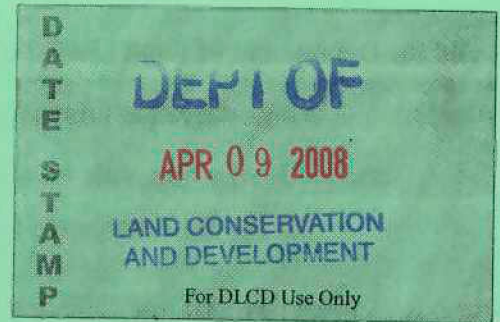
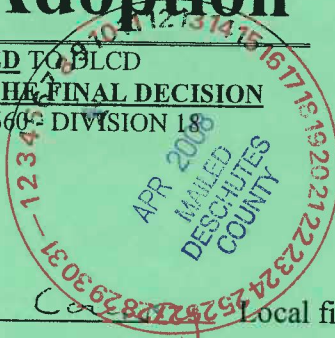


# 2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 DIVISION 18



Jurisdiction: Deschutes Co Local file number: TA-07-8

Date of Adoption: 3/31/8 Date Mailed: 3/4/8

Date original Notice of Proposed Amendment was mailed to DLCD: 12/10/7

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

ADDITION OF FARM STANDS TO URBAN RESERVE ZONE  
(UAR-10)

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

TECHNICAL FIXES. ADDED A CONDITIONAL USE PATH FOR  
SMALLER PARCELS

Plan Map Changed from: NA to: \_\_\_\_\_

Zone Map Changed from: NA to: \_\_\_\_\_

Location: NA Acres Involved: \_\_\_\_\_

Specify Density: Previous: NA New: \_\_\_\_\_

Applicable Statewide Planning Goals: \_\_\_\_\_

Was and Exception Adopted?  YES  NO

DLCD File No.: 016-07 (16583)



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

### NOTICE OF ADOPTED AMENDMENT

April 16, 2008

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment  
DLCD File Number 016-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 28, 2008**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative  
Will Groves, Deschutes County

<paa> ya

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

Affected State or Federal Agencies, Local Governments or Special Districts:

CITY OF BEND

Local Contact: WILL GROVES Phone: (541) 388-6518 Extension: \_\_\_\_\_

Address: 117 NW LAFAYETTE City: BEND

Zip Code + 4: - Email Address: WILLG@DESCHUTES.ORG

## ADOPTION SUBMITTAL REQUIREMENTS

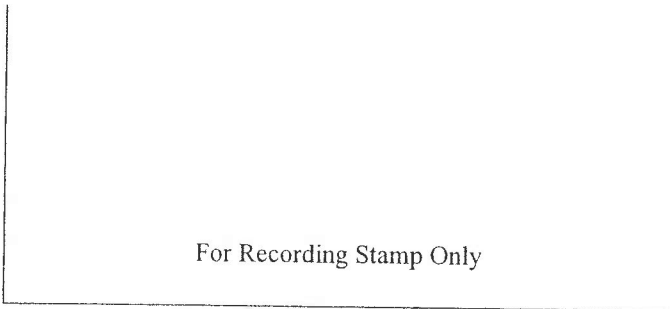
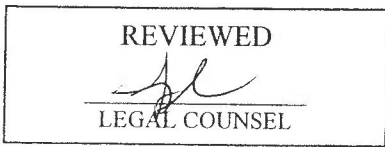
This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 19, of the Deschutes County Code to Include Farm Stands as a Permitted and Conditional Use in the Urban Area Reserve (UAR-10) Zone and Declaring an Emergency \*
\*
\*
\*
ORDINANCE NO. 2008-014

WHEREAS, Christen Brown filed an application for a text amendment to Title 19 to include provisions to allow farm stands as a permitted and a conditional use within the Urban Area Reserve (UAR-10); and

WHEREAS the Planning Commission considered this matter after a public hearing on February 28, 2008 and forwarded changes to the zoning regulations for farm stands in the UAR-10 zone to the Board of County Commissioners (Board); and

WHEREAS the Board considered this matter after a public hearing on March 24, 2008 and concluded that the public will benefit from changes to Title 19 to include farm stand provisions as a permitted and conditional use in the UAR-10 zone; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC 19.12, Permitted Uses and Conditional Use, is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in strikethrough.

