



## COMMUNITY DEVELOPMENT

### **DESCHUTES COUNTY PLANNING COMMISSION**

5:30 PM, THURSDAY, NOVEMBER 10, 2022

Barnes Sawyer Rooms - Deschutes Services Bldg - 1300 NW Wall St – Bend

(541) 388-6575 | [www.deschutes.org](http://www.deschutes.org)

## **AGENDA**

### **MEETING FORMAT**

The Planning Commission will conduct this meeting in person, electronically, and by phone.

Members of the public may view the Planning Commission meeting in real time via the Public Meeting Portal at [www.deschutes.org/meetings](http://www.deschutes.org/meetings).

Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link:

<https://us02web.zoom.us/j/84440190603?pwd=RWY5ZjU1MStON3ZkbUs2WjRGdGFmQT09>

**Passcode:** 040408

Using this option may require you to download the Zoom app to your device.

Members of the public can access the meeting via telephone, dial: 1-312-626-6799. When prompted, enter the following Webinar ID: 844 4019 0603 and Passcode: 040408. Written comments can also be provided for the public comment section to [planning@deschutes.org](mailto:planning@deschutes.org) by 5:00 p.m. on November 10. They will be entered into the record.

### **I. CALL TO ORDER**

### **II. APPROVAL OF MINUTES - September 22**

### **III. PUBLIC COMMENT**

### **IV. ACTION ITEMS**

- [1.](#) Deschutes 2040 Meeting #3 – Results of Phase 2 Visioning Activities, and Initial Policy Review (*Nicole Mardell, Senior Planner*)

### **V. PLANNING COMMISSION AND STAFF COMMENTS**

### **VI. ADJOURN**



Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please call (541) 617-4747.

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## COMMUNITY DEVELOPMENT

### MEMORANDUM

**TO:** Deschutes County Planning Commission

**FROM:** Nicole Mardell, AICP, Senior Planner – Long Range  
Will Groves, Planning Manager

**DATE:** November 3, 2022

**SUBJECT:** Deschutes 2040 Meeting #3 – Results of Phase 2 Visioning Activities, and Initial Policy Review

#### I. BACKGROUND

The Comprehensive Plan is Deschutes County's policy document for guiding growth and development within the county over a 20-year planning period. The plan's purpose is to provide a policy framework for zoning and land use regulations, demonstrate consistency with statewide goals, rules, and laws, and serve as a cohesive vision for future planning activities.

Staff is currently in phase two of the project, which is focused on review of existing Comprehensive Plan policies and gathering community input on broader issues and challenges facing the County. At the November 10 meeting, staff and the consultant team will provide a brief overview of engagement results to date and facilitate the initial review of existing policies by Commissioners.



#### II. RESULTS OF ENGAGEMENT TO DATE

The project team is conducting several engagement activities to gather input on broader community issues and themes:

- **Four in-person open houses**
  - Bend (October 19)
  - Sisters (October 20)
  - Sunriver (October 24)
  - Redmond (October 25)

- **Virtual Open House and Survey (closes 11/18)**
  - Direct Link: <https://survey.alchemer.com/s3/7055746/Deschutes-County-Comprehensive-Plan-Update-Online-Open-House-1>
  - Can also be viewed on [www.deschutes.org/2040](http://www.deschutes.org/2040) under Get Involved Tab
- **Meeting-in-a-Box Meetings**
  - 19 meetings conducted as of the date of the memo

Commissioners will hear a brief overview of themes heard during engagement activities. A more in-depth report of the engagement activities and feedback will be provided at a future meeting.

### III. REVIEW OF EXISTING POLICIES – PART 1

Commissioners will conduct their initial review of existing Comprehensive Plan policies over the course of three meetings. At the November 10 meeting, Commissioners will discuss the following topics:

- Community Engagement
- Land Use
- Agricultural Lands

An attachment to this memo provides a breakdown of the existing policy language in the County’s current Comprehensive Plan, proposed changes by staff and the consultant, and discussion of the proposed changes. Staff and the consultant will collect Commissioner comments to further refine these policies.

