an effective date of November 9, 2011.

## **Data Collection**

Creating a comprehensive plan also requires an understanding of current conditions and anticipated trends. County staff worked with various state and federal agencies to identify updated information and policies. For many topics, detailed studies already existed. In other areas, staff identified further research to be completed when resources become available. Additionally, staff assembled reports relevant to the update. The primary documents and websites used in gathering information for the updated Plan are referenced at the end of each chapter.

As noted earlier, the Resource Element was adopted in 1979 to provide background information on County resources and demographics. The Resource Element has been amended over time, adding such studies as the Geothermal Element (January 1985) or the Deschutes County/City of Bend River Study (April 1986).

## **Plan Organization**

Deschutes County Comprehensive Plan 2030 is organized into five chapters:

<i>Chapter 1</i>	Comprehensive Planning
<i>Chapter 2</i>	Resource Management
<i>Chapter 3</i>	Rural Growth Management
<i>Chapter 4</i>	Urban Growth Management
<i>Chapter 5</i>	Supplemental Sections

Chapters 1-4 contain the following:

*Background:* Information providing context for the reason and process for including the goals and policies.

*Goals:* A general description of what Deschutes County wants to achieve. The County will direct resources and/or support partner agencies and organizations to implement the goals over the 20-year Plan timeframe.

*Policies:* Statements of principles and guidelines to aid decision making by clarifying and providing direction on meeting the Goals.

*References:* A list of resources used in the preparation of each chapter is included at the end of each chapter.

Additionally, an action plan will be created under a separate process to implement the Plan Goals and Policies.

The land use Goals and Policies in this Plan are anticipated to be completed over the next 20 years.

### **Future Updates**

In order to keep pace with changing needs, environmental conditions, economics and community values, this plan needs to be updated and amended periodically. The State calls for a periodic review to ensure the plan stays current with changes in ORS and OARs. Although the State Periodic Review process is no longer a requirement for Oregon counties, the entire plan should be updated at least every 20 years, with reviews occurring every five years. All Plan update processes will take place with the benefit of a full range of community involvement, including public hearings before the Deschutes County Planning Commission and the Board of Commissioners. The procedures for amending the Comprehensive Plan are outlined in Deschutes County Code, Chapter 22.

## Section 1.2 Community Involvement

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### **Background**

Involving the public in planning is a critical part of Oregon's land use system. Statewide Planning Goal 1, Citizen Involvement, is intended to ensure that the public has the opportunity to be meaningfully involved in all phases of the land use planning process. To participate in land use decisions, the public needs to be notified of the proposal or project, understand the legal framework for the decision and understand the implications of the decision.

Minimum land use noticing requirements and procedures are written into Oregon Revised Statute (ORS) and County Code.

The legal framework for planning in Oregon starts with the Statewide Planning Goals and associated statutes and rules. The State land use program was intended to set some general parameters for land use planning and protect resources, such as the farm and forest lands that were Oregon's primary economic drivers. Although the Statewide Goals all have equal value, they do not all provide the same level of detailed direction. Over time, State regulations have been amended or interpreted through changes to ORS, Statewide Goals, Oregon Administrative Rules and case law. These changes and interpretations have provided legal and technical clarity, but they have created a complex set of land use rules that are confusing to the public.

State land use regulations are implemented by local governments through Comprehensive Plan policies, which in turn are implemented, in part, through land use codes such as zoning codes. Writing new policies and code language is often referred to as the Legislative process because this is where policy direction is set and regulations are adopted. Local decision makers determine within the State planning structure, what policies and codes best meet the needs and values of the community.

Policy implementation occurs when land use codes are applied to specific projects or proposals. This is referred to as the Quasi-judicial process, because it is where the project or proposal is judged for compliance with existing codes based on findings. This is often the stage where the public gets involved. An individual property owner proposes to do something with his or her land. The decision to allow the proposal will be based solely on whether the proposal meets the existing criteria. The reasoning behind the existing regulations is not the primary focus of the discussion because that has been established through the adoption of the policy or code. This can lead to the perception that community concerns are not being heard. Involving the public in land use policy setting and code writing helps ensure that they reflect community values.

