

Matrix #2: Agricultural Lands Public Outreach Program / Background

Issue Description	Background	Required Action
Comprehensive Plan and Zoning Text Amendment		
<p><u>Medical Hardship Dwellings Not Allowed in Conventional Housing Combining (CHC) Zone</u></p> <p>Medical hardship dwelling is not permitted in CHC Zone because such a dwelling is limited to the use of a manufactured home or recreational vehicle.</p>	<p>The CHC Zone was established under PL-15, the original Deschutes County Zoning Ordinance. The purpose of the CHC Zone is to “provide a variety of residential environments in rural areas by maintaining areas reserved for conventional and modular housing permanently attached to real property.” All outright and conditional uses are allowed in the underlying zone except that in no case shall a housing type be allowed that is other than conventional or modular housing permanently attached to real property.</p> <p>Some property owners expressed frustration that there is no option to establish a temporary medical hardship dwelling in the CHC Zone. Pursuant to DCC 18.116.090, medical hardship dwellings are a manufactured home of any class or one recreational vehicle. While not currently allowed locally, Oregon Administrative Rule (OAR) 660-033-013(10) permits the temporary residential use of an existing building for a medical hardship dwelling.</p>	<p>STATE: No action by the State is required.</p> <p>LOCAL: Multiple local options:</p> <p>1-Repeal this chapter of the ordinance.</p> <p>2-Amend this chapter to permit a manufacture home/RV for medical hardship dwelling.</p> <p>3-Amend medical hardship dwelling standards to permit the use of an existing building.</p>
<p><u>Policy Acknowledgement of Existing “Non-Resource” Review Process</u></p> <p>Adding policies would allow the County to provide clearer direction.</p>	<p>Recent applicant-initiated Non-Resource Land plan amendment and zone change requests (e.g. Newland, DSL) have relied on a Hearings Officer decision that determined that the Deschutes County Comprehensive Plan allows applicants to initiate them, even though the Comprehensive Plan does not specifically acknowledge the process. A minor Comprehensive Plan amendment would clarify that property owners can initiate a non-resource land plan amendment and zone change as allowed under State law.</p>	<p>LOCAL: Amend County Comprehensive Plan policies.</p>

Issue Description	Background	Required Action
<p><u>Farm/Nonfarm Use Compatibility</u></p> <p>Provide protection against negative impacts created by incompatible uses.</p>	<p>Lane use compatibility or lack thereof, was one of the most frequently noted concerns expressed by the public. Incompatibility comes from two primary sources. The first stems from nonfarm uses and nonfarm use visitors creating impacts such as traffic, trespass, and noise that affect agricultural operations and productivity. The second acknowledges that nonfarm users are unfamiliar and do not understand the impacts created by agriculture including noise, dust, and odor that can lead to complaints, even with existing “right to farm” protections. Neighboring complaints can be a time consuming and potentially costly distraction from managing a farm.</p>	<p>STATE: No action necessary.</p> <p>LOCAL: Strengthen existing protections to include such things as increasing setbacks, use agreements, or use design criteria.</p>
<p><u>Short Term Vacation Rentals</u></p> <p>Regulate short term vacation rentals in private residences</p>	<p>Short term rentals are not currently regulated in the County code. Such uses as described above can potentially impact the livability of the area due to increases in traffic, parking demands, and noise.</p> <p>Under existing code, a room and board arrangement is permitted as a Conditional Use. It allows the use of an owner occupied single-family dwelling unit, where lodging and meals are provided, in which no more than four guest rooms are made available to no more than five unrelated guests.</p>	<p>STATE: No action necessary.</p> <p>LOCAL: Amend County code to explicitly permit, prohibit, and/or regulate.</p>
<p><u>Non-Resource Lands Program</u></p> <p>Designate agricultural lands appropriately</p>	<p>Once adopted, a non-resource lands program would enable property owners, on a case-by-case basis, to initiate a Comprehensive Plan amendment and zone change to re-designate their EFU property to a “Non-Resource” zone.</p> <p>Deschutes County Comprehensive Plan Policy 2.2.4 states “Develop comprehensive policy criteria and code to provide clarity on when and how EFU parcels can be converted to other designations.”</p>	<p>LOCAL: Develop a work program. Elements include, a) engaging the community to draft eligibility criteria and zoning standards consistent with State law; b) drafting Comprehensive Plan and zoning code amendments; and c) initiating public hearings.</p>

Issue Description	Background	Required Action
State Legislation Required		
<p><u>Accessory Dwelling Unit (ADU)</u></p> <p>Provide housing for caregivers and rental for income.</p>	<p>An ADU is a small, secondary and subordinate dwelling unit on a property with a single family dwelling. Comments received expressed interest in developing this housing type in the EFU zone. ADUs are not currently allowed in State law.</p> <p>Deschutes County Comprehensive Plan Policy 3.3.5 supports initiating discussions with State to permit ADUs in EFU zone.</p>	<p>STATE: Amend State law to allow ADU.</p> <p>LOCAL: Amend County code to permit ADU if State law is changed.</p>
<p><u>Expedited Review</u></p> <p>Review process is too lengthy and cumbersome, creating a deterrent to new development opportunities.</p>	<p>Many participants expressed frustration and concern with Deschutes County's lengthy land use process that, in some instances, can have a negative impact on a landowner's profitability.</p> <p>Title 22, Deschutes County Development Procedures Ordinance, outlines the process of reviewing land use applications. ORS 215.416 and case law specify required notice, timelines for review and decisions.</p>	<p>STATE: Amend State law pertaining to procedural requirements for issuing land use decisions.</p> <p>LOCAL: Implement new rules to expedite land use decisions in Deschutes County.</p>
<p><u>Farm Help Housing</u></p> <p>Housing options for full time farm workers are too limited and prevent opportunities to improve agricultural operations.</p>	<p>An accessory dwelling is allowed through a land use decision if the dwelling will be occupied by a person(s) who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance is required of the farm operator. The standards and criteria applicable to these uses are established by State statute.</p> <p>In addition, a room and board arrangement is permitted as a Conditional Use. It allows the use of an owner occupied single-family dwelling unit, where lodging and meals are provided, in which no more than four guest rooms are made available to no more than five unrelated guests.</p> <p>Deschutes County Comprehensive Plan Policy 2.2.16 states "Work with the State to review and revise accessory farm dwelling requirements to address the needs of local farmers."</p>	<p>STATE: Amend State law to be more flexible and accommodating.</p> <p>LOCAL: Amend County code to conform to new State law.</p>