Section 2. AMENDMENT. DCC 19.88.290, Farm Stands, is amended to read as described in Exhibit "B," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in strikethrough.

Section 3. AMENDMENT. DCC 19.100.090, Farm Stands, is amended to read as described in Exhibit "C," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in strikethrough.

Section 4. FINDINGS. The Board adopts as it findings in support of this amendment Exhibit "D", and incorporated by reference herein.

///

Section 5. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

Dated this 31<sup>st</sup> of March, 2008

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

- absent -  
DENNIS R. LUKE, CHAIR

Tammy Melton  
TAMMY MELTON, VICE CHAIR

ATTEST:

Bonnie Baker  
Recording Secretary

Michael M. Daly  
MICHAEL M. DALY, COMMISSIONER

Date of 1<sup>st</sup> Reading: 31<sup>st</sup> day of March, 2008.

Date of 2<sup>nd</sup> Reading: 31<sup>st</sup> day of March, 2008.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Dennis R. Luke	___	___	___	✓
Tammy Melton	✓	___	___	___
Michael M. Daly	✓	___	___	___

Effective date: 31<sup>st</sup> day of March 2007.

ATTEST:

Bonnie Baker  
Recording Secretary

**Chapter 19.12. URBAN AREA RESERVE ZONE UAR-10**

**19.12.010. Purpose.**

**19.12.020. Permitted Uses.**

**19.12.030. Conditional Uses.**

**19.12.040. Height Regulations.**

**19.12.050. Lot Requirements.**

**19.12.060. Off-Street Parking.**

**19.12.070. Other Required Conditions.**

**19.12.010. Purpose.**

To serve as a holding category and to provide opportunity for tax differentials as urban growth takes place elsewhere in the planning area, and to be preserved as long as possible as useful open space until needed for orderly growth.

(Ord. 90-038 §1, 1990)

**19.12.020. Permitted Uses.**

The following uses are permitted:

- A. Farm uses as defined in DCC Title 19.
- B. Single-family dwelling.
- C. Home occupation subject to DCC 19.88.140.
- D. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- E. Day care center facilities subject to site review, DCC 19.76 and DCC 19.88.160.
- F. Farm stands subject to DCC 19.76 and DCC 19.88.290.

(Ord. 2008-14, §3, 2008, Ord. 91-001 §2, 1991, Ord. 88-042 §4, 1988)

**19.12.030. Conditional Uses.**

The following conditional uses may be permitted subject to a conditional use permit and the provisions of DCC 19.76 and 19.100.

- A. Dude or guest ranch.
- B. Commercial riding stable subject to DCC 19.88.020.
- C. Livestock sales yard.
- D. Commercial livestock feeding yard.
- E. Mining, quarrying or other extraction, processing or refining of ore of other natural resource material subject to DCC 19.88.100.
- F. Cemeteries and mausoleums, crematories, columbariums and mortuaries within cemeteries provided that no mortuary or crematorium is within 100 feet of a boundary street, or where no street borders the cemetery within 200 feet of a lot in a residential zone and subject to DCC 19.88.030.
- G. Churches.
- H. Community buildings, lodge and fraternal organizations, except those carried on as a business for profit.
- I. Public, parochial and private schools, but not including business, dancing, trade, technical or similar schools.
- J. Parks and recreation facilities, fire stations, libraries, museums, but not including storage or repair yards, warehouses or similar uses.
- K. Recreation facility, public or private, but not including such intensive commercial recreation uses as a race track or amusement park.