The final step, understanding the implications of a land use policy or a proposed project, is achieved through planning staff reports and Hearing Officer decisions that are written in clear language with all technical terms explained and findings firmly established.

### **Advisory Committees**

Advisory Committees provide a vital link between County government and its citizenry. The descriptions below summarize the Deschutes County land use related advisory committees.

### *Deschutes County Planning Commission*

The Deschutes County Planning Commission provides recommendations to the Board of County Commissioners on land use, primarily legislative code changes, for the unincorporated areas of the County. They also operate as the Goal I committee for community involvement. The Deschutes County Planning Commission is composed of seven volunteer members appointed to four-year terms by the Board of County Commissioners (Board). The Planning Commission is established pursuant to ORS 215.020 and 215.030 and governed by County Code 2.52.

Membership of the commission is representative of the various geographic areas of the County. As much as possible, members are selected through an open process that looks to balance the diverse views of Deschutes County residents.

### *Historic Landmarks Commission*

The Historic Landmarks Commission serves as a hearings body for matters concerning historical districts, buildings and structures and sites within the County (and the cities of Bend, La Pine, Redmond and Sisters). The Landmarks Commission is composed of nine voting and a number of non-voting ex-officio members who have demonstrated expertise in historic preservation related disciplines. Commissioners serve four-year terms (see also Section 2.11).

### *Other Land Use Related Advisory Groups*

Project Wildfire is a committee formed to coordinate, develop and implement strategies to mitigate the effects of losses due to natural disasters that strike Deschutes County. Project Wildfire is composed of 15 to 27 members who reside or represent agencies within Deschutes County. All members are appointed by the Board and serve four years (see also Section 3.5).

The Deschutes Provisional Advisory Committee (PAC) is one of 12 in the Western U.S. to facilitate the successful implementation of the 1994 Record of Decision for Amendments to the Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl. Each PAC provides advice regarding implementation of a comprehensive ecosystem management strategy for federal land within a province. Each PAC is comprised of approximately 29 members and meets about four times annually, including one or two field trips, which give participants a broad perspective of Northwest Forest Plan provincial accomplishments.

The Deschutes River Mitigation and Enhancement Program helps achieve Oregon Department of Fish and Wildlife (ODFW) habitat and management goals and objectives within the Upper Deschutes River sub-basin, consistent with an agreement between the Central Oregon Irrigation District (COID) and ODFW. As part of that agreement COID provides ODFW with funds to develop and implement a fish and wildlife habitat mitigation and enhancement program for the Upper Deschutes River Basin. The Deschutes River Mitigation and Enhancement Committee has seven voting members appointed to three-year terms by the Board (see also Section 2.5).

## **Community Involvement Program**

Statewide Planning Goal I requires a citizen involvement program with six components. The required components and the primary methods of County implementation are described below.



- Citizen Involvement – Provide for widespread citizen involvement.
  - The Planning Commission acts as the committee for community involvement.
- Communication – Assure effective two-way communications between local officials and citizens.
  - This is accomplished through a variety of techniques, including newsletters, email lists, display ads or mailings.
- Citizen Influence – Provide opportunities for citizens to be involved in all phases of the planning process
  - Deschutes County Code Title 22 describes land use noticing and procedures.
- Technical Information – Assure technical information is available in an understandable form.
  - Clearly written staff reports assure all information is available and comprehensible.
- Feedback mechanisms – Assure that citizens get responses from policy makers.
  - A written record is maintained for all formal proposals and procedures ensure that those who participate and request notification are notified of the decision.
- Financial support – Ensure adequate funding for the citizen involvement program.
  - Funding and staffing are maintained for the Planning Commission and for sending required notices.