### III. NEXT STEPS

The next meeting on the Deschutes 2040 Project will be on December 8 and will be focused on Part 2 of the initial policy review – tentatively scheduled to include Forest Resources, Natural Resources, and Natural Hazards.

**Table 1 – Tentative Dates for Comprehensive Plan Update Meetings**

Activity Description	Start Date
	<b>2022</b>
PC Meeting #4 - Policy Review Part 2	8-Dec
	<b>2023</b>
PC Meeting #5 Policy Review Part 3	26-Jan
In Person Open House Round #2 - Review of Draft Goals and Policies	Feb/March
Online Survey #2 - Review of Draft Goals and Policies	Feb/March

PC Meeting #6 Results of Engagement Activities/Policy Refinement	13-Apr
PC Meeting #7 - Draft Action Plan Document Review	11-May
PC Meeting #8 - Draft Comprehensive Plan Document Review	13-Jul

Attachment

Policy Review Part 1 – Community Engagement, Land Use, and Agricultural Land Policies



# Policy Review – November 2022

TO: Deschutes 2040 Project Management Team  
FROM: Andrew Parish, MIG  
CC:  
DATE: November 2, 2022

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## INTRODUCTION

This memorandum includes existing and recommended policy language related to the following Deschutes County Comprehensive Plan topics:

1. Community Engagement
2. Land Use
3. Agricultural Lands

## POLICY REVIEW AND RECOMMENDATIONS

Table 1 lists existing policy language in underline and ~~strikeout~~, along with a column of notes and discussion describing changes and their rationale. Changes are based on a review by County staff and the consultant team. Additional changes may be identified through further community engagement and/or coordination with technical advisors. This is intended to be a starting point for discussion with members of the Planning Commission. Numbering has been revised for consistency and navigation but likely will be updated again as the planning process proceeds.



**Table 1. Community Engagement Policies**

Policy Language	Notes and Discussion
<p><b><del>Goal 1: 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.</del></b>  <b><u>Promote equitable community involvement that includes all members of the community, particularly those who are commonly under-represented, by ensuring access to information, encouraging community collaboration, and promoting efficient and transparent planning processes.</u></b></p>	<p><i>Drafted revised, broad goal using language from policy and made more directive about being proactive about equity, inclusivity, actively recruiting under-represented groups. Split out other existing sub-policies into new policies.</i></p>
<p>1.2.1            This section serves as the Community Involvement Program. 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.</p>	<p><i>Unnecessary policy.            PC is the CIC currently, though it's possible for another body to serve in that role in the future.            Generally, recommend removing sub-policies where possible.            The following sections re-arrange and update existing policy language under a second Public Involvement goal.</i></p>
<p><b><u>Policy 1.1.1. Write all County planning documents to be understandable, intuitive, and easily available to the general public, using simplified language where possible, with acronyms spelled out and technical language explained.</u></b></p>	<p><i>Adaptation of existing (sub)policy, added "simplified language".</i></p>



Policy Language	Notes and Discussion
<p><u>Policy 1.1.2. Hold area-specific comprehensive plan and zoning text amendment public hearings in locations and at times convenient and accessible to area residents, as appropriate.</u></p>	<p><i>Moved to its own policy, added "accessible".</i></p>
<p><u>Policy 1.1.3. Provide property information to the public in an intuitive and easy-to-use manner.</u></p>	<p><i>Formerly Land Use policy 1.3.6. generalized somewhat.</i></p>
<p><u>Policy 1.1.4. Consult and coordinate with developers before submitting applications as required or recommended by the County Development Code to identify and discuss project requirements and impacts.</u></p>	<p><i>Retained much of the existing language with some tweaks but separated into a broad goal and specific policies. Removed reference to pre-application requirements to avoid potential duplication or conflicts with development code provisions.</i></p>
<p><del>Encourage community participation in planning through a variety of tools and techniques, including:</del></p> <ul style="list-style-type: none"> <li><del>a. Post all planning applications, decisions, projects and plans on the County website;</del></li> <li><del>b. Provide staff reports for comprehensive plan and zoning text amendments to the public in a timely manner;</del></li> <li><del>c. Write all County planning documents to be accessible and understandable to the general public, with acronyms spelled out and technical language explained;</del></li> <li><del>d. Hold area-specific comprehensive plan and zoning text amendment public hearings in locations and at times convenient to area residents, as appropriate;</del></li> <li><del>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.</del></li> </ul>	<p><i>Moved relevant sub-policies to their own policies.</i></p>