- L. Utility substations or pumping stations with no equipment storage and sewage treatment facilities subject to DCC 19.88.120.
- M. Kennel or animal hospital subject to DCC 19.88.020.
- N. Planned unit development subject to DCC 19.104.
- O. Destination resort, where mapped in the Bend Area General Plan destination resort map, subject to DCC 19.106.
- P. A plant nursery subject to DCC 19.88.180.
- Q. Time share unit or the creation thereof, subject to DCC 19.88.230.
- R. Hydroelectric facility subject to DCC 19.88.190.
- S. Farm stands other than those permitted pursuant to DCC 19.12.020, subject to DCC 19.76 and DCC 19.100.090.  
(Ord. 2008-14, §3, 2008, Ord. 99-001, §3, 1999; Ord. 91-001, §3, 1991; Ord. 88-042 §5, 1988; Ord. 86-017 §3, 1986; Ord. 83-045 §2, 1983; Ord. 81-006 §1, 1981; Ord. 80-217 §1, 1980)

**19.12.040. Height Regulations.**

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

(Ord. 90-038 §1, 1990)

**19.12.050. Lot Requirements.**

The following requirements shall be observed:

- A. Lot Area. Each lot shall have a minimum area of 10 acres.
- B. Lot Width. Each lot shall have a minimum average width of 300 feet with a minimum street frontage of 150 feet.
- C. Front Yard. The front yard shall be a minimum of 50 feet from the existing street right-of-way line or the ultimate street right of way as adopted on the Comprehensive Plan or Official Map, except that any lot of record less than one acre in size lawfully created prior to (effect date of this title) shall have a minimum front yard of 30 feet.
- D. Side Yard. There shall be a minimum side yard of 10 feet.
- E. Rear Yard. There shall be a minimum rear yard of 50 feet.
- F. Solar Setback. The solar setback shall be as prescribed in DCC 19.88.210.

(Ord. 83-041 §5, 1983)

**19.12.060. Off-street Parking.**

Off-street parking shall be provided as required in DCC 19.80.

(Ord. 90-038 §1, 1990)

**19.12.070. Other Required Conditions.**

See DCC 19.88 applying to special uses where applicable.

(Ord. 90-038 §1, 1990)

## **Chapter 19.100. CONDITIONAL USE PERMITS**

- 19.100.010. Purpose.**
- 19.100.020. Decision Authority.**
- 19.100.030. General Conditional Use Criteria.**
- 19.100.040. Application.**
- 19.100.050. Review of Application.**
- 19.100.060. Action on an Application.**
- 19.100.070. Special Requirements.**
- 19.100.080. Hydroelectric Facilities.**
- 19.100.090. Farm Stands.**

### **19.100.010. Purpose.**

In certain zones, conditional uses may be permitted subject to the granting of a conditional use permit. Because of their unusual characteristics or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of DCC Title 19 and the effect of the conditional use on surrounding properties.

(Ord. 90-038 §1, 1990)

### **19.100.020. Decision Authority.**

The Planning Director or Hearings Body shall have the authority to approve, approve with conditions, disapprove or revoke conditional use permits subject to the provisions of DCC 19.100.020.

(Ord. 90-038 §1, 1990)

### **19.100.030. General Conditional Use Criteria.**

A conditional use permit may be granted only upon findings by the Planning Director or Hearings Body that the proposal meets all of the criteria in DCC 19.100.030, as well as all other applicable criteria contained in DCC Title 19. The general criteria are:

- A. That the location, size, design and operating characteristics of the proposed use are such that it will have minimal adverse impact on the property value, livability and permissible development of the surrounding area. Consideration shall be given to compatibility in terms of scale, coverage and density with the alteration of traffic patterns and the capacity of surrounding streets and to any other relevant impact of the proposed use.
- B. That the site planning of the proposed use will, as far as reasonably possible, provide an aesthetically pleasing and functional environment to the highest degree consistent with the nature of the use and the given setting.
- C. That if the use is permitted outright in another zone, there is substantial reason for locating the use in an area where it is only conditionally allowed, as opposed to an area where it is permitted outright.
- D. That the proposed use will be consistent with the purposes of DCC Title 19, the Comprehensive Plan, Statewide Goals and any other applicable statutes, ordinances or policies.

