

Chapter 23.24 RURAL DEVELOPMENT

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23.24.010. Rural development.

The primary duty of this comprehensive plan is to guide growth and development in the rural areas of Deschutes County. The Urbanization chapter discusses urban area growth, but the primary plans for the County's major communities are the three urban area plans. The Deschutes County Comprehensive Plan is focused upon the changes that will be taking place outside the urban growth boundaries. This chapter is meant to tie together the various more specific chapters that deal with resource and growth management so that an integrated plan for the development of the County may be obtained.

Being the fastest growing County in Oregon has meant many changes for Deschutes County. Some of the changes, such as improved social, cultural and economic opportunities, are seen as beneficial. Others, such as traffic congestion, loss of scenic views, and rising taxes to pay for public services, are changes most people would like to do without.

The public process for developing the Deschutes County Year 2000 Comprehensive Plan (1979) occurred during a time of rapid population growth in the County. The County's population was growing at around 6.3 percent a year. The population of unincorporated Deschutes County was estimated at 49,700. Population growth was expected to occur at a rate of 4.5 percent per year through the year 2000. In 1979, the County population forecast for the year 2000 was 128,200. The 2000 Census count for the County's population was 115,367, with 48,898 people residing in unincorporated areas of the County. By 2003, the County's estimated population was 130,500. If population growth occurs as forecasted, 32,279 new residents will reside in rural areas by 2025.

Much of the development that has occurred locally has been the standard parcelization of land into small (less than 10 acres) lots. This dispersed pattern is often the most costly to serve; the most wasteful of energy, land and resources; the least esthetic; and the most destructive to rural character. Planned Developments, such as Indian Ford Planned Development, often provide a more efficient and beneficial manner in which to serve the public demand for rural recreational or residential experience. Destination resorts, such as Black Butte Ranch and dude ranches, have been found locally to be economically and socially desirable land uses, when located and developed consistent with the capabilities of the land and the abilities of various public and private agencies to serve that area.

Recreational subdivision was originally seen as a benefit to the County as the non-resident landowners would be contributing to the County tax base. This probably resulted in areas like La Pine subsidizing other portions of the County. Now the recreation subdivisions are filling up with retirees and younger people seeking less expensive building lots. The result is a call for more services in areas far from existing service facilities and in subdivisions where roads and other improvements were meant only for seasonal and limited use. As demand continues to grow, to provide adequate service levels it will be necessary for other areas to subsidize the recreational areas for many years. Studies by Oregon State University indicate that Deschutes County is likely faced with such a situation presently.

The County has witnessed losses of agricultural, forest and other resource lands, as well as seen the expense and esthetic losses created by urban sprawl. Studies such as "The Costs of Sprawl" have emphasized the greater efficiencies that can be obtained by a more condensed and planned development pattern. When these factors were combined with State requirements to contain development in urban areas, there was no

question to the Overall CAC that the updated comprehensive plan would have to address the issue of containing urban sprawl and protecting the rural character of the County.

The predominant rural land uses in the County are open spaces, pasture and limited crop production, livestock production, natural resource utilization and wildlife cover. There is also residential use and some commercial and industrial activity in the rural service centers. Unfortunately, the unrestrictive zoning permitted in the rural service centers has allowed incompatible adjacent land uses and not resulted in providing the needed services for the surrounding rural areas. In the case of Deschutes Junction this result is combined with another factor in that Bend's urban sprawl is augmented by development at the junction.

Interestingly, the residents of the rural service centers, except for La Pine, have expressed concern that higher levels of development in their locales would be incompatible with the existing rural nature of the area. They agree that there is a need for limited and controlled growth, but that the rural character of the community must be maintained.

To guide development into appropriate patterns the following goals have been prepared.

(Ord. 2009-006 §2, 2009; Ord. 2004-012 § 3, 2004; Ord. 2002-005 § 1, 2002; Ord. 2000-017 § 1, 2000; Ord. 92-051, 1992; PL-20, 1979)

23.24.020. Goals.

- A. To preserve and enhance the open spaces, rural character, scenic values and natural resources of the County.
- B. To guide the location and design of rural development so as to minimize the public costs of facilities and services, to avoid unnecessary expansion of service boundaries, and to preserve and enhance the safety and viability of rural land uses.
- C. To provide for the possible long-term expansion of urban areas while protecting the distinction between urban (urbanizing) land and rural lands.

(Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 92-051, 1992; PL-20, 1979)

23.24.030. Policies.

The policies needed to accomplish the identified goals were largely developed by the Overall CAC during its deliberations on the preliminary plan. It was obvious that some policies were needed to pull the various resource and management chapters together and to fill in some gaps so that an integrated and cohesive plan was available.

Rural Development policies are meant to pertain to all non- urban areas (areas outside urban growth boundaries) and are the basic policies to be followed in guiding rural growth. Specific resource or management policies from other chapters shall augment these policies so that the plan must be viewed as an integrated whole rather than a series of individual chapters.