Policy Language	Notes and Discussion
<del>Reach out to the community to discuss and respond to land use concerns in a timely manner.</del>	<i>Unnecessary policy</i>
<del>Ensure effective, efficient planning procedures.</del>	<i>Unnecessary policy</i>
<b><u>Goal 2: Support the activities of the Committee for Community Involvement</u></b>	<i>New goal to capture policies related to the functioning of the CCI</i>
<u>Policy 1.2.1. Maintain adequate funding and staffing support for the Committee.</u>	<i>Retained much of existing language; added "adequate" funding and staffing support.</i>
<u>Policy 1.2.2. Provide regular updates, speakers, panel discussions, and handouts on land use law and policy.</u>	<i>No change to existing language.</i>
<u>Policy 1.2.3. Appoint members through an open and public process to reflect the diverse geographic regions, demographics, and values of Deschutes County residents.</u>	<i>No change to existing language.</i>
<u>Policy 1.2.4. Meet with the Board of County Commissioners at least once a year to coordinate planning policies and activities.</u>	<i>No change to existing language.</i>
<u>Policy 1.2.5. Complete periodic reports on community involvement implementation for the State Citizen Involvement Advisory Committee, the Board of County Commissioners, and the public.</u>	<i>Retained much of existing language; made time period for reporting more general (periodic instead of annual).</i>



**Table 2. Land Use Policies**

Policy Language	Notes and Discussion
<p><b>Goal 1: Maintain an open and public land use process in which decisions are based on <del>the objective evaluation of facts</del> a balancing of community needs and an adequate findings of facts.</b></p>	<p><i>Rewording notes “adequate findings” rather than “objective evaluation” and introduces the necessary balancing of community needs.</i></p>
<p><del>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.</del>  <del>———— a. Evaluate tools such as transfer of development rights programs that can be used to protect private property.</del>  <u>Policy 2.1.1. Balance the consideration of private property rights and the economic impacts of land use decisions on property owners with other community goals.</u></p>	<p><i>Recommend removing sub-policies (a, b, c) to the extent possible. New language attempts to simplify policy and specify that private property rights &amp; economic impacts must be weighed as well as other community goals.</i></p>
<p><del>Policy 1.3.2: Consider sustainability and cumulative impacts when creating and revising land use policies and regulations.</del></p>	<p><i>Recommend relocating to another section.</i></p>
<p><del>Policy 1.3.3: Involve the public when amending County Code.</del></p>	<p><i>Out of place/unnecessary. Recommend removing.</i></p>
<p><del>Policy 1.3.4: Maintain public records which support the Comprehensive Plan and other land use decisions.</del></p>	<p><i>Unnecessary. Recommend removing.</i></p>
<p><del>Policy 2.1.2. Review the Comprehensive Plan every five years periodically and update as needed, in order to ensure it responds to address current conditions, issues, and opportunities, as well as amended State Statute, Oregon Administrative Rules and case law.</del></p>	<p><i>Updated to make time period for updates more general. Consider ultimately moving this policy to a set of general policies.</i></p>
<p><del>Policy 1.3.6: Maintain and enhance web-based property-specific information.</del></p>	<p><i>Moved to Public Involvement section, see Table 1.</i></p>



