



MEMORANDUM

TO: Deschutes County Board of Commissioners

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

DATE: September 24, 2025

SUBJECT: Consideration of First Reading: Farm and Forest Housekeeping Amendments

On October 1, 2025, staff will present Ordinance No. 2025-016 to the Board of County Commissioners (Board) for consideration of first reading. The Board conducted a public hearing on September 10, 2025, to consider text amendments to integrate changes to state rule, resulting from the state's Farm and Forest Modernization Project, into local code (File no. 247-25-000297-TA). Following the hearing, the Board left the record open for one week to address a potential error in translating state rule into local code. That item has been addressed and integrated into the revised draft Ordinance No. 2025-016.

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on May 14, 2025. An initial public hearing was held before the Planning Commission on June 26, 2025¹. No testimony was received, and the Commission voted unanimously to recommend approval of the amendments.

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

I. AMENDMENT SUMMARY

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.

¹ <https://www.deschutes.org/bc-pc/page/planning-commission-68>

- 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.

II. OPEN RECORD PERIOD / DRAFT REVISIONS

During the Board’s public hearing, a member of the public requested that the record be left open for one week to address a potential error in translating state rule into local code. The record closed at 4 pm on September 17, 2025.

Specifically, the commenter was concerned that the proposed verbiage in 18.16.040(A), application of the farm impacts test to conditional uses, could be misinterpreted as it referenced several areas of state statute and rule. Staff coordinated with the commenter and amended draft Ordinance No. 2025-016 for increased clarity. Staff also revised 18.16.020(A), definition for farm use, for clarity following the public hearing.

III. NEXT STEPS

If approved, staff will return on Wednesday, October 15, 2025, for consideration of second reading of Ordinance No. 2025-016.

Attachments:

Ordinance No. 2025-016 and Corresponding Exhibits