

Community Development Department

Oregon Land Use Program Overview

Part 1 of a 12-Part Series



Planning Commission, September 10, 2020

Comprehensive Plan Update

- Blueprint for rural county land use policy
- CDD anticipates updating the Deschutes County Comprehensive Plan in Fall 2021. Plan 2040.
- To prepare for this Plan Update, the County is:
 - Implementing two DLCD technical assistant grants to evaluate wildlife inventories for 3 species & gather public input on wildfire mapping and standards
 - Initiating a Housing Strategies Report and Recommendations
 - Providing a series of orientation programs from Sept. 2020 – March 2021 on the State Land Use Planning Program Goals, Administrative Rules, and relevant court decisions that establish the Plan 2040 framework



Comp Plan Orientation Series

- 12-Part Series
- Format for each program:
 - Staff presentation
 - Planning Commission questions & answers (during & after presentation)
 - Public input
 - Planning Commission discussion
- Project website: <https://www.deschutes.org/cd/page/deschutes-2040>
- State training program: <https://www.oregon.gov/lcd/OP/Pages/History.aspx>
- Tonight: Highlights & Milestones of Oregon's & Deschutes County's Planning History; Jurisdiction; Population; Development Pattern



Highlights & Milestones

- 1848: The act creating the Oregon Territory became law on August 14, 1848
- 1859: Oregon become the 33rd State on February 14, 1859
- 1899: Legislature declares 30 miles of beach as a public highway from Columbia River to south line of Clatsop County
- 1913: Legislature amends 1899 law, and declares all beaches as a state highway
- 1919: Comprehensive planning provisions first appear in Oregon Statutes; State granted authorities to cities to plan and zone
- 1925: Oregon Supreme Court upholds city zoning in *Kroner v. City of Portland*, the year before the U.S. Supreme Court established a precedent for such authority (*City of Euclid v. Ambler Realty*)



Highlights & Milestones

- 1947: County Planning and Zoning enabling laws established
- 1955: Legislature adopts comprehensive laws on regulation of large lot partitioning
- 1961: Special tax treatment for land in farm zones became effective, resulting in Exclusive Farm Use (EFU) zones being created to enable counties to protect farmland; clarified & expanded in 1963
- 1963: Legislature establishes the Statewide EFU Zone
- 1965: Deschutes County adopts first Zoning ordinance for part of the County



Highlights & Milestones

- 1967: Oregon Beach Bill adopted
- 1968: Deschutes County voters repealed the 1965 Zoning ordinance; Report of Deschutes County Long-Range Planning Conference for 1968 published



Report of Deschutes County
Long-Range Planning Conference
for 1968

FARM MANAGEMENT

TRANSITION FROM COMMERCIAL TO PART-TIME FARMING AND RURAL RESIDENCES

The irrigated portions of Deschutes County within a radius of about five miles from both Bend and Redmond are now mostly composed of rural residences and part-time farms. This type of land use has also increased in all parts of the irrigated farming areas of the county intermixed with commercial farms.

The committee considers that the Arnold and Deschutes Reclamation and Irrigation Company (Swalley), most of the Tumalo district, and the parts of the Central Oregon Irrigation District between Bend and Redmond and adjacent to Redmond are, with the exception of Grade A dairies and possibly a few specialized poultry farms, going to develop within the next 10 years into almost exclusive areas of rural residences and small part-time farms. Areas expected to remain in predominantly commercial agriculture include the Squaw Creek Irrigation District, the community northeast of Redmond, much of the Terrebonne community, and the Alfalfa community.

AGRICULTURAL PROBLEMS OF PART-TIME FARMS

WATER MANAGEMENT

As irrigated farms are broken up into tracts or less, distribution of irrigation water becomes more difficult without incurring proportionately high costs. This suggests that subdividers developing tracts of pipeline systems for delivery of irrigation water to a reservoir. When this type of installation is made, formation of water-user groups among the tracts should be undertaken.

PEST CONTROL

Development of part-time farms and small tracts has compounded the control of noxious rodent pests as ground squirrels and gophers, which no productive use is being made of, do not only spread to other tracts and farms but become eyesores. Little knowledge of pest among owners of these lands, and most do not have the necessary measures for weed control.



Highlights & Milestones

1969: Senate Bill 10 adopted requiring planning and zoning by all local governments by December 31, 1971, but failed to establish “mechanisms or criteria for evaluating or coordinating local plans.”

1969: Oregon Supreme Court upholds constitutionality of Beach Bill in Thornton v. Hay

1970: Deschutes County adopted first Comprehensive Plan to 1990

Ballot Measure 11 to repeal SB 10 defeated by 55.7% to 44.3%

OREGON LEGISLATIVE ASSEMBLY, 1969 REGULAR SESSION

Engrossed
Corrected

Senate Bill 10

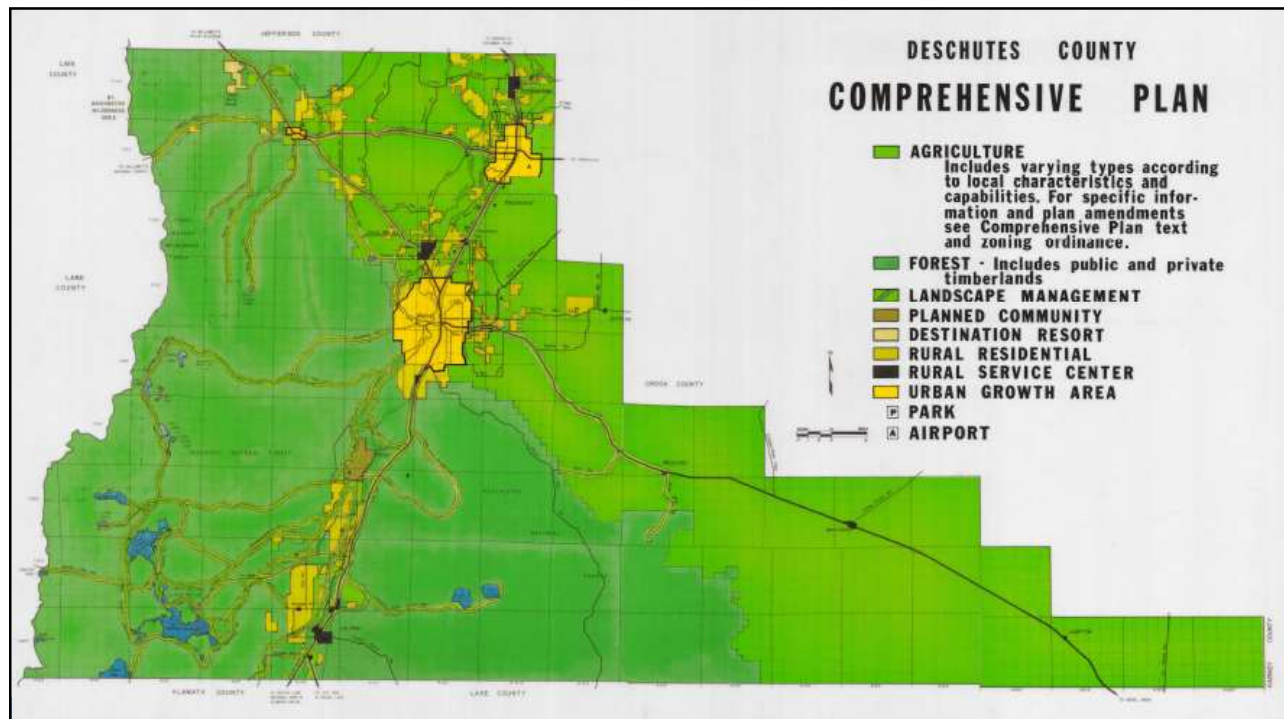
(Printing engrossed ordered by Committee on Rules and Resolutions,
March 6, 1969)
(Including amendments by Senate March 6)

