

## **Policy Review - November 2022**

TO: Deschutes 2040 Project Management Team

FROM: Andrew Parish, MIG

CC:

DATE: March 2, 2023

## INTRODUCTION

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

- 1. Community Engagement
- 2. Land Use and Regional Coordination
- 3. Agricultural Lands

## POLICY REVIEW AND RECOMMENDATIONS

Table 1 lists existing policy language in <u>underline</u> and <u>strikeout</u>, 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
Goal 1: Maintain an active and open community involvement program that	Drafted revised, broad goal using language from policy and
is accessible to all members of the community and engages the community	made more directive about being proactive about equity,
during development and implementation of land use policies and codes.	inclusivity, actively recruiting under-represented groups. Split
Provide for a robust community involvement program that includes all	out other existing sub-policies into new policies.
members of the community, particularly those who are commonly under-	This goal language has been revised to use stronger language
represented, by ensuring access to information, encouraging community	("Provide") and specifically identify/address barriers to public
collaboration, identifying and addressing barriers to involvement, and	involvement, per Planning Commission direction.
promoting efficient and transparent planning processes.	
1.2.1	Removed unnecessary detail about while identifying the role
This section serves as the Community Involvement Program.	and purpose of Planning Commission as CCI.
The Planning Commission will be the Committee for Community Involvement,	This policy was updated to address Planning Commission
with County support.	direction.
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.	
Policy 1.1.1 Continue to convene the Deschutes County Planning Commission	
as the County's Committee for Community Involvement in order to provide a	
direct and transparent connection between County decision-making and the	
public.	



Policy Language	Notes and Discussion
Policy 1.1.2. 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.	Adaptation of existing (sub)policy, added "simplified language".
Policy 1.1.3. Hold area-specific comprehensive plan and zoning text amendment public hearings in locations and at times convenient and accessible to area residents, as appropriate.	Moved to its own policy, added "accessible".
Policy 1.1.3. Provide property information to the public in an intuitive and easy-to-use manner.	Formerly Land Use policy 1.3.6. generalized somewhat.
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.	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.
Encourage community participation in planning through a variety of tools and techniques, including:  a. Post all planning applications, decisions, projects and plans on the County website;  b. Provide staff reports for comprehensive plan and zoning text amendments to the public in a timely manner;  c. Write all County planning documents to be accessible and understandable to the general public, with acronyms spelled out and technical language explained;  d. Hold area-specific comprehensive plan and zoning text amendment public hearings in locations and at times convenient to area residents, as appropriate;  e. Require pre-application meetings for comprehensive plan and zoning text	Moved relevant sub-policies to their own policies.



Policy Language	Notes and Discussion
amendments; and for major or potentially contentious projects encourage the applicants to hold an informal community meeting before submitting an application.	
Reach out to the community to discuss and respond to land use concerns in a timely manner.	Unnecessary policy
Ensure effective, efficient planning procedures.	Unnecessary policy
Policy 1.1.5 Invest in and support land use educational resources for community members including information related to rural living, agricultural practices, natural resources, and natural hazards.	New policy based on community feedback
Policy 1.1.6. Promote opportunities for community members to have civil dialogue around key community issues.	New policy based on community feedback.
Policy 1.1.7. Explore new and innovative ways to reach community members and promote participation in the planning process.	New policy based on community feedback.
Goal 2: Support the activities of the Committee for Community Involvement	New goal to capture policies related to the functioning of the CCI
Policy 1.2.1. Maintain adequate funding and staffing support for the Committee.	Retained much of existing language; added "adequate" funding and staffing support.
Policy 1.2.2. Provide regular updates, speakers, panel discussions, and handouts on land use law and policy.	No change to existing language.
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.	No change to existing language.
	No change to existing language.



Policy Language	Notes and Discussion
Policy 1.2.4. Meet with the Board of County Commissioners at least once a year to coordinate planning policies and activities.	
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.	Retained much of existing language; made time period for reporting more general (periodic instead of annual).
Policy 1.2.6. Maintain open and civil discourse among Committee members and with the public.	New policy based on Planning Commission discussion and desire for "civility" to be included.

## Table 2. Land Use and Regional Coordination\_Policies

Policy Language	Notes and Discussion
Goal 1: Maintain an open and public land use process in which decisions are	Rewording notes "substantial evidence" rather than "objective
based on the objective evaluation of facts substantial evidence and a	evaluation" and introduces the necessary balancing of
balancing of community needs.	community needs.
	This policy was updated from prior wording which mentioned
	"adequate findings of fact" to reflect Planning Commission
	direction.
Policy 1.3.1: Protect the limited amount of privately-owned land in	Recommend removing sub-policies (a, b, c) to the extent
Deschutes County through consideration of private property rights and	possible. New language attempts to simplify policy and specify
economic impacts to property owners and the community when creating	that private property rights & economic impacts must be
and revising land use policies and regulations.	weighed as well as other community goals.
a.Evaluate tools such as transfer of development rights programs	This policy was updated to address Planning Commission
that can be used to protect private property.	direction, identifying the Comprehensive Plan as the location
	of Community Goals.