- **Residential/recreational development.**

- 1. Because 91 percent of the new County population will live inside an urban area, with only 3,039 new rural lots required, and in light of the 17,377 undeveloped rural tracts and lots as well as the energy, environmental and public service costs, all future rural development will be stringently reviewed for public need before approval. As a guideline for review if a study of existing lots within three miles of the proposed development indicates approximately 50 per cent or more of those lots have not had structures constructed thereon, then the developer shall submit adequate testimony justifying additional lots in that area. This will permit development in areas where such is needed (other policies considering energy, public facilities, safety and other development aspects shall also be considered) while restricting future division in areas where many undeveloped lots already exist.

2. To further restrict subdivision outside urban areas the minimum parcel size shall be 10 acres, except where other policies supersede this minimum (see Unincorporated Communities, Rural Service Centers, Agriculture and Forest Lands).
3. Cluster or planned development offers significant savings to the developer because of reduced roadway, utility and construction costs. Public costs to serve cluster developments are also usually lower. Therefore, to encourage cluster and planned developments, rather than parcelization, the county shall permit smaller lot sizes and the continued use of special lot size requirements in cluster and planned developments in rural residential exception areas.
4. Cluster and planned developments shall maintain a minimum of 65 per cent of the land in open space, forest or agricultural uses compatible with the surrounding area and the development area. The open space of the development may be platted as a separate parcel or in common ownership of some or all of the clustered units; however, the open area shall not be subject to development unless the whole development is brought inside an urban growth boundary. Also, service connections shall be the minimum length necessary and underground where feasible. Roads may be private roads and shall meet County standards.
5. Destination resorts are important elements of the local economy. These developments shall not be permitted in exclusive farm use districts except in EFU-20 and EFU-40 zones pursuant to the County's Destination Resort Siting Map and Destination Resort Siting Combining Zone and in forest districts only in the F-2 zone pursuant to the County's Destination Resort Siting Combining Zone. They may be allowed in the County's rural areas if compatible with the environmental capabilities of the site, near existing transportation and utility facilities, consistent with the rural character of the area, and unlikely to create undue public service burdens.
6. Other than as outlined in Policy 5 and the Goals and Policies set forth for Destination Resorts, no further recreational (seasonal) subdivision will be approved in rural areas.
7. Parcels legally existing at the time of this plan's adoption shall continue to function as legal lots and will not be unduly affected by the new lot size.
- **Commercial and Industrial Development.**
8. Within one mile of acknowledged urban growth boundaries, use of the planned or cluster development concepts shall permit development in Multiple Use Agriculture or Rural Residential zones (not under a combining zone which would prevent such) with a minimum lot size or equivalent density of one unit per five acres.
9. Temporary on-site processing and storage of either mineral and aggregate materials or agricultural products shall be permitted as appropriate, in order to support the continued productivity of the County's natural resources.
10. Certain industrial uses, such as research and development facilities (requiring quiet and open surroundings) and manufacturers of hazardous materials (requiring long distances between the plant and neighbors) are more suitably located in rural areas. The County shall consider making provision for such uses as the need is found to exist (see Tumalo).
11. Certain industrial uses, such as research and development facilities (requiring quiet and open surroundings), wrecking or salvage yards and manufacturers of hazardous materials (requiring long distances between the plant and neighbors) are more suitably located in rural areas. The County shall consider making provision for such uses as the need is found to exist (see Tumalo).

To ensure that the uses in the Rural Industrial zone on tax lot 16-12-26C-301, as described in Exhibit "C" and depicted on Exhibit "D," attached to Ordinance 2009-007 and incorporated by reference herein, are limited in nature and scope, the Rural Industrial zoning on the subject parcel shall be subject to a Limited Use Combining Zone, which will limit the uses to storage, crushing, processing, sale and distribution of minerals.
12. Because large scale recreation facilities cannot normally be accommodated in urban areas, uses such as motor cross tracks, rodeo grounds and livestock arenas shall be conditional uses which may be approved in rural areas adjacent to existing highways and other public facilities.

- **Other.**

13. Construction on open lands shall be in a manner least intrusive to the aesthetic and natural character of those lands and neighboring lands (fences and access roads shall not be considered structures).
 14. Because there have been problems in obtaining community centers in some areas, centers approved on the original subdivision plat or development plan shall be permitted uses in rural residential zones.
 15. Due to the more dispersed pattern of dwellings in rural areas the notice requirement area for public hearings on quasi-judicial land use actions shall be larger than in urban areas.
 16. More effective dog control program should be considered by the County to counter existing problems.
 17. Pre-existing status shall be granted to subdivisions and partitions with at least preliminary approval and buildings with at least an issued building permit at the time of plan adoption by the Board of County Commissioners.
 18. All development in Deschutes County shall comply with all applicable state and federal rules, regulations and standards.
- (Ord. 2009-007 §1; Ord. 2004-023 §1, 2004, Ord. 2002-001 §2, 2002, Ord. 2002-005 §1, 2002, Ord 2002-001§2; Ord. 2000-017 §1, 2000; Ord. 92-051, 1992; PL-20, 1979)