Policy Language	Notes and Discussion
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.	<i>Kept as is.</i>
Policy 1.3.8 <del>Implement, as appropriate, recommendations in the Final Report from the Oregon Task Force on Land Use Planning dated January 2009.</del>	<i>Outdated policy; recommend removing.</i>
Policy 1.3.9 <del>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.</del> Policy 2.1.3. <u>Implement Comprehensive Plan policies through the Community Development Department's annual work plan and other actions by the Department and the Board of County Commissioners.</u>	<i>This could potentially be described rather than enshrined in policy language.</i>
<b>Goal 2. Promote Regional Cooperation and Partnerships on Land Use Planning Issues.</b>	<u>Added "land use"</u>
Policy 2.2.1. <del>Regularly</del> <u>Periodically</u> review intergovernmental and urban management agreements, and update as needed.	
<del>Participate in and, where appropriate, coordinate regional planning efforts.</del> <del>a. Provide affected agencies, including irrigation districts, an opportunity to comment and coordinate on land use policies or actions that would impact their jurisdictions.</del> <u>Policy 2.2.2. Help coordinate regional planning efforts and coordinate with other agencies on land use policies and actions that impact their jurisdictions.</u>	<i>Made more general; removed specific reference to irrigation districts; can call them out in other chapters, as needed.</i>
<del>Support non-profit or public acquisition of lands determined through an extensive public process to have significant value to the community.</del>	<i>Revised to eliminate reference to "extensive public processes."</i>



Policy Language	Notes and Discussion
<p><u>Policy 2.2.3. Support the use of high value natural resource and recreational lands for public purposes, whether through acquisition, easements, or other means.</u></p>	
<p><del>Support implementation of the Bend 2030 Plan and incorporate, as appropriate, elements from the Bend 2030 Plan into this Plan.</del></p> <p><u>Policy 2.2.4. Support the implementation of long-range plans of Deschutes County jurisdictions, incorporating elements of those plans into the County's Comprehensive Plan as appropriate.</u></p>	<p><i>Made more general, recognizing potential need to do so with other community plans and that specific Plan names change or are replaced over time.</i></p>
<p><del><b>Goal 3: Manage County owned lands efficiently, effectively, flexibly and in a manner that balances the needs of County residents.</b></del></p> <p><u><b>Goal 3: Manage county-owned lands to balance the needs of the community.</b></u></p>	<p><i>Eliminated the words "efficiently, effectively, and flexibly." Those are important goals but also words that can be subjective and can be used to question or oppose specific County actions.</i></p>
<p><del>Where feasible, maintain and manage County owned properties as follows:</del></p> <ul style="list-style-type: none"> <li><del>a. Manage designated park lands to preserve the values defined in the park designation;</del></li> <li><del>b. Permit public access to County owned lands designated as parks unless posted otherwise;</del></li> <li><del>c. Encourage properties located along rivers, streams or creeks or containing significant wildlife, scenic or open space values to be designated as park land.</del></li> </ul>	<p><i>Split into individual policies and revised to improve clarity.</i></p>
<p><u>Policy 2.3.1. Manage lands with a park designation consistent with the goals and policies in <b>Section X (Natural Resources)</b></u></p>	<p><i>Reference specific parks/open space policies in separate section, if this policy is still relevant.</i></p>



Policy Language	Notes and Discussion
<u>Policy 2.3.2. Continue to identify additional properties along rivers, streams, or creeks, or containing significant wildlife, scenic resource, or open space resources to designate as park land.</u>	<i>Revised to describe as part of a continuing/ongoing course of action.</i>