The list above describes the minimum requirements. Deschutes County takes a more active stand, maintaining an updated website, holding public meetings around the County and reaching out to the community.

## Section 1.2 Community Involvement Policies

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### Goal and Policies

- Goal I**      **Maintain an active and open community involvement program that is accessible to all members of the community and engages the community during development and implementation of land use policies and codes.**
- Policy 1.2.1      This section serves as the Community Involvement Program.
- Policy 1.2.2      The Planning Commission will be the Committee for Community Involvement, with County support.
- a. Maintain funding and staffing.
  - b. Provide regular updates, speakers, panel discussions and handouts on land use law and policy.
  - c. Appoint members through an open and public process to reflect the geographic areas and diverse values of Deschutes County residents.
  - d. Meet with the Board of County Commissioners at least once a year to coordinate planning policies and activities.
  - e. Complete an annual report on community involvement implementation for the State Citizen Involvement Advisory Committee, the Board of County Commissioners and the public.
- Policy 1.2.3      Encourage community participation in planning through a variety of tools and techniques, including:
- a. Post all planning applications, decisions, projects and plans on the County website;
  - b. Provide staff reports for comprehensive plan and zoning text amendments to the public in a timely manner;
  - c. Write all County planning documents to be accessible and understandable to the general public, with acronyms spelled out and technical language explained;
  - d. Hold area-specific comprehensive plan and zoning text amendment public hearings in locations and at times convenient to area residents, as appropriate;
  - e. Require pre-application meetings for comprehensive plan and zoning text amendments; and for major or potentially contentious projects encourage the applicants to hold an informal community meeting before submitting an application.
- Policy 1.2.4      Reach out to the community to discuss and respond to land use concerns in a timely manner.
- Policy 1.2.5      Ensure effective, efficient planning procedures.

## Section 1.3 Land Use Planning

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### **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 I.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 I.3.1 – Public Land in Deschutes County 2010**

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

\* 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 I.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 I.3.2 – 2010 Land Jurisdiction in Deschutes County 2010**

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

\* 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.

*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**

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

Source: County Geographical Information System and Deschutes County Code

## **Intergovernmental and Other Coordination**

### *Regional Coordination*

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

- Coordinating population forecasts

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

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

#### *Cooperative Agreements*

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

#### *Urban Service Agreements*

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

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

#### *Special Districts*

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

**Table 1.3.4 - Special Districts**

Utility district	Rural fire protection district
Water supply district	Irrigation district
Cemetery maintenance district	Drainage district
Park and recreation district organized	Water improvement district
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



#### *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

96-071

97-147

97-151

98-127

2004-001

2004-037

2006-019

## Section 1.3 Land Use Planning Policies

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### 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.

# Chapter 1 Primary References

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## References<sup>1</sup>

1. Oregon Department of Land Conservation and Development. Goal 1: Citizen Involvement. Oregon's Statewide Planning Goals and Guidelines.
2. Putting the People in Planning: A Primer on Public Participation in Planning, produced by Oregon's Citizen Involvement Advisory Committee – Third Edition – May 2008
3. Oregon. Department of Land Conservation and Development. Goal 2: Land Use Planning. Oregon's Statewide Planning Goals and Guidelines.
4. Oregon Task Force on Land Use Planning, Final Report to the 2009 Oregon Legislature, January 2009
5. Oregon Revised Statute 197, particularly:
  - a. 197.173-197.200 Comprehensive Planning Responsibilities
  - b. 197.201-197.283 Goals Compliance
  - c. 197.610-197.651 Post-Acknowledgement Procedures
6. Oregon Administrative Rules Chapter 660, particularly:
  - a. 660-003 Acknowledgement of Compliance
  - b. 660-004 Goal 2 Exceptions Process
  - c. 660-015 Statewide Planning Goals and Guidelines
  - d. 660-018 Post-Acknowledgement Amendments
7. Bend 2030 at <http://bend2030.org>
8. Oregon's Playground Prepares for the Future: A Greenprint for Deschutes County. The Trust for Public Land. 2010

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<sup>1</sup> The references listed are provided for the convenience of the public and are not legally adopted into this Plan.