Sponsored by Senator BATESON, Representative ROGERS, Senators
IRELAND, RAYMOND, WILLNER, Representatives CARRON,
HARTUNG, FLECK (at the request of the Interior Committee on
Agriculture)

SUMMARY

The following summary is not prepared by the sponsors of the
measure and is not a part of the body thereof subject to con-
sideration by the Legislative Assembly. It is an editor's brief
statement of the essential features of the measure.

Requires Governor to zone land in each county not subject to zoning
regulations as of December 31, 1971. Provides standards for such zoning.
Requires persons intending to erect certain buildings on land subject to
zoning regulations prescribed by Governor to give 10 days' written notice
of such construction to Governor. Authorizes Governor to institute
appropriate civil actions or suits to enforce zoning regulations he pre-
scribes. Provides penalties.

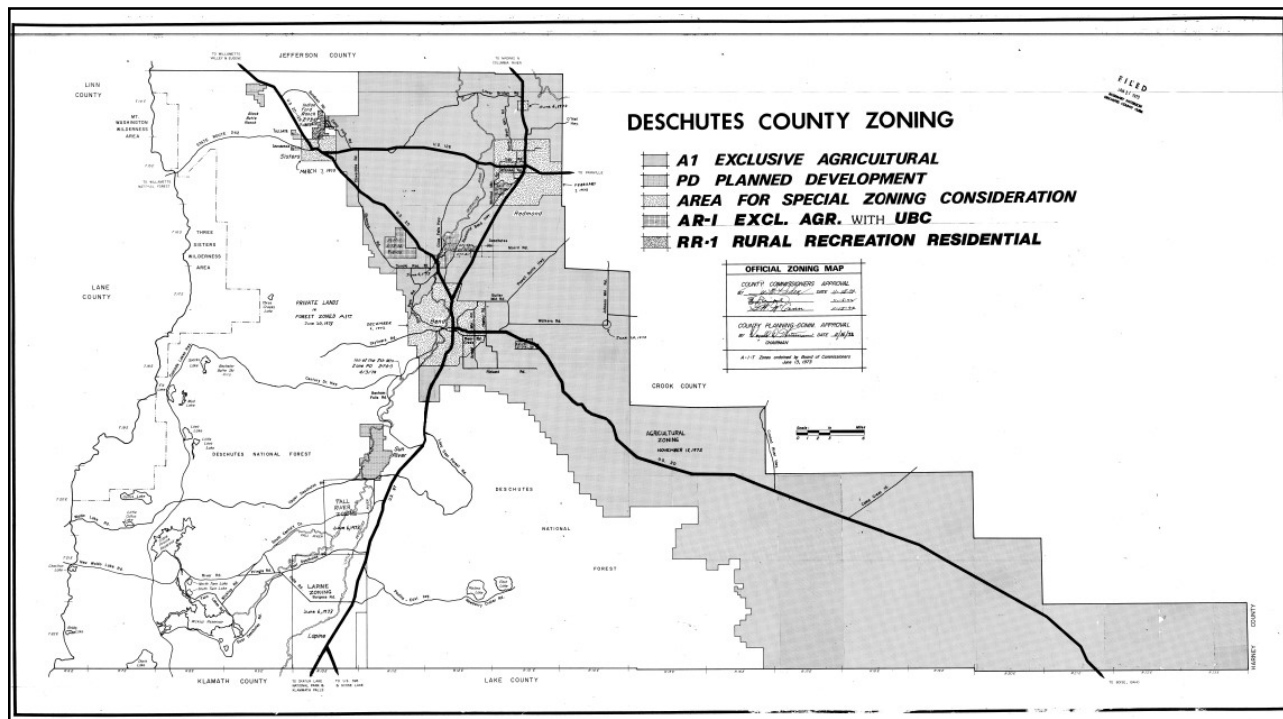


Highlights & Milestones

1970: Governor Tom McCall re-elected; campaign called for strengthening the 1969 law (SB 10)

1972: Oregon Supreme Court "Fasano Decision" changing planning decisions making process requiring procedural and substantive safeguards in land use decisions & "Willamette Valley: Choices for the Future" & *The Quiet Revolution in Land Use Control* published

Deschutes County adopted first zoning ordinance that applied countywide.



Highlights of Oregon's Planning History

Gov. McCall's opening address to the 1973 Legislative Assembly, January 8, 1973

"There is a shameless threat to our environment and to the whole quality of life – unfettered despoiling of the land. Sagebrush subdivisions, coastal 'condomania,' and the ravenous rampage of suburbia in the Willamette Valley all threaten to mock Oregon's status as the environmental model for the nation. We are dismayed that we have not stopped misuse of the land, our most valuable finite natural resource.

"We are in dire need of a state land-use policy, new subdivision laws, and new standards for planning and zoning by cities and counties. The interests of Oregon for today and in the future must be protected from grasping wastrels of the land. We must respect another truism: That unlimited and unregulated growth leads inexorably to a lowered quality of life."



Highlights of Oregon's Planning History

1973: Legislature adopted Senate Bills 100 and 101

- Focus Development in Urban Areas
- Protect Agricultural & Forest Lands outside Urban Areas
- Citizen Involvement
- Statewide Planning Goals
- Cities & counties required to adopt comprehensive plans
- Administrative Rules
- Land Conservation and Development Commission (LCDC)
- Dept. of Land Conservation and Development (DLCD)
- Land Use Board of Appeals

OREGON LEGISLATIVE ASSEMBLY—1973 REGULAR SESSION

Enrolled

Senate Bill 100

Sponsored by Senators MACPHERSON, HALLOCK

CHAPTER _____

AN ACT

Relating to land use; creating new provisions; amending ORS 215.005, 215.510, 215.515, 215.520 and 435.945; and appropriating money.

Be It Enacted by the People of the State of Oregon:

PART I INTRODUCTION

PREAMBLE

SECTION 1. The Legislative Assembly finds that:

(1) Uncoordinated use of lands within this state threaten the orderly development, the environment of this state and the health, safety, order, convenience, prosperity and welfare of the people of this state.