**Table 3. Agricultural Lands Policies**

Policy Language	Notes and Discussion
<p><b>Goal 1: Preserve and maintain agricultural lands and <u>uses</u> the agricultural industry.</b></p>	<p><i>Revised to focus on agricultural uses, rather than the "industry."</i></p>
<p>Policy 3.1.1: Retain agricultural lands through Exclusive Farm Use zoning.</p>	<p><i>No change recommended.</i></p>
<p>Policy 3.1.2. Continue to apply Exclusive Farm Use sub-zones <del>shall remain as described in the 1992 Farm Study and shown in the table below, unless adequate legal findings for amending the sub-zones are adopted or an individual parcel is rezoned as allowed by Policy 2.2.3.</del> <u>consistent with the County's most up-to-date adopted studies of agricultural land and as implemented through the County Development Code.</u></p> <p>Exclusive Farm Use Subzones</p> <ul style="list-style-type: none"> <li>• <del>Subzone Name, Minimum Acres, Profile</del></li> <li>• <del>Lower Bridge, 130, Irrigated field crops, hay and pasture</del></li> <li>• <del>Sisters/Cloverdale, 63, Irrigated alfalfa, hay and pasture, wooded grazing and some field crops</del></li> <li>• <del>Terrebonne, 35, Irrigated hay and pasture</del></li> <li>• <del>Tumalo/Redmond/Bend, 23, Irrigated pasture and some hay</del></li> <li>• <del>Alfalfa, 36, Irrigated hay and pasture</del></li> <li>• <del>La Pine, 37, Riparian meadows, grazing and meadow hay</del></li> <li>• <del>Horse Ridge East, 320, Rangeland grazing</del></li> </ul>	<p><i>Removed specific descriptive language which could change over time; referred to more general adopted study. Consider including specific info in the Comp Plan narrative if it is still relevant.</i></p>
<p>Policy 3.1.3. Allow comprehensive plan and zoning map amendments, including for those that qualify as non-resource land, for individual EFU parcels as allowed by State Statute, Oregon Administrative Rules and this Comprehensive Plan.</p>	<p><i>No change recommended at this time. Research intent and possibly consider refinements during subsequent rounds of policy review.</i></p>
<p>Policy 3.1.4. Develop comprehensive policy criteria and code to provide clarity on when and how EFU parcels can be converted to other designations.</p>	<p><i>No change recommended at this time. Consider refinements to address status of this work during subsequent rounds of policy review.</i></p>



Policy Language	Notes and Discussion
<del>Policy 3.1.5. Uses allowed in Exclusive Farm Use zones shall comply with State Statute and Oregon Administrative Rule.</del>	<i>Policy not needed; all allowed uses must comply with state law. Recommend removing.</i>
Policy 3.1.6. Regularly review farm regulations to ensure compliance with changes to State Statute, Oregon Administrative Rules and case law.	<i>No change recommended.</i>
<del>Policy 3.1.7. Encourage water projects that benefit agriculture.</del>	<i>Recommend moving to a different section of the Plan that addresses water resources policies, given that water use is such a large issue in the County and likely warrants its own section or chapter.</i>
<del>Policy 3.1.8. Support a variety of methods to preserve agricultural lands, such as: a. Support the use of grant funds and other resources to assist local farmers; b. Work cooperatively with irrigation districts, public agencies and representatives and land owners; c. Encourage conservation easements, or purchase or transfer of development rights programs; d. Control noxious weeds; e. Encourage a food council or 'buy local' program.</del>	<i>Delete from this section but retain most of this policy language under a new and updated set of policies under Goal 2 of this chapter.</i>
<b>Goal 2. Promote a diverse, sustainable, revenue-generating agricultural sector.</b>	<i>No change recommended.</i>
Policy 3.2.1. Encourage farming by promoting the raising and selling of crops, livestock and/or poultry.	<i>No change recommended.</i>
Policy 3.2.2. Support stakeholders in <u>studying and promoting economically viable agricultural agriculture through the use of grant funds, research, and other resources dedicated to agricultural community members and stakeholders, including but not limited to farmers, agricultural researchers, farm bureaus, and other organizations in studying and promoting economically viable agricultural opportunities and practices.</u>	<i>Expanded to add more specific language about stakeholder groups. Incorporated language from policy 3.1.8.a above.</i>