## Section 5.10 Goal Exception Statements

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### Background

The purpose of this section is to identify the lands where Deschutes County demonstrated an exception to meeting the requirements of the Statewide Planning Goals. The intent of goal exceptions is to allow some flexibility in rural areas under strictly defined circumstances. Goal exceptions are defined and regulated by Statewide Planning Goal 2 and Oregon Administrative Rule 660-004 (excerpt below).

*660-004-0000(2) An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals in accordance with the process specified in Goal 2, Part II, Exceptions. The documentation for an exception must be set forth in a local government's comprehensive plan. Such documentation must support a conclusion that the standards for an exception have been met.*

### Statewide Planning Goals with Deschutes County Exceptions

- Goal 3 Agricultural Lands
- Goal 4 Forest Lands
- Goal 11 Public Facilities and Services
- Goal 14 Urbanization

Three types of exceptions are permitted by Oregon Administrative Rule 660-004

- Irrevocably committed
- Physically developed
- Reasons

The summary below identifies approved goal exceptions and identifies the adopting ordinance for those interested in further information. The ordinances listed are incorporated by reference into this Plan.

### 1979 Exceptions

#### *Comprehensive Plan entire County – PL 20 - 1979*

During the preparation of the 1979 Comprehensive Plan it was apparent that many rural lands had already received substantial development and were committed to non-resource uses. Areas were examined and identified where Goal 3 and 4 exceptions were taken. At this time exceptions to Goals 11 and 14 were not required.

The total area excepted was 41,556 acres. These lands were residentially developed, committed to development or needed for rural service centers.

### Additional Exceptions

#### *Bend Municipal Airport – Ordinances 80-203, 1980 and 80-222, 1980*

The Bend Municipal Airport received an exception to Goal 3 to allow for the necessary and expected use of airport property.

#### *La Pine UUC Boundary – Ordinance 98-001, 1998*

Exceptions to Goals 3, 11 and 14 were taken to allow lands to be included in the La Pine UUC boundary and planned and zoned for commercial use.

*Spring River Rural Service Center – Ordinances 90-009, 1990; 90-010, 1990; 96-022, 1996; 96-045,, 1996*

A reasons exception was taken to Goal 14 to allow the establishment of the Spring River Rural Service Center on residentially designated lands.

*Burgess Road and Highway 97 – Ordinance 97-060, 1997*

An exception was taken to Goal 4 to allow for road improvements.

*Rural Industrial Zone – Ordinances 2010-030, 2010; 2009-007, 2009*

Two separate ordinances for rural industrial uses. The 2009 exception included an irrevocably committed exception to Goal 3 and a reasons exception to Goal 14 with a Limited Use Combining Zone for storage, crushing, processing, sale and distribution of minerals. The 2010 exception took a reasons exception to Goal 14 with a Limited Use Combining Zone for storage, crushing, processing, sale and distribution of minerals.

*Prineville Railway – Ordinance 98-017*

An exception was taken to Goal 3 to accommodate the relocation of the Redmond Railway Depot and the use of the site for an historic structure to be utilized in conjunction with the Crooked River Dinner Train operations.

*Resort Communities – Ordinance 2001-047, 2001*

An exception was taken to Goal 4 for Black Butte Ranch and Inn of the 7<sup>th</sup> Mountain/Widgi Creek during the designation of those communities as Resort Communities under OAR 660-22.

*Barclay Meadows Business Park – Ordinance 2003-11, 2003*

A reasons exception was taken to Goal 3 to include certain property within the Sisters Urban Growth Boundary.

*Sisters School District # 6 – Ordinance 2003-11, 2003*

A reasons exception was taken to Goal 3 to include certain property within the Sisters Urban Growth Boundary.