Policy Language	Notes and Discussion
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 identified in the Comprehensive Plan.	
Policy 1.3.2: Consider sustainability and cumulative impacts when creating	Recommend relocating to another section.
and revising land use policies and regulations.	
Policy 1.3.3: Involve the public when amending County Code.	Out of place/unnecessary. Recommend removing.
Policy 1.3.4: Maintain public records which support the Comprehensive	Unnecessary. Recommend removing.
Plan and other land use decisions.	
Policy 2.1.2. Review the Comprehensive Plan every five years periodically	Updated to make time period for updates more general.
and update as needed, in order to ensure it responds to address current	Consider ultimately moving this policy to a set of general
conditions, issues, and opportunities, as well as amended State Statute,	policies.
Oregon Administrative Rules and case law.	
Policy 1.3.6: Maintain and enhance web-based property-specific	Moved to Public Involvement section, see Table 1.
information.	
Policy 1.3.7 The Deschutes County Comprehensive Plan Map will be	Kept as is.
retained in official replica form as an electronic map layer within the	
County Geographic Information System and is adopted as part of this Plan.	
Policy 1.3.8 Implement, as appropriate, recommendations in the Final	Outdated policy; recommend removing.
Report from the Oregon Task Force on Land Use Planning dated January	
<del>2009.</del>	
Policy 1.3.9 A list of actions to implement this Comprehensive Plan	This could potentially be described rather than enshrined in
shall be created, maintained and reviewed yearly by the Community	policy language.
Development Department and the Board of County Commissioners.	
Policy 2.1.3. 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.	



Policy Language	Notes and Discussion
Policy 2.1.4. Explore methods to integrate natural resource consumption	New policy based on community input.
and distribution of growth into planning projects.	
Goal 2. Promote Regional Cooperation and Partnerships on Planning Issues.	Consider new text in place of previous text, based on
	community input.
Goal 2: Coordinate and support regional planning efforts relating to growth	
and major infrastructure investments	
Policy 2.2.1. Regularly Periodically review and update intergovernmental and	Consolidated with policy 4.2.5
urban management agreements to coordinate land use review on land inside	
urban growth boundaries and outside city limits,. and update as needed.	
Participate in and, where appropriate, coordinate regional planning efforts.	Made more general; removed specific reference to irrigation
a. Provide affected agencies, including irrigation districts, an opportunity to	districts; can call them out in other chapters, as needed.
comment and coordinate on land use policies or actions that would impact	
their jurisdictions.	
Policy 2.2.2. Help coordinate regional planning efforts and coordinate with	
other agencies on land use policies and actions that impact their jurisdictions.	
Support non-profit or public acquisition of lands determined through an	Revised to eliminate reference to "extensive public processes."
extensive public process to have significant value to the community.	
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.	
Support implementation of the Bend 2030 Plan and incorporate, as	Made more general, recognizing potential need to do so with
appropriate, elements from the Bend 2030 Plan into this Plan.	other community plans and that specific Plan names change
	or are replaced over time.



Policy Language	Notes and Discussion
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.	
Policy 2.2.5 Encourage cities to conduct urban reserve planning to facilitate	New policy based on community feedback
orderly and thoughtful management of growth and infrastructure needs.	
Policy 2.2.6 Collaborate with federal agencies on land management issues	New policy based on community feedback
including homelessness, sustainable recreation expansion, and energy	
projects.	
Policy 2.2.7 Support and reduce barriers to regional infrastructure projects	New policy based on community feedback
with community benefit.	
Policy 2.2.8 Support periodic review and updates to unincorporated	New policy, moved from area specific policy section
community area plans for unincorporated communities.	
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Policy 2.2.9 In accordance with OAR 660-024-004 and 0045, Deschutes	Moved from 4.2.16, same language
County, fulfilling coordination duties specified in ORS 195.025, shall	
approve and update its comprehensive plan when participating cities within their jurisdiction legislatively or through a quasi-judicial process	
designate regionally significant sites.	
designate regionally significant sites.	
Policy 2.2.10 The County and City shall periodically review the agreement	Moved and combined 4.2.9, 4.2.10 and 4.2.11
associated with the Redmond Urban Reserve Area. The following land use	, , , , , , , , , , , , , , , , , , , ,
policies guide zoning in the RURA	
a. Plan and zone RURA lands for rural uses, in a manner that ensures	
the orderly, economic and efficient provision of urban services as these	
lands are brought into the urban growth boundary.	
b. New parcels shall be a minimum of ten acres.	
c. Until lands in the RURA are brought into the urban growth	
boundary, zone changes or plan amendments shall not allow more	



