



NON-RESOURCE LANDS PROGRAM

DRAFT
PUBLIC ENGAGEMENT
CONCEPT



Deschutes County Planning Commission
January 9, 2014

Background: Non-Resource Lands

- Board of County Commissioners directed staff to initiate a Non-Resource Lands Program
- Potential for New Comprehensive Plan Designation and Zone that allows rural land uses not presently allowed
- Considered for Exclusive Farm Use (EFU) zoned lands that do not meet the definition of agricultural lands or farm suitability found in Statewide Planning Goal 3 and administrative rules due to:
 - Poor soil conditions
 - Lack of irrigation
 - Climate conditions
 - Other relevant factors, including but not limited to past use.



Background: Non-Resource Lands

Prominent Statewide Topic



- The Big Look (Final Report Jan. 2009)
 - ▣ Comprehensive Review of Oregon's Statewide Land Use Planning System
 - ▣ Chapter 3: Protecting Farm, Forest, and Natural Areas:
 - Primary Issues:
 - Some farm and forest lands are non-productive or cannot otherwise reasonably be defined as farm and forest.
 - If lands are re-designated for other rural uses, current limits on development are inadequate to assure they are consistent with the carrying capacity of the land and other resource constraints.
 - Legislative Recommendation:
 - Establish regional criteria authorizing two more counties to petition for the reevaluation of farm and forest land designations
- House Bill 2229 (Effective Aug. 2009)
 - ▣ Allows counties to reevaluate whether farm and forest zones meet state definitions
 - ▣ Requires county to submit proposed work scope to LCDC for approval

Background: Non-Resource Lands

Prominent Regional Topic



- Southern Oregon Regional Pilot Project (May 2012)
 - ▣ Governor Kitzhaber signs Executive Order 12-07, establishing a Pilot Program for Regional Farm and Forest Land Conservation
 - ▣ Douglas, Jackson, and Josephine Counties enter a regional process to develop a plan to allow regional variation in what lands must be planned and managed as farm and forest lands
 - ▣ Executive Order specifies any resource lands rezoned to "non-resource" are planned and zoned at levels that:
 - Will not significantly interfere with nearby farm or forest uses or the future urbanization of nearby cities
 - Are sustainable in terms of fiscal impacts to local and state government and their effects on water supplies, transportation, water quality, fire protection, wildlife, and fish and wildlife habitat
 - Do not exceed the carrying capacity of the lands

Background: Non-Resource Lands

Other County Approaches

□ Crook County



- Non-Resource Lands Comprehensive Plan Designation
- May be designated to existing zones depending on existing or intended use
- Requires consideration of carrying capacity of services and compatibility with nearby uses

□ Klamath County



- Non-Resource Lands Plan Designation and Zone
- Excludes lands that are wildlife habitat, necessary for watershed protection or recreational use, and are not irrigated or irrigable.
- 20 acre minimum parcel size

Background: Non-Resource Lands

Other County Approaches

□ Jackson County



- Rural Use (Non-Resource) Designation for lands that are not deemed to be Forestry/Open Space or Agricultural lands
- Designation is only applied where very low intensity rural development is found to be appropriate due to topographic, environmental, natural hazard, public access, or needed public service constraints
- *Rural Use (RU) Zoning Districts* have minimum parcel sizes of 20, 30, and 40 acres (RU-20, RU-30, RU-40)
- Determining appropriate parcel size is based on an analysis of nearby development patterns and land suitability factors including mean parcel sizes within a study area (0.5 to 1 mile radius) surrounding the subject parcel

□ Lane County



- Non-Resource Lands Plan Designation
- May be designated *Rural Residential* or *Park and Recreation*
- 5 or 10 acre minimum parcel size
- Must be compatible with surrounding resource lands

Background: Non-Resource Lands

Local Hearings Officer Decisions

- PA-13-1/ZC-13-1 (Newland LLC)
 - **Denied**
 - Key Issues: Predominant Soils Analysis/Suitability for Farm Use
- PA-11-7/ZC-11-2 (Oregon Department of State Lands)
 - **Approved**
 - Key Issues: Predominant Soils Analysis/Change of Circumstance/Suitability for Farm Use
- PA-11-4/ZC-11-1 (Benesh)
 - **Denied**
 - Key Issues: Change of Circumstance/Irrevocably Committed
- PA-10-5/ZC-10-3 (Rose)
 - **Denied**
 - Key Issues: Predominant Soils Analysis/Suitability for Farm Use



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- Staff drafted a concept for the Planning Commission's consideration to gauge public and stakeholder sentiment on the Non-Resource Lands Program
- Prior to exploring any preconceived eligibility criteria, procedures or development standards for a new Non-Resource Lands zone, it is imperative for Deschutes County to first understand public opinion
- Public and interested stakeholders deserve to discuss and assess whether EFU lands, with all their variations, are even suitable for accommodating non-agricultural land uses that would theoretically be allowed under Non-Resource zoning.

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□ Threshold Question:

Recognizing that there are EFU lands that do not meet the state's definition of agricultural lands or farm suitability, **should the County develop criteria and standards that enable eligible property owners to take advantage of a "Non-Resource" zone that allows rural land uses and development not presently allowed?**

□ Community input strategies include:

- Background material
- GIS Zoning Maps
- Interactive exercises, allowing participants to identify EFU priorities in relationship to Non-Resource Land opportunities
- Written materials
- Opportunities for verbal comments
- Discuss Next Steps

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Community Input Strategies

Table 1 – EFU Lands Assessment / Suitability Exercise #1

Suitability Exercise	Existing EFU Zoned Lands							
	Irrigation		Wildlife		Adjoining Ownership Patterns			Carrying Capacity
	Irrigated	Non-Irrigated	Combining Zones	Irrigated EFU	Dry EFU	Exception Land	UGBs	Within a Rural Fire Protection District
Are Non-Resource Land Use opportunities suitable in these locations? (Select Yes, No, or Undetermined)								County roads have sufficient capacity
								Septic and domestic well availability

Table 2 – Non-Resource Land Use Preferences / Suitability Exercise #2

Land Use Exercise	Non-Resource Land Opportunities							
	Land Uses			Minimum Parcel Size				Buffers
	Low Density Rural Residential when suitability characteristics are met ³	Value Added Businesses using agricultural resources	Other	0-10 acres	10-20 acres	20-30 acres	30-acres and larger	Should buffers be applied?
What types of Non-Resource Land Uses are suitable in the rural county? (Select Yes, No, or Undetermined)								Should conservation easements be utilized?

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Community Conversations

- Upon receiving Planning Commission and BOCC support, staff will initiate community conversations for 2-3 months throughout the region, holding listening sessions in Alfalfa, Bend, Brothers, La Pine, Redmond, Sisters, Terrebonne, and Tumalo
- Next Steps: Results will be shared with the Planning Commission and BOCC to determine if there is a subset of EFU land that warrants a closer examination for a Non-Resource designation
- If so, staff in collaboration with the Planning Commission would draft a “straw man concept” describing eligibility criteria, procedures and zoning/development standards that would then be taken back out into the community for further feedback

Non-Resource Lands Program