(2) To promote coordinated administration of land uses consistent with comprehensive plans adopted throughout the state, it is necessary to establish a process for the review of state agency, city, county and special district land conservation and development plans for compliance with state-wide planning goals and guidelines.

(3) Except as otherwise provided in subsection (4) of this section, cities and counties should remain as the agencies to consider, promote and manage the local aspects of land conservation and development for the best interests of the people within their jurisdictions.

(4) The promotion of coordinated state-wide land conservation and development requires the creation of a state-wide planning agency to prescribe planning goals and objectives to be applied by state agencies, cities, counties and special districts throughout the state.

(5) The impact of proposed development projects, constituting activities of state-wide significance upon the public health, safety and welfare, requires a system of permits reviewed by a state-wide agency to carry out state-wide planning goals and guidelines prescribed for application for activities of state-wide significance throughout this state.

POLICY STATEMENT

SECTION 2. The Legislative Assembly declares that, in order to assure the highest possible level of livability in Oregon, it is necessary to provide for properly prepared and coordinated comprehensive plans for cities and counties, regional areas and the state as a whole. These comprehensive plans:

(1) Must be adopted by the appropriate governing body at the local and state levels;

(2) Are expressions of public policy in the form of policy statements, generalized maps and standards and guidelines;

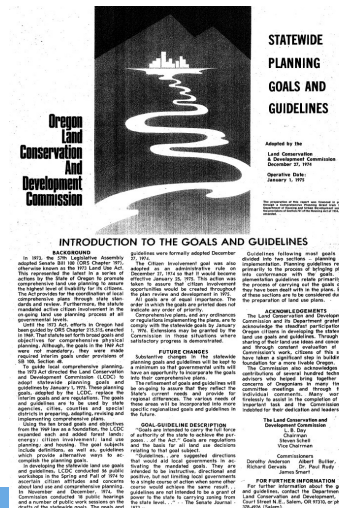
(3) Shall be the basis for more specific rules, regulations and ordinances which implement the policies expressed through the comprehensive plans;

(4) Shall be prepared to assure that all public actions are consistent and coordinated with the policies expressed through the comprehensive plans, and

Highlights of Oregon's Planning History

1974: LCDC adopted the first 14 Statewide Planning Goals

- Goal 1 Citizen Involvement
- Goal 2 Land Use Planning
- Goal 3 Agricultural Lands
- Goal 4 Forest Lands
- Goal 5 Open Spaces, Scenic and Historic Areas and Natural Resources
- Goal 6 Air, Water and Land Resources Quality
- Goal 7 Areas Subject to Natural Disasters and Hazards
- Goal 8 Recreation Needs
- Goal 9 Economy of the State
- Goal 10 Housing
- Goal 11 Public Facilities and Services
- Goal 12 Transportation
- Goal 13 Energy
- Goal 14 Urbanization



Highlights of Oregon's Planning History

- 1975: LCDC adopted Goal 15: Willamette River Greenway
- 1976: LCDC adopted 3 Coastal Goals
- 1976: Initiative challenge to the program defeated by 57.1% to 42.9%
- 1978: Initiative challenge to the program defeated by 60.7% to 39.3%
- 1979: Deschutes County updated Comprehensive Plan to comply with Statewide Planning Goals; adopted PL-15 (first EFU Zone); and provided 1 year to rezone from EFU to MUA if:

<320 acres; poor soils; insufficient water rights; not interfere with existing agricultural uses

Portland-area votes to create Metro



Highlights of Oregon's Planning History

1981: State approved Deschutes County's Comprehensive Plan

1982: Initiative challenge to the program defeated by 55.1% to 44.9%

1986: *1000 Friends of Oregon vs. LCDC (Curry County)* – Urban uses not allowed outside UGB absent Exception or legislation

1988: Deschutes County Periodic Review Initiated

1992: Deschutes County Farm Study Plan Amendment

Concluded that irrigation & irrigation districts are key factors

Recommended 7 new agricultural subzones established to protect commercial agriculture lands while providing flexibility

Smallest EFU lot sizes in Oregon



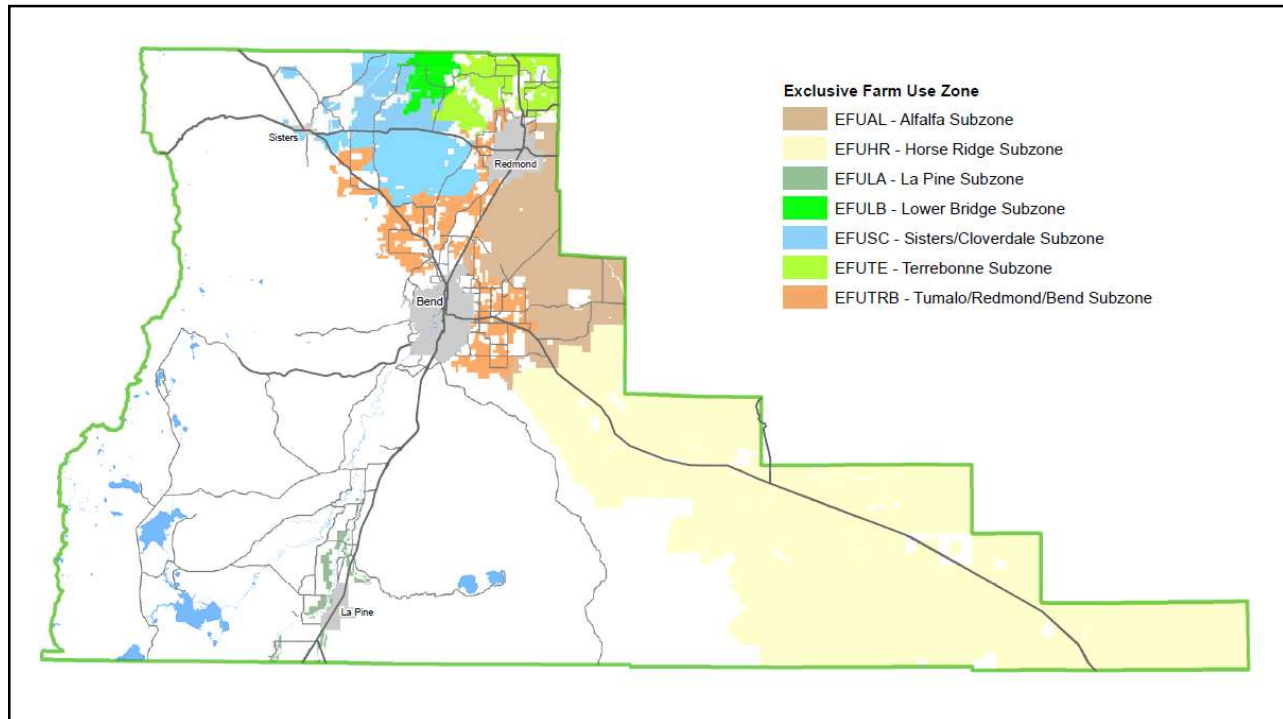
Exclusive Farm Use - Subzones

Subzone Name	Minimum Irrigated Acres *	Profile
Lower Bridge	130	Irrigated field crops, hay and pasture
Sisters/Cloverdale	63	Irrigated alfalfa, hay and pasture, wooded grazing and field crops
Terrebonne	35	Irrigated hay and pasture
Tumalo/Redmond/Bend	23	Irrigated pasture and some hay
Alfalfa	36	Irrigated hay and pasture
La Pine	37	Riparian meadows, grazing and meadow hay
Horse Ridge East	320 (dry)	Rangeland grazing

* Except Horse Ridge. Horse Ridge is based on dry acreage.