(Ord. 90-038 §1, 1990)

### **19.100.040. Application.**

A request for a conditional use may be initiated by a property owner or his agent, authorized in writing, by filing an application with the Planning Director. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Planning Director or Hearings Body may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties.

(Ord. 95-050 §8, 1995; Ord. 90-038 §1, 1990)



**19.100.050. Review of Application.**

Before a conditional use is permitted, the conditional use shall be reviewed as a land use permit consistent with the procedures established by the County land use procedures ordinance.

(Ord. 90-038 §1, 1990)

**19.100.060. Action on an Application.**

The Planning Director or Hearings Body may approve, approve with conditions or disapprove the application for a conditional use permit subject to the land use procedures ordinance. In permitting a conditional use, the Planning Director or Hearings Body may impose, in addition to regulations and standards expressly specified in DCC Title 19, other conditions found necessary to protect the best interests of the surrounding property or neighborhood or the urban area as a whole. Any future enlargement or alteration of the use shall be reviewed by the County and new conditions may be imposed.

A. In order to grant any conditional use, the Planning Director or Hearings Body must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed uses, or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the urban area.

B. Duration of permits issued under DCC 19.100 shall be as set forth in DCC 22.36.

(Ord. 95-018 §6, 1995; Ord. 90-038 §1, 1990)

**19.100.070. Special Requirements.**

The request for a building to exceed 45 feet in height shall be considered in light of the Fire Department's fire fighting apparatus and the location of that apparatus. The community should have adequate apparatus before taller structures are allowed.

(Ord. 88-042 §40, 1988)

**19.100.080. Hydroelectric Facilities.**

A. In addition to the general conditional use permit criteria set forth in DCC 19.100.080(A)(6)(c), the criteria set forth below shall apply to any construction or expansion of, or other modification to, hydroelectric facilities in zones where such facilities are permitted as a conditional use. A conditional use permit may be granted for the construction or expansion of, or other modification to, a hydroelectric facility only upon findings by the Hearings Body that the proposal meets each of the following criteria, where applicable:

1. The facility is located at and physically connected to an existing man-made diversion or impoundment.
2. The facility will not increase the maximum surface area or capacity of the impoundment created by the existing dam or diversion to which the facility will be connected.
3. The facility will maintain or enhance, to the greatest extent possible, the existing scenic visual, environmental and aesthetic qualities of the affected stretch of the river.
4. The facility will maintain or enhance the existing recreational opportunities on or adjacent to the affected stretch of the river.
5. The facility will maintain or enhance existing fish and wildlife habitat, and will have no adverse impact upon any threatened or endangered fish, wildlife or plant species or their habitat.
6. The facility and its operation will maintain or enhance existing water quality in the affected stretch of the river, except during construction of the facility when adverse impacts on water quality will be minimized. Specifically, the facility and its operation will not:
  - a. Deposit, or create a zone for the deposit of, sediments in the river at or adjacent to the site;
  - b. Increase the temperature of the river in the affected stretch by any means, including but not limited to removal of vegetation or reduction in stream flow; or
  - c. Create the potential for, or result in spillage, leakage or discharge of oil, chemicals or other substances or waste products which could reach the river.