*Sisters Organization of Activities and Recreation and Sisters School District #6 – Ordinance 2003-017, 2003*

A reasons exception was taken to Goal 4 to include certain property within the Sisters Urban Growth Boundary.

*Oregon Water Wonderland Unit 2 Sewer District – Ordinances 2010-015, 2010; 2003-015, 2003*

A reasons exception was taken to Goals 4 and 11 to allow uses approved by the Board of County Commissioners in PA-02-5 and ZC-02-3 as amended by PA-09-4.

*City of Bend Urban Growth Boundary Amendment (Juniper Ridge) – Ordinance 97-060. 1997*

An exception was taken to Goal 3 to allow an amendment of the Bend Urban Growth Boundary to incorporate 513 acres for industrial uses.

*Joyce Coats Revocable Trust Johnson Road and Tumalo Reservoir Road Properties – Ordinance 2005-015, 2005*

An irrevocably committed exception was taken to Goal 3 to allow a change of comprehensive plan designation from Surface Mining to Rural Residential Exception Area and zoning from Surface Mining to Multiple Use Agriculture for Surface Mine Sites 306 and 307.

*Watson/Generation Development inc – Ordinance 2005-015*

An exception was taken to Goal 3 to include a portion of agricultural property.

*Oregon Department of Transportation – Ordinance 2005-019, 2005*

An exception was taken to Goal 3 to include a portion of agricultural property.

*Conklin/Eady Property – Ordinance 2005-035, 2005*

An exception was taken to Goal 3 to include a portion of agricultural property.

*City of Sisters Property – Ordinance 2005-037, 2005*

An exception was taken to Goal 4 to include a portion of forest property.

*McKenzie Meadows Property – Ordinance 2005-039, 2005*

An exception was taken to Goal 4 to include a portion of forest property.

*Bend Metro Park and Recreation District Properties – Ordinance 2006-025*

A reasons exception was taken to Goal 3 to include a portion of agricultural property.

*Harris and Nancy Kimble Property and Portion of CLR, Inc Property A.K.A. the Klippel Pit Property – Ordinance 2008-001, 2008*

An irrevocably committed exception was taken to Goal 3 to allow reclassification and zoning from Surface Mine to Rural Residential Exception Area and Rural Residential 10 acre for Surface Mine Site 294.

*Sunriver Service District, Sunriver Fire Department – Ordinance 2014-021, 2014*

A reasons exception was taken to Goal 4 to include a portion of forest property. To ensure that the uses in the Sunriver Utility District Zone on the approximate 4.28 acre site of Tax Lot 102 on Deschutes County Assessor's Map 19-11-00 are limited in nature and scope to those justifying the exception to Goal 4 for the site, the Sunriver Forest (SUF) zoning on the subject site shall be subject to a Limited Use Combining Zone, which will limit the uses on the subject site to a fire training facility and access road for the Sunriver Service District and Sunriver Fire Department.

*Frances Ramsey Trust Property – Ordinance 2014-027, 2014*

An "irrevocably committed" exception was taken to Goal 14 to allow for reclassification and rezoning from agricultural property to Rural Industrial for a 2.65 acre portion of a parcel zoned EFU/RI.

*Westside Transect Zone – Ordinances 2019 – 001, 2019*

Reasons exceptions to Goals 3, 4, and 14 were taken to allow the application of the Westside Transect Zone to 717 acres of land on the west side of Bend between the urban area and the park and public lands to the west for the development of stewardship communities where low density residential communities are developed and managed to protect wildlife habitat and establish wildfire mitigation and prevention strategies.

*City of Bend Outback Water Facility Sewer – Ordinance 2020-003, 2020*

Reasons exception to Goal 11 was taken to allow use of an existing process water line to transport both process water and sewage on rural lands outside of the City of Bend Urban Growth Boundary (UGB). The sewage transported is produced exclusively at the Bend Outback Water Facility.