



## MEMORANDUM

**TO:** Deschutes County Board of Commissioners

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

**DATE:** September 3, 2025

**SUBJECT:** Public Hearing: Farm and Forest Housekeeping Text Amendments

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The Deschutes County Board of Commissioners (Board) will conduct a public hearing on September 10, 2025, to consider amendments to the Deschutes County Code (DCC) (file no. 247-25-000297-TA). The housekeeping amendments will integrate changes to state rule, resulting from the state's Farm and Forest Modernization Project, into local code. The hearing will take place in the Barnes and Sawyer Rooms, 1300 NW Wall Street, Bend and virtually via Zoom

Attached to this memorandum are the proposed text amendments and findings summarizing the changes. Within the proposed amendments, added language is shown underlined and deleted shown as ~~striketrough~~.

All record materials can be found on the project website:  
<https://bit.ly/farmforesthouskeeping>

### I. BACKGROUND

Oregon's zoning-based farm and forest land conservation programs have been in place since 1973. Over the past 10 years, interested parties, the courts, and the Department of Land Conservation and Development (DLCD) have identified a number of issues needing review. In 2024, the Land Conservation and Development Commission (LCDC) initiated the Farm and Forest Modernization Project, which included rulemaking and the appointment of a Rules Advisory Committee (RAC). Rulemaking was intended to improve the clarity and consistency of implementing Oregon's farm and forest program across the state. DLCD directed the RAC to consider:

- Codifying identified case law standards;
- Other EFU rule amendments;
- Conforming rule changes; and

- Providing additional clarity to counties and potential applicants with the intent of reducing unnecessary appeals.

LCDC ultimately adopted new Oregon Administrative Rules (OARs) developed by the RAC on December 6, 2024. They became effective on January 1, 2025. Staff provided a briefing to the Board on February 3, 2025 - the memo from that briefing (Attachment C) provides additional background on the state rulemaking process and intent of the amendments.

This housekeeping text amendment incorporates rulemaking updates to applicable OARs and Oregon Revised Statutes (ORS) into the DCC, and codifies minor items from prior rulemaking or legislation not yet reflected locally.

## **II. OVERVIEW OF AMENDMENTS**

To comply with this rulemaking package, staff is proposing the following amendments:

- Amend 18.16.040(A) to apply farm impacts test through reference to ORS and OAR.
- Amend 18.16.042(A) 'incidental and subordinate' definition for agri-tourism.
- Amend 18.16.030(Y) to include ORS and OAR references for rural transportation facilities in Exclusive Farm Use (EFU) zone.
- Add rural transportation facilities as 18.36.030(AE) and 18.40.030(AG) in forest zones and include ORS and OAR references.
- Amend 18.16.031(D), 18.36.030(G), and 18.40.030(H) to reference ORS and OAR definition for private parks.
- Amend 18.16.020(J), 18.36.020(M), and 18.40.020(M) to reference ORS and OAR standards for replacement dwellings. Removed sections 18.16.023, 18.36.025, and 18.40.025 as they were duplicative.
- Amend 18.04 to reference ORS and OAR for definition of "farm use".
- Amend 18.16.050(A)(3)(f), 18.16.050(B)(8), and 18.16.050(C)(5) to reflect new requirements for verification of income associated with farmworker and primary farm dwellings.
- Amend 18.16.038(C) to reference ORS and OAR standards for farm stands.
- Amend 18.16.030(M), 18.36.030(R), and 18.40.030(S) to reference ORS and OAR standards for home occupations.
- Amend 18.36.050(D)(1)(d)(1) and 18.40.050(D)(1)(d)(1) to remove a temporary provision for template dwellings that has sunset.
- Amend 18.16.031(D), 18.16.030(G), 18.36.030(G), and 18.40.030(H) to directly reference requirements for campgrounds in OAR and ORS. Removed 18.16.050(L) as no longer needed.
- Amend 18.04 to amend the definition for a processing facility for farm crops to include rabbit products.
- Amend 18.16.033(C) as it is duplicative and superseded by 18.120.010(B), pertaining to expansion of nonconforming schools.

Staff included only housekeeping style amendments resulting from rulemaking in this particular text amendment package. Additional discretionary amendments related to

childcare, temporary storage sites, and natural disaster event allowances may be pursued in future amendment processes.

### **III. AGENCY AND PUBLIC COMMENTS**

No agency or public comments have been received to date.

### **IV. PLANNING COMMISSION RECOMMENDATION**

The Planning Commission held a public hearing on June 26, 2025. No public or agency testimony was received. The Commission closed the public hearing, deliberated, and voted unanimously to recommend approval of the proposed amendments.

### **V. NEXT STEPS**

At the conclusion of the public hearing, the Board can choose one of the following options:

- Continue the hearing to a date and time certain;
- Close the oral portion of the hearing and leave the written record open to a date and time certain;
- Close the hearing and commence deliberations; or
- Close the hearing and schedule deliberations for a date and time to be determined.

Staff has provided Draft Ordinance 2025-016 for consideration by the Board following public testimony.

#### Attachments

Draft Ordinance 2025-016

Exhibit A 18.04 Definitions

Exhibit B 18.16 Exclusive Farm Use Zone

Exhibit C 18.36 Forest Use 1 Zone (F-1)

Exhibit D 18.40 Forest Use 2 Zone (F-2)

Exhibit E Findings