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<p><u>Incentives for Farming</u></p> <p>Provide opportunities that promote and facilitate farming opportunities.</p>	<p>The Oregon Department of Revenue provides the following opportunities to reduce property tax burdens stemming from land use and management practices.</p> <p>Farm-Use Assessment: Property tax special assessment for owners of land that is used primarily to make a profit by farming as defined by State statute.</p> <p>Wildlife Habitat Conservation Plan Assessment: Property tax special assessment incentive for private landowners who want to provide wildlife habitat on their properties instead of, or in addition to, farming or growing timber.</p>	<p>STATE: Amend State law to provide more incentives for farming.</p> <p>LOCAL: Amend County code to conform to new State law.</p>
<p><u>Land Use Options/Flexibility</u></p> <p>Establish more land use options to increase economic opportunities and income potential.</p>	<p>Many find the options available in the EFU zone to be too restrictive, creating a negative impact on the economic viability of private property.</p> <p>Land use options in the EFU zone are established by the State legislature. Deschutes County regularly updates the zoning ordinance to conform to statutory requirements that promote new land uses and development standards.</p> <p>Deschutes County Comprehensive Plan Policy 2.2.6 states “Regularly review farm regulations to ensure compliance with changes to State Statute, Oregon Administrative Rules and case law.”</p>	<p>STATE: Amend State law to incorporate new land uses in the EFU zone.</p> <p>LOCAL: Amend County code to conform to new State law.</p>
<p><u>Medical Hardship Dwelling</u></p> <p>Provide unrelated caregiver housing in a separate dwelling unit.</p>	<p>Medical hardship dwellings are currently permitted as a temporary, conditional use. State law limits occupancy to relatives of the property owner.</p>	<p>STATE: Amend State law to permit unrelated caregiver dwelling.</p> <p>LOCAL: Amend code to conform to new State law.</p>
<p><u>Regional Definition</u></p> <p>Establish a regional farmland definition for Deschutes County</p>	<p>Continue to identify on CDD’s work plan opportunities to review and potentially change farmland designations. Upon receiving formal support from DLCD or the State legislature, initiate a regional project.</p> <p>Deschutes County Comprehensive Plan Policy 2.2.14 states “Explore new methods of identifying and classifying agricultural lands.”</p>	<p>STATE: Lobby the State to enable Deschutes County to perform a pilot project similar to Southern Oregon.</p> <p>LOCAL: Implement a work program upon receiving support from the State.</p>

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<p><u>Rural Residential Subdivisions</u></p> <p>Large lot (5-10 acre) rural residential subdivisions.</p>	<p>Many expressed a desire to subdivide EFU properties to provide development and income potential for the landowner and a rural lifestyle opportunity.</p> <p>Irrigated subdivisions are subject to minimum lot size requirements of the EFU subzone. Non-irrigated subdivisions are not permitted in the EFU zone due to State statute, ORS 215.263. Rather, non-irrigated land divisions are limited to a maximum of a 3-lot partition.</p>	<p>STATE: Amend State law to permit additional land division options.</p> <p>LOCAL: Amend County code as appropriate to comply with State law.</p>
<p><u>Smaller Parcel/Lot Sizes</u></p> <p>Allow smaller parcels (i.e. 10-20 acres) to provide affordable parcels for those interested in the rural lifestyle.</p>	<p>Nonfarm and farm related property owners expressed interest in the opportunity to create smaller parcels. However, there was an equally strong theme that smaller parcels would have a detrimental impact on agricultural operations, infrastructure, wildlife, and livability, among others.</p> <p>The State minimum parcel size is 80 acres for farm parcels and 160 acres for rangeland. County minimum parcels sizes go below these standards based on a commercial farm study commissioned by the County in 1992.</p> <p>For nonfarm partitions, small acreage parcels are permitted but the remainder parcel must either meet the minimum irrigated acreage requirement of the subzone or if dry, be a minimum of 80 acres.</p>	<p>STATE: Amend State law to permit smaller parcel sizes.</p> <p>LOCAL: Rezone and re-designate to exception zone (RR-10/MUA-10) if property does not meet State definition of agricultural land.</p>
<p><u>Tax Deferral</u></p> <p>Allow a grace period prior to disqualification for farm tax deferral.</p>	<p>Tax deferral is a function of the Oregon Department of Revenue and is administered by the County Assessor's Office. Oregon Administrative Rule (OAR) 308A indicates when a property is eligible for farm tax deferral and when it shall be disqualified.</p> <p>OAR 308A.113 does provide an opportunity for a property owner to reversed disqualification with the certification and execution of a remediation plan.</p>	<p>STATE: Amend State law to allow for a grace period.</p>