Source: Deschutes County 1992 Farm Study





Periodic Review Highlights (1998-2003)

Agricultural Lands – Created EFU Subzones and updated zoning to comply with new standards

Destination Resorts: Adopted eligibility criteria and map

Fish, Wildlife & Water Resources: Updated fish, wildlife and water (riparian) inventories

Forest Lands: Implemented forest rule; revised zoning

Historic Resources: Updated inventories

Surface Mining: Updated surface mining inventories

Regional Problem Solving: Completed a collaborative project addressing South County challenges relating to unplanned rural development (15,000 rural lots)

Unincorporated Communities: Implemented new rules



Exclusive Farm Use

1992: Compliance Challenge

County was not applying non-farm dwelling standards appropriately

Required all dwellings in the EFU zone be reviewed by Hearings Officer & BOCC

Ended after 1 year with compliance

Hearings Officers have conducted public hearings on quasi-judicial applications ever since

A News Release from . . .

Oregon's Department of Land Conservation and Development (DLCD)
1175 Court Street NE, Salem OR 97310
For more information, call Mitch Rohse, Communications Manager, at 373-0064

June 15, 1992 – For Immediate Release

Successful negotiation halts enforcement action in Deschutes County

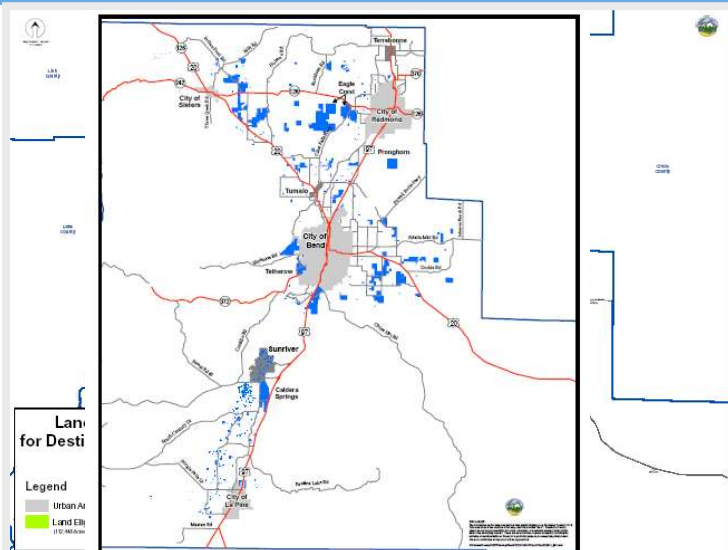
Salem -- In a telephone conference call today, Oregon's Land Conservation and Development Commission (LCDC) withdrew a motion to enter into enforcement proceedings against Deschutes County. LCDC's decision came as a result of successful negotiations between county officials and the Alliance for Responsible Land Use in Deschutes County (ARLUDeCo).

In May 1992, ARLUDeCo petitioned LCDC to adopt an enforcement order against Deschutes County. ARLUDeCo argued that county officials had been violating land use laws in approving permits for new houses on farmland.



Destination Resorts

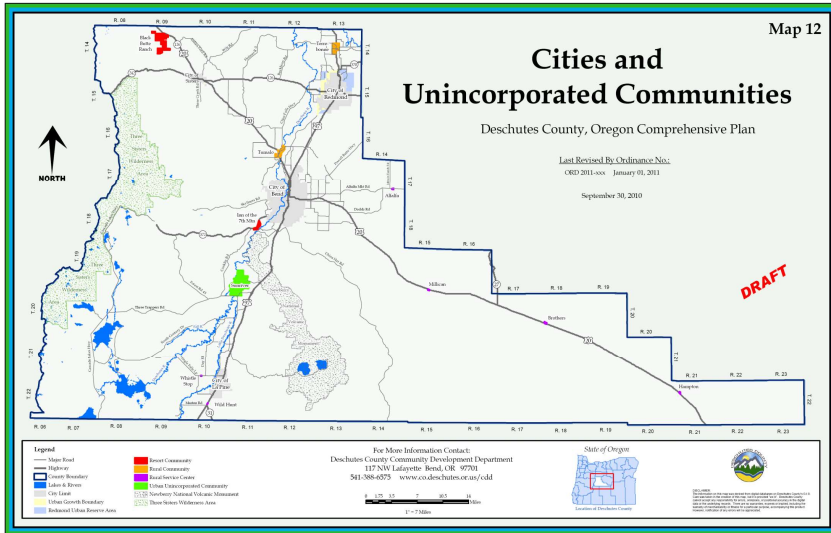
- 1979: County code allows destination resorts as conditional uses
- 1984: LCDC adopts OARs allowing destination resorts without exception
- 1987: Goal 8 added to ORS (197.435 - .465)
- 1992: ORS amendments require destination resorts on land mapped for DRs
- 1992: Eagle Crest initiates legislative changes to establish a destination resort eligibility map so the resort can expand
- 2003: Legislature adds ORS 197.455(2), allowing counties to remap outside of periodic review
- 2010 - 2011: County amends its Destination Resort eligibility map (80% reduction)



Unincorporated Communities

1994: Unincorporated Communities (OARs), Study & Designations (1994-2002)

- La Pine & Sunriver: **Urban Unincorporated Communities**
- Black Butte, Inn of 7th Mountain, Widgi Creek: **Resort Communities**
- Tumalo and Terrebonne: **Rural Communities**
- Rural Service Centers and Rural Industrial

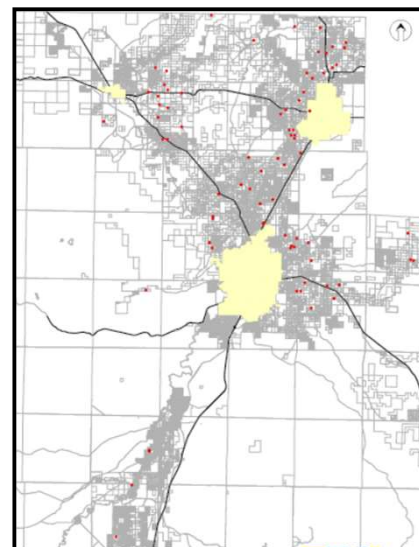


Other Highlights & Milestones

2003: Legislature eliminates Periodic Review requirement for Counties (SB 920 – Effective date: September 22, 2003).