Policy Language	Notes and Discussion
intensive uses or uses that generate more traffic, than were allowed prior	
to the establishment of the RURA.	
d. For Exclusive Farm Use zones, partitions shall be allowed based on	
state law and the County Zoning Ordinance.	
e. New arterial and collector rights-of-way in the RURA shall meet the	
<u>right-of-way standards of Deschutes County or the City of Redmond,</u>	
whichever is greater, but be physically constructed to Deschutes County	
standards.	
<u>f.</u> <u>Protect from development existing and future arterial and collector</u>	
<u>rights-of-way, as designated on the County's Transportation System Plan.</u>	
g. <u>A single family dwelling on a legal parcel is permitted if that use</u>	
was permitted before the RURA designation.	
Additionally, the County-owned 1,800 acres in the RURA must be master	
planned before it is incorporated into Redmond's urban growth boundary.	
Goal 3: Manage County owned lands efficiently, effectively, flexibly and in a	Eliminated the words "efficiently, effectively, and flexibly."
manner that balances the needs of County residents.	Those are important goals but also words that can be
	subjective and can be used to question or oppose specific
Goal 3: Manage county-owned lands to balance the needs of the	County actions.
community as articulated in the goals and policies of this Plan and other	
supporting planning documents.	
Where feasible, maintain and manage County owned properties as follows:	Split into individual policies and revised to improve clarity.
a. Manage designated park lands to preserve the values defined in the park	
designation;	
b. Permit public access to County owned lands designated as parks unless	
posted otherwise;	
c. Encourage properties located along rivers, streams or creeks or containing	
significant wildlife, scenic or open space values to be designated as park land.	



Notes and Discussion
Reference specific parks/open space policies in separate
section, if this policy is still relevant.
Revised to describe as part of a continuing/ongoing course of
action.
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**Table 3. Agricultural Lands Policies** 

Policy Language	Notes and Discussion
Goal 1: Preserve and maintain agricultural lands, operations, and uses to	This policy was updated to address Planning Commission
support Deschutes County's agricultural economy the agricultural industry.	direction – adding references to agricultural operations and
	uses; and replacing the word "industry" with "economy" to help
	broaden the policy intent and capture Commissioners'
	comments and concerns.
Policy 3.1.1: Retain agricultural lands through Exclusive Farm Use zoning.	No change recommended.
Policy 3.1.2. Continue to apply Exclusive Farm Use sub-zones 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. consistent with the County's most up-to-date adopted studies of agricultural land and as implemented through the County Development Code.  Exclusive Farm Use Subzones  Subzone Name, Minimum Acres, Profile  Lower Bridge, 130, Irrigated field crops, hay and pasture  Sisters/Cloverdale, 63, Irrigated alfalfa, hay and pasture, wooded grazing and some field crops  Terrebonne, 35, Irrigated hay and pasture  Tumalo/Redmond/Bend, 23, Irrigated pasture and some hay  Alfalfa, 36, Irrigated hay and pasture  La Pine, 37, Riparian meadows, grazing and meadow hay  Horse Ridge East, 320, Rangeland grazing	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.
Option A Policy 3.1.3 Support residential development on farm lands with	Potential new policy option based on community feedback
poor soils and low productivity through new comprehensive plan and zoning	
designations, or other means as appropriate.	



Policy Language	Notes and Discussion
Option B Policy 3.1.3 Support preservation of open space on farm lands with	Potential new policy option based on community feedback
poor soils and low productivity through new comprehensive plan and zoning	
designations, or other means as appropriate.	
Option C Policy 3.1.3. Allow comprehensive plan and zoning map	No change recommended at this time. Research intent and
amendments, including for those that qualify as non-resource land, for	possibly consider refinements during subsequent rounds of
individual EFU parcels as allowed by State Statute, Oregon Administrative	policy review.
Rules and this Comprehensive Plan.	Seeing an increase in non-resource lands designations; what
	should this land be if not agricultural? Should we explore
	alternative designations?
Policy 3.1.4. Develop comprehensive policy criteria and code to provide	No change recommended at this time. Consider refinements to
clarity on when and how EFU parcels can be converted to other designations.	address status of this work during subsequent rounds of policy
	review.
Policy 3.1.5. Uses allowed in Exclusive Farm Use zones shall comply with State	Policy not needed; all allowed uses must comply with state law.
Statute and Oregon Administrative Rule.	Recommend removing.
Policy 3.1.6. Regularly review farm regulations to ensure compliance with	No change recommended.
changes to State Statute, Oregon Administrative Rules and case law.	
Policy 3.1.7. Encourage water projects that benefit agriculture.	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.
Policy 3.1.8. Support a variety of methods to preserve agricultural lands, such	Delete from this section but retain most of this policy language
as:	under a new and updated set of policies under Goal 2 of this
a. Support the use of grant funds and other resources to assist local farmers;	chapter.
b. Work cooperatively with irrigation districts, public agencies and	
representatives and land owners;	