7. The facility and its operation will not increase soil or bank erosion or destroy bank habitat at or on land adjacent to the site, except during construction of the facility during which time soil or bank erosion and destruction of bank habitat will be minimized.
  8. The facility and its operation will maintain existing public access to the affected stretch of the river.
  9. The facility will not be located at or immediately adjacent to any identified archaeological or historical site, national or state park, wildlife refuge, Bureau of Land Management Outstanding Natural Area or Area of Critical Environmental Concern, Federal Research Natural Area or U.S. Forest Service Special Interest Area.
  10. The facility and its operation will comply with all applicable noise, water quality and pollution regulations of the Oregon Department of Environmental Quality.
  11. The facility and its operation will comply with all applicable state and local fill-and-removal statutes and regulations.
- B. The applicant for a conditional use permit for a hydroelectric facility, in addition to all other requirements, shall submit the following for approval:
1. Detailed construction plans and profiles of all facility features, including building elevations of the powerhouse and other structures, excavation plans and narrative as to where blasting will occur and where excess material will be deposited, and landscaping and reclamation plans.
  2. Detailed plans for meeting the criteria set forth in DCC 19.100.080(A).
  3. Detailed plans for river enhancement documenting both on-site and off-site enhancement plans consistent with adopted river-related goals and policies, such as plans and methods for conserving water and enhancing stream flows. The plan shall identify costs, time schedules and coordination activities with affected persons and agencies for such enhancement plans.
  4. A cash deposit, performance bond or other security acceptable to Deschutes County, in an amount equal to 100 percent of the estimated cost of river enhancement.
  5. Detailed plans for a water conservation and stream enhancement program to be funded by a portion of revenues generated by the operation of the proposed facility. The program plans shall contain the following:
    - a. A program timetable;
    - b. Projected gross revenues from the proposed facility;
    - c. Projected program expenditures and the percentage of gross revenues they represent;
    - d. Projected water savings and the percentage of known current water losses they represent;
    - e. A declaration by the applicant that at least 50 percent of the conserved water will remain undiverted by the applicant;
    - f. A declaration by the applicant that water diversion for power generation will not cause water flow in the affected stretch of the river (from the diversion to the tailrace exit) to fall below the minimum stream flow for that stretch as recommended by the Oregon Department of Fish and Wildlife; and
    - g. A declaration by the applicant that it will enter into an agreement with Deschutes County prior to beginning construction of the facility by which the applicant agrees to fulfill all of the requirements in DCC 19.100.080(B)(5)(a) through (g).

(Ord. 86-017 §16, 1986)

**19.100.090. Farm Stands.**

- A. In addition to the general conditional use permit criteria set forth in DCC 19.100.030, farm stands may be permitted within the UAR-10 zone subject to DCC 19.76, provided the following special use standards are also established:
1. The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees

from the promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

2. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

(Ord. 2008-14, §3, 2008)

## FINDINGS FOR TA-08-7

### REVIEW CRITERIA & FINDINGS

The proposed amendment revises Deschutes County Code Title 19, Deschutes County lacks specific criteria in DCC Titles 19, 22, or 23 for reviewing a legislative zoning text amendment. Therefore, the county must determine that the proposed Title 19 text amendments are consistent with the Statewide Planning Goals the County's Comprehensive Plan. The parameters for evaluating these text amendments are based on whether there are adequate findings that demonstrate this consistency.

The proposed amendments would satisfy Statewide Goal 1, Citizen Involvement, Goal 2 Land Use Planning, and Goal 11 Urbanization.

The Comprehensive Plan and the Bend Urban Growth Boundary Zoning Ordinance contains a number of goals relating to Urban Reserve lands.

### STATEWIDE PLANNING GOALS:

**Goal 1 – Citizen Involvement.** To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

**Finding:** Goal 1 is satisfied through the County text amendment process that includes a Planning Commission work session, followed by a Planning Commission public hearing, completed with a work session and public hearing with the Deschutes County Board Commissioners.

**Goal 2 – Land Use Planning.** To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

**Finding:** Deschutes County has established a process and policy framework to assure that decisions rendered by the County on land use applications have an adequate factual basis. No exceptions to the Statewide Planning Goals are requested with this application. No goal exceptions are necessary because the area where this use will be allowed currently maintains small scale farms and urban residential uses. Therefore, the text amendment for the farm stands in the UAR-10 zone is consistent with this goal. The staff report with attachments and Ordinance 2008-014 contain the necessary facts for adoption of the proposed text amendments.

**Goal 3 – Agricultural Lands.** To preserve and maintain agricultural lands.

**Finding:** This Statewide Planning Goal is not applicable to since the zone has been granted exceptions to Goal 3.

**Goal 4 – Forest Lands.** To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound

**management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.**

**Finding:** This Statewide Planning Goal is not applicable since the zone is not forest land and no exception is required.

**Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces. To protect natural resources and conserve scenic and historic areas and open spaces.**

**Finding:** There are no Goal 5 Resources identified on the properties that would be affected by this text amendment.

**Goal 6: Air, Water and Land Resources Quality. To maintain and improve the quality of the air, water and land resources of the state.**

**Finding:** The proposed text amendments will have no effect upon the air, water and land resources quality in Deschutes County because the areas where these facilities will be allow are already zoned for urban uses. The facilities would likely reduce the distance that people will have to travel to by produce because the property owner and their tenants in the surrounding neighborhoods are the likely users of the farm stands. Water needs will be not be more than the current residential or small farm use because the proposed farm stands will not provide additional water use facilities.

**Goal 7: Areas Subject to Natural Hazards. To protect people and property from natural hazards.**

**Finding:** The proposed text amendments will have no effect on areas subject to natural hazards because, other than the normal fire dangers attributable to any property, no natural hazards have been identified for the Urban Area Reserve UAR-10 zone.

**Goal 8: Recreation Needs. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.**

**Finding:** This is not a destination resort or recreational facility; therefore this Statewide Planning Goal is not applicable to this text amendment.

**Goal 9: Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

**Finding:** This text amendment will provide for the ability of the affected property owners to implement a commercial use in the Urban Area Reserve 10 acres minimum zone. Therefore, there will be job opportunities created through the planning, construction and operation of such facilities.

**Goal 10: Housing. To provide for the housing needs of citizens of the state.**

**Finding:** This Statewide Planning Goal is not applicable to this text amendment because this is not a housing use.

**Goal 11: Public Facilities and Services.** To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

**Finding:** The affected properties are inside the Urban Growth Boundaries and will not be served through extensions of urban services unless they already exist; therefore Statewide Planning Goal is not applicable to this Text Amendment.

**Goal 12: Transportation.** To provide and encourage a safe, convenient and economic transportation system.

**Finding:** The proposed text amendments will have no effect on the transportation system because there are no new roads being proposed with these amendments. Specific proposals within the affected zoning district in the future may require transportation analyses as part of the application process.

**Goal 13: Energy Conservation.** To conserve energy.

**Finding:** The proposed amendments will aid in energy conservation because the property owners and their tenants in the surrounding urban areas neighborhoods are the likely users of the farm stand, thereby reducing the amount of energy consumed to and from local grocery stores.

**Goal 14: - To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.**

**Finding:** This proposed text amendments are proposed in the City of Bend Urban Area Reserve. The City of Bend has reviewed this proposal and recommends approval provided that the amendments are based upon the regulations for farm stands in exclusive farm use zones under ORS 215 and OAR 660-033.

**Statewide Planning Goals 15 – 19 are related to resources not located in Central Oregon and, therefore are goals that do not apply to Deschutes County**

## **DESCHUTES COUNTY COMPREHENSIVE PLAN**

### Chapter 23.48, URBANIZATION

#### 23.48.020. Goals

**1. *To provide for an orderly and efficient transition from rural to urban lands.***

**Finding:** The proposed text amendment would not have any adverse impact on a future transition from rural to urban lands. Development of farm stands on UAR-10 zoned properties would not irrevocably or irretrievably commit these properties to farm stand use and such development would not preclude other types of redevelopment under future urbanization.

**2. To assure that planning and implementation of plans in the urban areas are consistent with the best interest of both urban and urbanizing area residents.**

**Finding:** The proposed text amendment would afford urbanizing area residents in the UAR-10 zone the opportunity to have farm stands in association with small-scale farms. By making farm stands a conditional use, neighbors are ensured that any farm stand would be suitable in size, appearance, and intensity for the neighborhood in which it was located. Parking, traffic and design criteria would be reviewed and conditions of approval would be required to maintain both the urban and residential uses.