2004: Oregon voters pass Ballot Measure 37 (61% to 39%) – governments must pay owners or forego enforcement by repealing, changing or not applying restrictions, when certain land use restrictions reduce property value

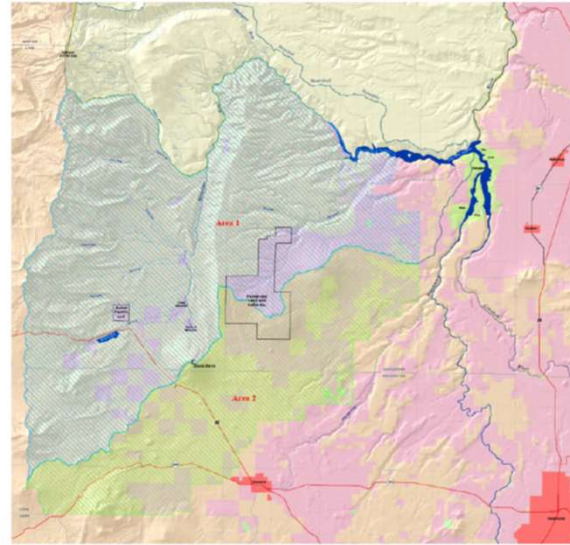
170 claims; 6,300 acres, 1,780 lots, \$500m claimed losses



Other Highlights & Milestones

- 2005: Legislature passes SB 82 creating the Oregon Task Force on Land Use Planning (The Big Look). Task force is charged with conducting a comprehensive review of the Statewide Planning Program and making recommendations to the 2009 Legislature.
- 2007: Oregon voters pass Ballot Measure 49.
- 2009: Legislature approves Metolius Area of Critical State Concern

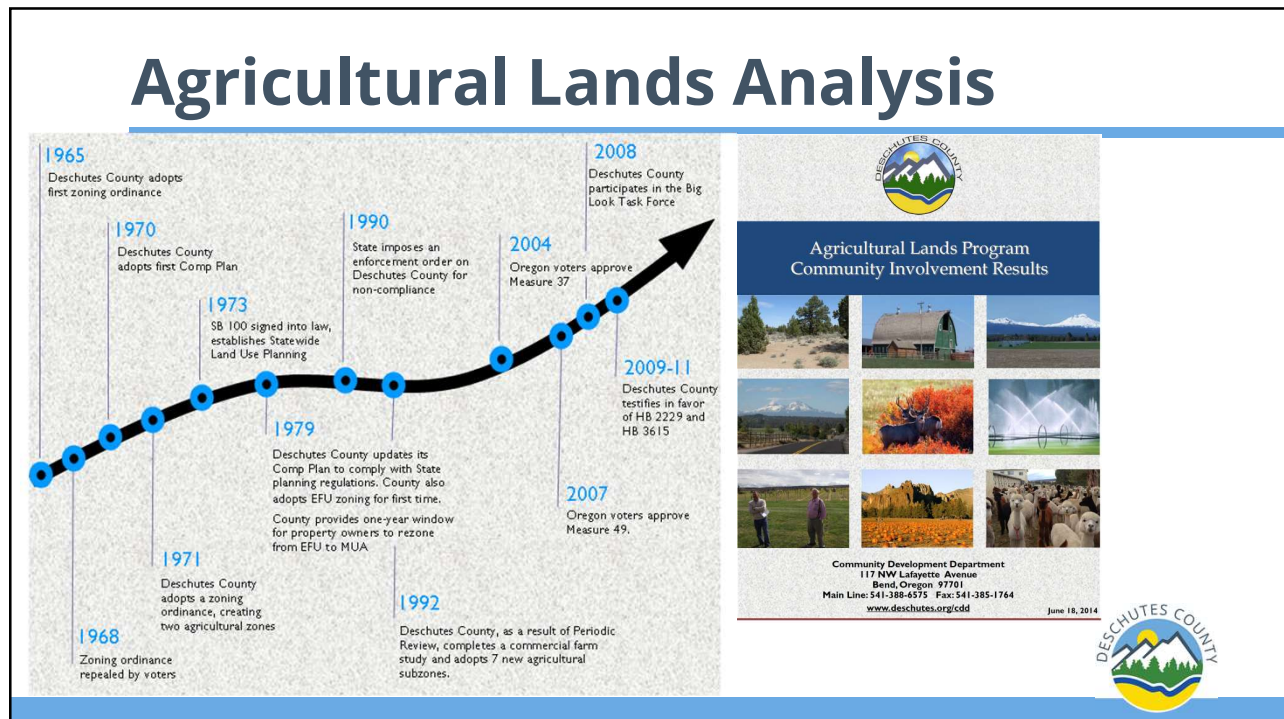
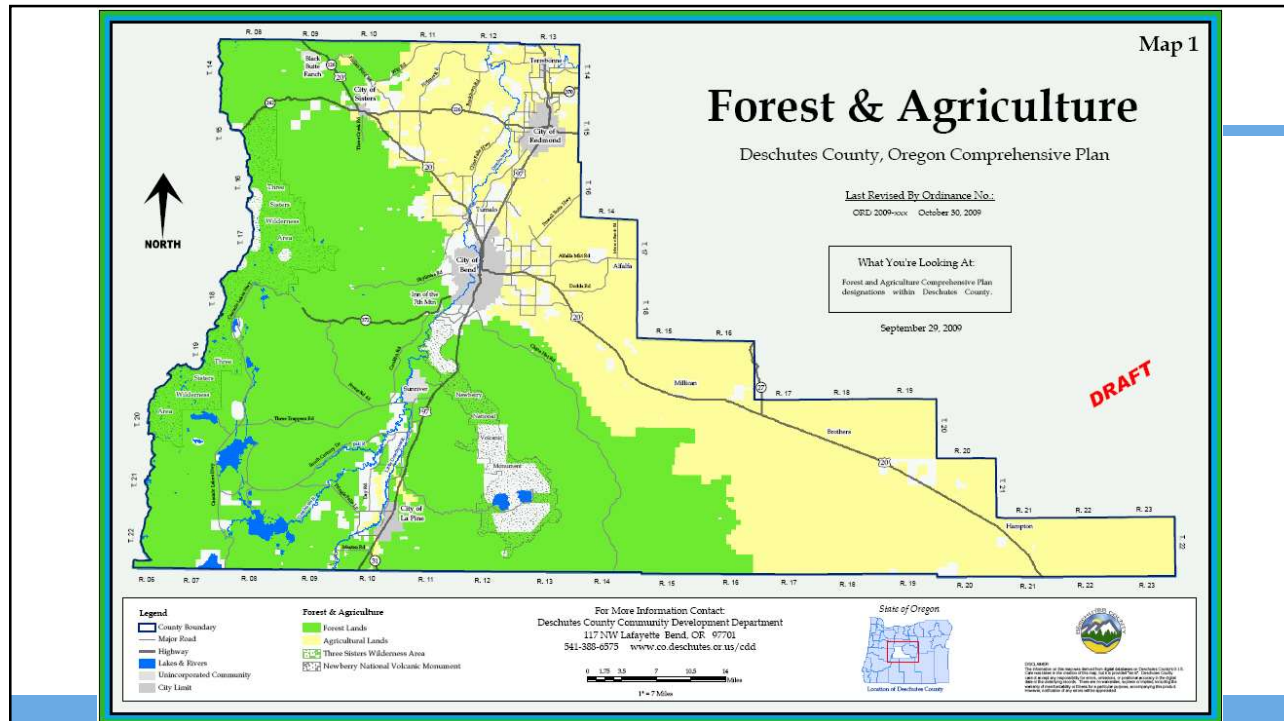
Exhibit A, Metolius Area of Critical State Concern, Area 1 and Area 2