Policy Language	Notes and Discussion
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.	
Goal 2. Promote a diverse, sustainable, revenue generating and thriving	This policy was updated to address Planning Commission
agricultural sector.	direction. Added more positive language rather than merely
	"Revenue-generating".
Policy 3.2.1. Encourage farming by promoting the raising and selling of crops,	No change recommended.
livestock and/or poultry.	
Policy 3.2.2. Support stakeholders in studying and promoting economically	Expanded to add more specific language about stakeholder
viable agricultural agriculture through the use of grant funds, research, and	groups. Incorporated language from policy 3.1.8.a above.
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.	
Policy 3.2.3. <u>Support and</u> encourage small farming enterprises <u>through a</u>	Expanded to add additional examples to reflect current
variety of related strategies and programs, including, but not limited to, niche	practices and incorporated language from Policy 3.1.8.e
markets, organic farming, <u>food council</u> , <u>buy local</u> , <u>farmers markets</u> , <u>farm-to-</u>	above.
table activities, farm stands or value-added products, or other programs or	
strategies.	
Policy 3.2.4. Work cooperatively with irrigation districts, public agencies and	New policy incorporating language from policy 3.1.8.a and
representatives, and landowners to promote and support agricultural uses	3.1.8.b above.
and operations, including through use of rural reserves, conservation	This policy was updated to address Planning Commission
easements, transfer of development rights programs, land acquisition, and	direction – including land acquisition as a listed strategy.
other preservation strategies.	Added reference to rural reserves to combine with 4.2.3



Policy Language	Notes and Discussion
Policy 2.2.5. Support efforts to control noxious weeds and invasive species.	New policy incorporating language from policy 3.2.8.d and
	adding reference to invasive species.
Policy 3.2.6. Continue to review County Code and revise County Code as	Revised to make a continuing course of action, include
needed and consistent with state rules and regulations to permit alternative	language about consistency with state rules, and separate the
and supplemental farm activities that are compatible with farming, such as	two policy ideas currently listed into individual policies.
agri- tourism or commercial renewable energy projects. 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.	
Policy 3.2.7. Work with the State to review and revise their regulations when	Revised to separate the two policy ideas currently listed above
a desired alternative or supplemental use identified by the County is not	into individual policies and to clarify this should be done when
permitted by State regulations.	the County has identified an activity as a desire use.
Policy 3.2.8. Use land use policy and development code requirements,	This policy was added to address Planning Commission
including right-to-farm provisions, as well as coordination with other	direction to specifically call-out the impacts of sprawl and
jurisdictions, to minimize conflicts between residential uses and agricultural	other uses on farm practices.
uses and continue to promote the viable operation of agricultural uses.	
Policy 3.2.9 Provide resources to support on-site efficiency upgrades relating	New policy based on community input
to agriculture	
Goal 3. Ensure Exclusive Farm Use policies, classifications, and codes are	Oxford comma.
consistent with local and emerging agricultural conditions and markets.	
Policy 3.3.1. Identify and retain accurately designated agricultural lands.	No change recommended.
Policy 3.3.2. Explore new methods of identifying and classifying agricultural	No change recommended at this time. Consider revising
lands.	during subsequent round of review to make a continuing
a. Apply for grants to review and, if needed, update farmland designations.	course of action.



Policy Language	Notes and Discussion
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.	
c. Lobby for changes to State Statute regarding agricultural definitions specific	
to Deschutes County that would allow some reclassification of agricultural	
lands.	
Policy 3.3.3. Address land use challenges in the Horse Ridge subzone,	No change recommended at this time. Consider revising
specifically:	during subsequent round of review to make a continuing
a. The large number of platted lots not meeting the minimum acreage;	course of action or to move to an action planning document.
b. The need for non-farm dwellings and location requirements for farm	, ,
dwellings;	
c. Concerns over the impact on private property from off-road vehicles,	
facilities, and trails located on adjacent public lands.	
Policy 3.3.4. Continue to work with the State to review and revise accessory	Made minor wording change to make a continuing course of
farm dwelling requirements to address the needs of local farmers.	action.
Policy 3.3.5. Encourage coordination between agricultural interests and fish	Made minor wording changes for clarity.
and wildlife management organizations, including public agencies, non-	
governmental organizations and others.	
Policy 3.3.6. Remove barriers to farming by exploring land use fee reductions	New policy based on community feedback
or expediting of agriculture related land use applications	