Policy Language	Notes and Discussion
<p>Policy 3.2.3. <u>Support and</u> encourage small farming enterprises <u>through a variety of related strategies and programs</u>, including, but not limited to, niche markets, organic farming, <u>food council, buy local, farmers markets, farm-to-table activities</u>, farm stands or value-added products, <u>or other programs or strategies</u>.</p>	<p><i>Expanded to add additional examples to reflect current practices and incorporated language from Policy 3.1.8.e above.</i></p>
<p><u>Policy 3.2.4. Work cooperatively with irrigation districts, public agencies and representatives and land owners to promote and support agricultural uses and operations, including through use of conservation easements, transfer of development rights programs, and other preservation strategies.</u></p>	<p><i>New policy incorporating language from policy 3.1.8.a and 3.1.8.b above.</i></p>
<p><u>Policy 2.2.5. Support efforts to control noxious weeds and invasive species.</u></p>	<p><i>New policy incorporating language from policy 3.2.8.d and adding reference to invasive species.</i></p>
<p>Policy 3.2.6. <u>Continue to review County Code</u> and revise County Code as needed <u>and consistent with state rules and regulations</u> to permit alternative and supplemental farm activities that are compatible with farming, such as agri- tourism or commercial renewable energy projects. <del>When a preferred alternative or supplemental use identified through a public process is not permitted by State regulations work with the State to review and revise their regulations.</del></p>	<p><i>Revised to make a continuing course of action, include language about consistency with state rules, and separate the two policy ideas currently listed into individual policies.</i></p>
<p>Policy 3.2.7. Work with the State to review and revise their regulations when a desired alternative or supplemental use <u>identified by the County</u> is not permitted by State regulations.</p>	<p><i>Revised to separate the two policy ideas currently listed above into individual policies and to clarify this should be done when the County has identified an activity as a desire use.</i></p>
<p><b>Goal 3. Ensure Exclusive Farm Use policies, classifications and codes are consistent with local and emerging agricultural conditions and markets.</b></p>	<p><i>No change recommended.</i></p>
<p>Policy 3.3.1. Identify and retain accurately designated agricultural lands.</p>	<p><i>No change recommended.</i></p>





Policy Language	Notes and Discussion
<p>Policy 3.3.2. Explore new methods of identifying and classifying agricultural lands.</p> <ul style="list-style-type: none"> <li>a. Apply for grants to review and, if needed, update farmland designations.</li> <li>b. Study County agricultural designations considering elements such as water availability, farm viability and economics, climatic conditions, land use patterns, accepted farm practices, and impacts on public services.</li> <li>c. Lobby for changes to State Statute regarding agricultural definitions specific to Deschutes County that would allow some reclassification of agricultural lands.</li> </ul>	<p><i>No change recommended at this time. Consider revising during subsequent round of review to make a continuing course of action.</i></p>
<p>Policy 3.3.3. Address land use challenges in the Horse Ridge subzone, specifically:</p> <ul style="list-style-type: none"> <li>a. The large number of platted lots not meeting the minimum acreage;</li> <li>b. The need for non-farm dwellings and location requirements for farm dwellings;</li> <li>c. Concerns over the impact on private property from off-road vehicles, facilities, and trails located on adjacent public lands.</li> </ul>	<p><i>No change recommended at this time. Consider revising during subsequent round of review to make a continuing course of action or to move to an action planning document.</i></p>
<p>Policy 3.3.4. <u>Continue to work with the State to review and revise accessory farm dwelling requirements to address the needs of local farmers.</u></p>	<p><i>Made minor wording change to make a continuing course of action.</i></p>
<p>Policy 3.3.5. Encourage coordination between agricultural interests and fish and wildlife management organizations, <u>including public agencies, non-governmental organizations and others.</u></p>	<p><i>Made minor wording changes for clarity.</i></p>