Other Highlights & Milestones

- 2009: Deschutes County Comprehensive Plan Update initiated
- 2010: Tumalo and Terrebonne Community Plans Adopted
- 2011: Deschutes County Comprehensive Plan Update adopted
 - Deschutes County Destination Resort Map Amendment (reduced eligible properties from 120,000 acres to 22,000 acres)
- 2012: Transportation System Plan Update
- 2013: Large Lot Industrial Lands Comprehensive Plan Amendment
- 2013: Newberry Country: A Plan for Southern Deschutes County Adopted
- 2014: Deschutes County Agricultural Lands Analysis





Agricultural Lands Analysis



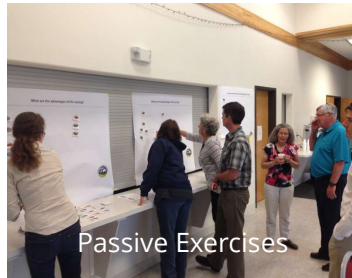
Introduction



Active Exercises



Questionnaire



Passive Exercises

Theme 1 - Retain:

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

Theme 2 - Revise:

The program warrants refinement that is reflective of local conditions.

Theme 3 - Redo:

The program is ineffective and overreaching with unintended consequences.



Milestones since Plan 2030 Update

2015: Sage Grouse Conservation Text Amendment

2016: City of Bend UGB Amendment

2016: Deschutes County Marijuana Amendments Adopted

2018: Large Lot Industrial Site – Plan Amendment / Zone Change (SE Redmond / DSL site)

Sisters Horizons Vision plan (first Deschutes County coordinated, consolidated and adopted City-County Regional Plan)

2019: Nonprime Resource Lands Amendment (ongoing)