**3. To retain and enhance the character and quality of the urban areas as growth occurs. To recognize and respect the unusual natural beauty and character of the area.**

**Finding:** The proposed farm stands could enhance the character of areas with existing small-scale agriculture. Required site plan review and conditional use approval would minimize and mitigate any adverse impacts to the unusual natural beauty and character of the area by ensuring that conditions are placed on farm stand uses that will not interfere with existing character of the urban area. In addition, the proposed farm stand use would provide an urban area shopping use that could enhance the local small scale agricultural uses and maintain a transition between existing small scale agricultural character and urban shopping use.

**4. To provide a sound basis for urbanization by establishing proper relationships between residential, commercial, industrial and open land uses; fostering intergovernmental cooperation; and providing an efficient transportation system.**

**Finding:** Deschutes County has coordinated with the City of Bend on this application. City Staff commented, "The applicant proposes amendments to the text of DCC 19.12.020 and 19.88. The City of Bend Long Range Planning staff supports the amendments as proposed. We will continue to do so provided that the amendments are based upon the regulations for farm stands in exclusive farm use zones under ORS 215 and OAR 660-033." Section 19.76.050 allows the Planning Director to require that

*Improvement, including, but not limited to, paving, curbing, installation of traffic signals, constructing sidewalks, striping bike lanes, or other improvements to the street system which serves the proposed use where the existing street system will be burdened by the proposed use.*

Therefore, with review by Deschutes County Community Development Department and implementation of necessary site improvements, any adverse impacts to transportation systems would be minimized and mitigated with appropriate street system conditions.

**5. To retain and enhance desirable existing areas and to revitalize, rehabilitate and redevelop less desirable existing areas; to encourage and promote innovations in development techniques in order to obtain maximum livability and excellence in planning and design for development.**

**Finding:** Farm stands would retain the agricultural character and provide an urban retail experience that could enhance the character of areas with existing small-scale agriculture. Required site plan review that would require the use to retain and enhance

the existing character of the area. A conditional use review would minimize and mitigate any adverse impacts to the unusual natural beauty and character of the area by establishing specific criteria for individual farm stand sites.

The proposed amendment could potentially allow commercial activity that would be inappropriate for small parcels and disruptive to nearby residential use. The proposed amendment requires a conditional use in the UAR-10 zone. As a conditional use, farm stands would be subject the general conditional use criteria of 19.100.030. These conditional use criteria provide important safeguards that would ensure that any farm stand was suitable in size, appearance, and intensity of use to the neighborhood in which it was located.

Other potential limits for this proposal include a 10-acre minimum requirement. This limitation would likely increase setbacks from farm stands to neighbors, thereby reducing impacts.

## **BEND URBAN GROWTH BOUNDARY ZONING ORDINANCE**

### Chapter 19.12, URBAN AREA RESERVE ZONE UAR-10

#### 19.12.10. Purpose.

***To serve as a holding category and to provide opportunity for tax differentials as urban growth takes place elsewhere in the planning area, and to be preserved as long as possible as useful open space until needed for orderly growth.***

**Finding:** The proposed text amendment would not have any adverse impact on a future transition from rural to urban lands. Development of farm stands on UAR-10 zoned properties would not irrevocably or irretrievably commit these properties to farm stand use and such development would not preclude other types of redevelopment under future urbanization. This proposal would preserve the appearance of open space by maintaining the small scale farm use in the UAR-10 zone.

## **CONCLUSION**

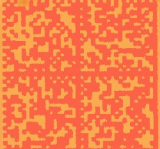
The proposed amendment accomplishes the goal of allowing farm stands in the UAR-10 zone. No opposition to this amendment has been identified was identified at the public hearings before the Planning Commission and Board of County Commissioners.





\$ 01.31<sup>0</sup>

02 1M  
000 423 5343 APR 07 2008  
MAILED FROM ZIP CODE 97701



***Deschutes County Community Development Department***

117 NW LAFAYETTE AVENUE  
BEND, OREGON 97701-1925  
(541) 388-6575

Dept. of Land Conservation & Development  
Attn: Plan Amendment Specialist  
635 Capitol St., N.E., Suite 150  
Salem, OR 97301-2540