Population, Jurisdiction, Development Pattern

Coordinated Population Forecast



2018

Through

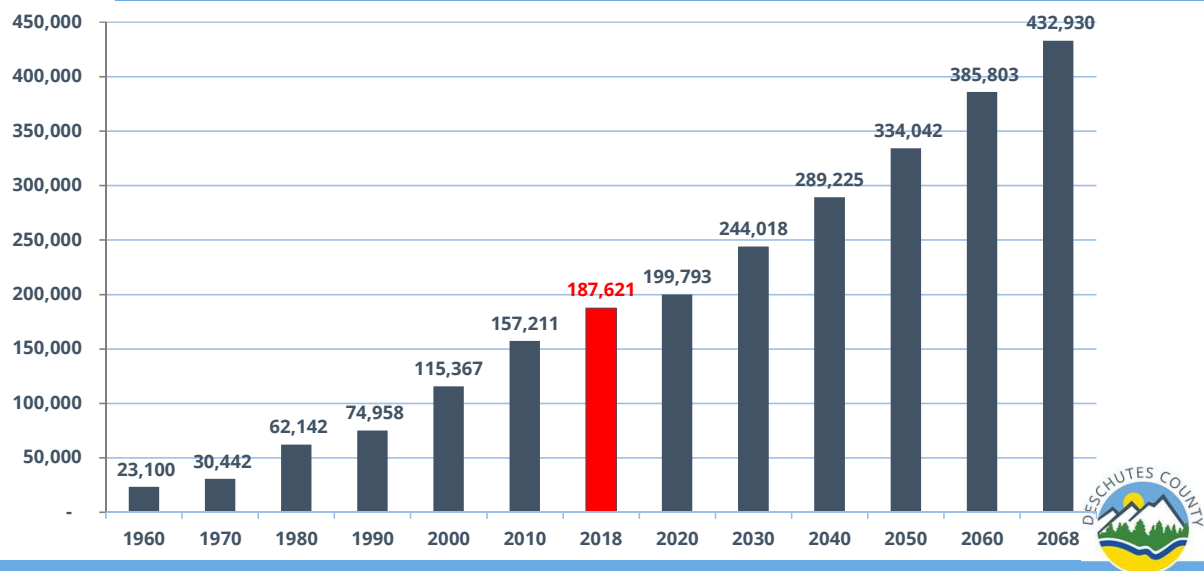
2068

**Deschutes
County**

Urban Growth
Boundaries (UGB)
& Area Outside UGBs

Population Research Center
POPULATION RESEARCH CENTER

Population Forecast

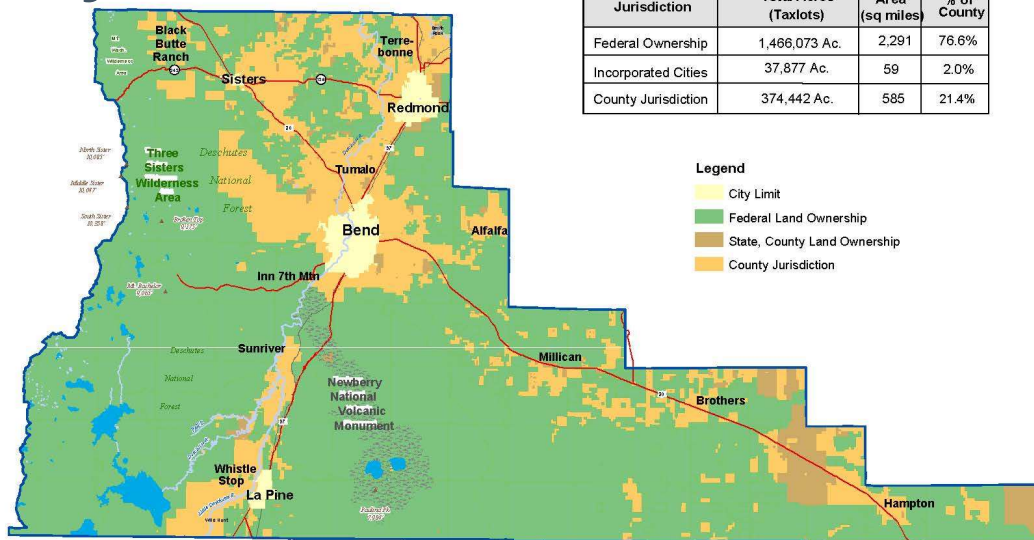


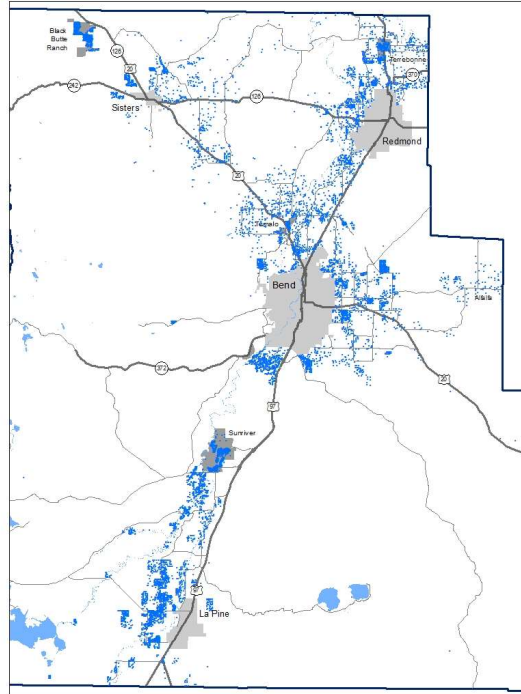
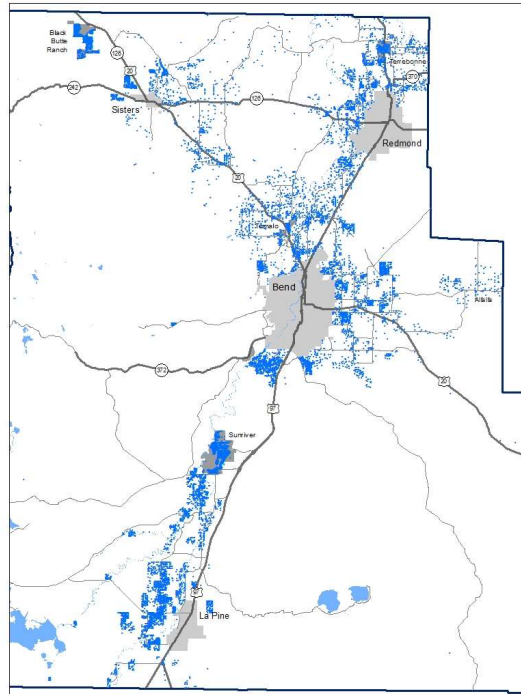
Population Forecast

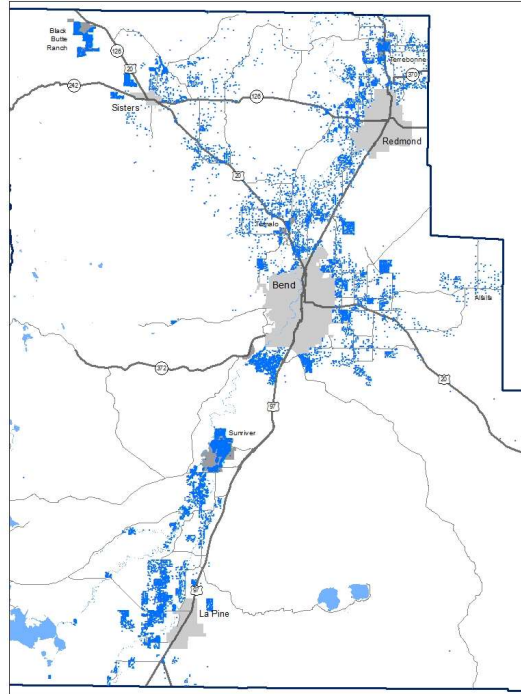
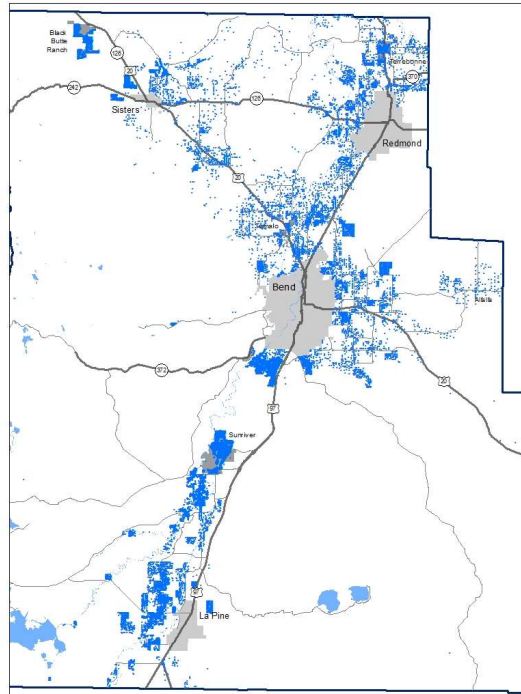
Area / Year	2018	2020	2025	2030	2035	2040	2043	2068
Deschutes County (Total)	187,621	199,793	220,708	244,018	266,840	289,225	301,999	432,930
Bend	91,373	98,205	109,338	123,574	138,587	153,696	162,362	255,291
La Pine	1,833	2,081	2,304	2,670	3,023	3,386	3,594	5,894
Redmond	29,364	30,812	33,839	38,524	43,473	48,575	51,625	82,575
Sisters	2,691	3,018	3,340	3,889	4,384	4,867	5,169	8,431
Unincorporated/Rural	62,360	65,677	71,887	75,362	77,373	78,702	79,248	80,739

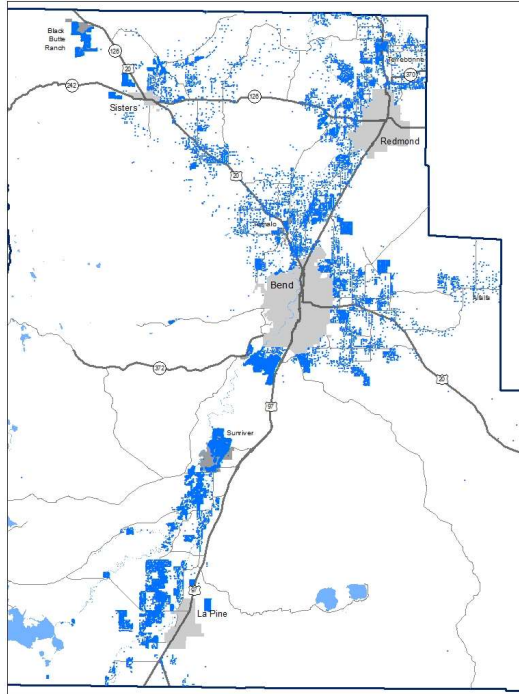
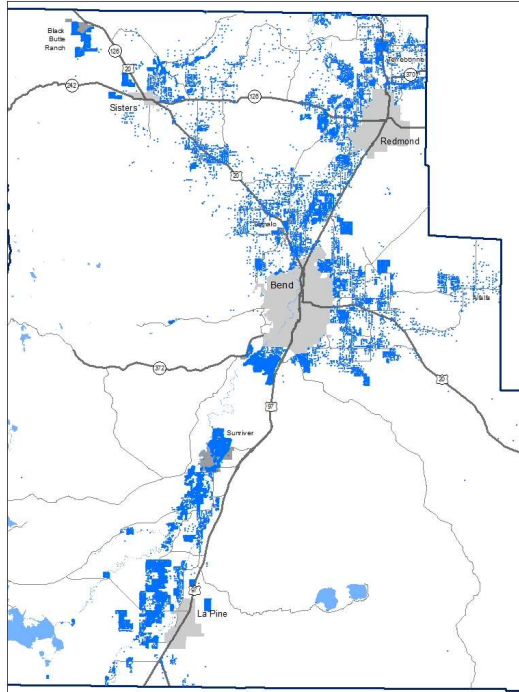


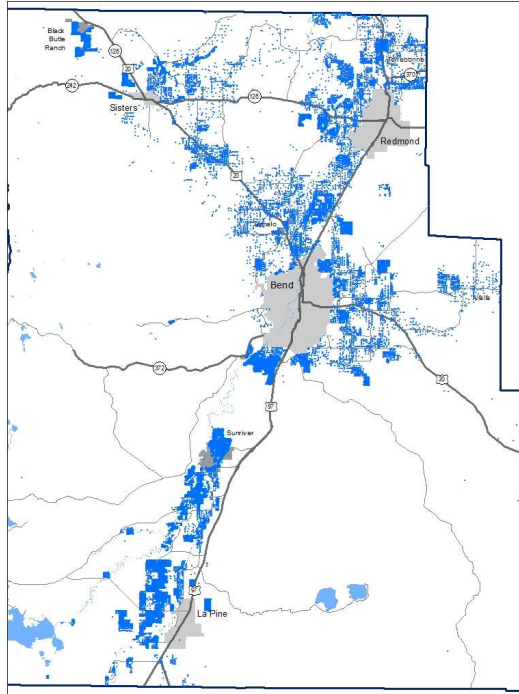
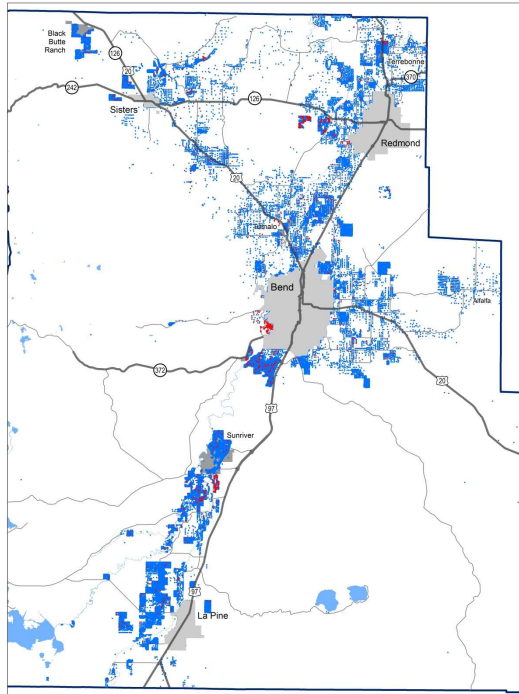
Jurisdiction

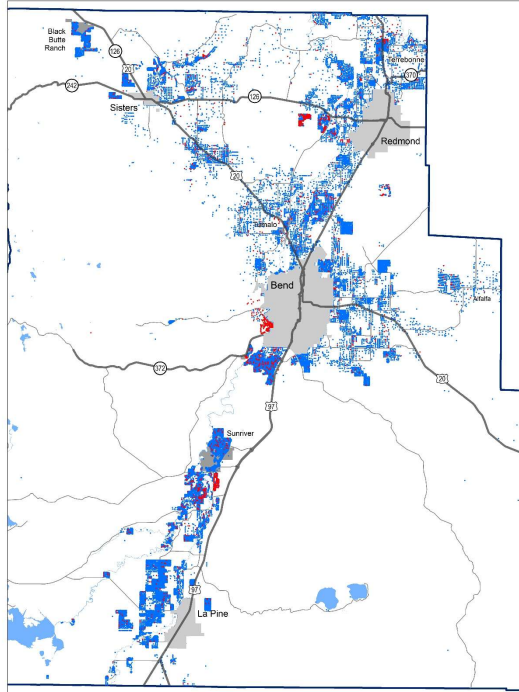
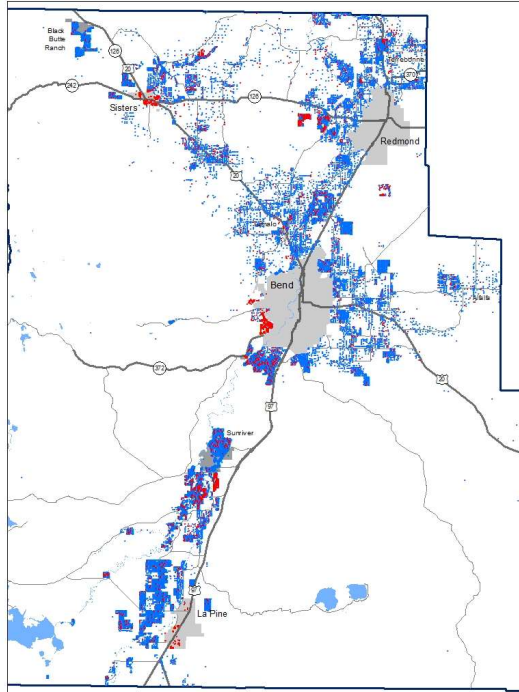


1980**1985**

1990**1995**

2000**2005**

2010**2015**

2017**2020**

Schedule

Sept. 24	Goal 1 Citizen Involvement & Goal 2 Land Use Planning
Oct. 8	Goal 3 Agricultural Lands & Goal 4 Forest Lands
Oct. 22	Goal 5 Part 1: Water Resources, Wildlife
Nov. 12	Goal 5 Part 2: Scenic & Open Spaces, Historic Resources
Dec. 10	Goal 6 Air, Water and Land Resources Quality & Goal 7 Hazards
Jan. 14	Goal 8 Recreational Needs
Jan. 28	Goal 9 Economic Development
Feb. 11	Goal 10 Housing & Goal 11 Public Facilities & Services
Feb. 25	Goal 12 Transportation
March 11	Goal 13 Energy & Goal 14 Urbanization



Questions?

Project website:

<https://www.deschutes.org/cd/page/deschutes-2040>

