



**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**

06/27/2011

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

**FROM:** Plan Amendment Program Specialist

**SUBJECT:** Deschutes County Plan Amendment  
DLCD File Number 010-10

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:** Friday, July 08, 2011

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

**Cc:** Peter Russell, Deschutes County  
Jon Jinings, DLCD Community Services Specialist

<paa> YA



FORM 2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person  electronic  mailed

DATE  
DEPT OF  
JUN 20 2011  
LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

Jurisdiction: **Deschutes County**

Local file number: **TA-10-6**

Date of Adoption: **6/13/2011**

Date Mailed: **6/17/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 7/8/2010

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

The text amendment created DCC 23.40.065, Deschutes Junction Policies, for an area at the intersection of US 97/Tumalo-Deschutes Market roads. The policy language balances protection of existing and planned land uses with rural residences; addresses traffic impacts; and calls for a master plan in the future.

Does the Adoption differ from proposal? Please select one

Yes; 23.40.065(D) originally said the County would consider creating a master plan by 2015. The date could occur sooner under specific triggers. The Board during the public hearing process revised the language, which now simply calls for initiating a Deschutes Junction master plan, but no dates or triggers are identified.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

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

DLCD File No. 010-10 (18395) [16679]

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**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Oregon Department of Transportation

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Local Contact: **Peter Russell**

Phone: **(541) 383-6718** Extension:

Address: **117 NW Lafayette**

Fax Number: **541-385-1764**

City: **Bend**

Zip: **97701-**

E-mail Address: **peterr@co.deschutes.or.us**

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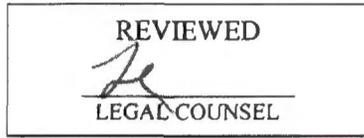
## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**  
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code  
**23.40.065**, Creating Transportation and Land Use  
Policies for Deschutes Junction.

\*  
\*  
\*

ORDINANCE NO. 2011-005

WHEREAS, Deschutes County Planning Division staff initiated a text amendment to add Deschutes County Code ("DCC") 23.40.065, Deschutes Junction Policies, to create transportation and land use policies for the area around the interchange of U.S. 97/Deschutes Market-Tumalo roads, a locale generally and historically known as Deschutes Junction; and

WHEREAS, after notice was give in accordance with applicable law, a public hearing was held on August 26, 2010, and on October 14, 2010, before the Deschutes County Planning Commission and, on January 13, 2011 the Planning Commission recommended approval of the text amendments; and

WHEREAS, after notice was given in accordance with applicable law, a public hearing was held on March 28, 2011, before the Board of County Commissioners ("Board"); and

WHEREAS, the Board considered this matter and concluded that the public will benefit from changes to the land use regulations; now therefore,

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

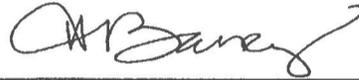
Section 1. ADDING. DCC 40.065, Deschutes Junction Policies, is added to read as described in Exhibit "A", attached and incorporated by reference herein.

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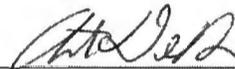
Section 2. FINDINGS. The Board adopts as its findings in support of this decision Exhibit "B", attached and incorporated by reference herein.

Dated this 13<sup>th</sup> day of June, 2011

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON



TAMMY BANEY, Chair

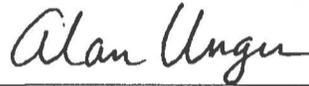


ANTHONY DEBONE, Vice Chair

ATTEST:



Recording Secretary



ALAN UNGER, Commissioner

Date of 1<sup>st</sup> Reading: 23<sup>rd</sup> day of May, 2011.

Date of 2<sup>nd</sup> Reading: 13<sup>th</sup> day of June, 2011.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Tammy Baney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony DeBone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alan Unger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: 12<sup>th</sup> day of Sept., 2011.

**23.40.065 Deschutes Junction Policies.**

- A. Maximize protection of the rural character of neighborhoods in the Deschutes Junction area while recognizing the intended development of properties designated for commercial, industrial and agricultural uses.
- B. Review cumulative impacts of future development and future traffic improvements in the Deschutes Junction area in a manner consistent with Deschutes County traffic study requirements at 17.16.115, the Oregon Highway Plan, access management standards of OAR Chapter 734, Division 51, and OAR Chapter 660, Division 12, the Transportation Planning Rule (TPR).
- C. Support safe and efficient travel around Deschutes Junction, including a frontage road extending north from Tumalo Road on the west side of Highway 97.
- D. Review Policies 23.40.065(A through C) and initiate a Deschutes Junction Master Plan.



## Community Development Department

Planning Division Building Safety Division Environmental Health Division

117 NW Lafayette Avenue Bend Oregon 97701-1925  
(541)388-6575 FAX (541)385-1764  
<http://www.co.deschutes.or.us/cdd/>

### FINDINGS

The Deschutes County Planning Commission (PC) held public hearings on August 26 and October 14, 2010, and January 13, 2011, to recommend amending Title 23.40, Deschutes County Comprehensive Plan Unincorporated Communities to add 23.040.065 Deschutes Junction Policies. The history, purpose, and need are provided below. The text amendment does not change any existing land use designations, but rather outlines a process for how such changes could be triggered and what transportation and land use aspects must be addressed by any proposed changes.

### BACKGROUND

Deschutes Junction, as the name implies, is a crossroads about five miles north of Bend and eight miles south of Redmond on U.S. Highway 97 (U.S. 97). The rural community of Tumalo is approximately three miles west. Development in the area has historically included some commercial, light industrial, agricultural, and residential uses. In 1979 Deschutes County adopted a Comprehensive Plan that referred to the area as a Rural Service Center, but there were no policies applied.

In 1994 the Land Conservation and Development Commission created a new Oregon Administrative Rule, 660-22, to define and regulate rural areas with existing residential development as well as commercial, industrial or public uses. The intent was to support the Oregon land use system that promotes growth in urban areas while protecting rural lands for rural uses. The new "unincorporated communities" rule defined four types of unincorporated communities and required counties to review existing Rural Service Centers and similar areas for compliance with the new rule.



Aerial photograph of Deschutes Junction interchange on US 97

*Quality Services Performed with Pride*

In 2002, the County reviewed Deschutes Junction and determined that the area did not fit into any of the new unincorporated community categories. Consequently, areas of Deschutes Junction were designated as Rural Commercial for a small area on the northwest quadrant of U.S. 97 and Rural Industrial on the northeast and southeast quadrants. Uses on those lands are required to be less intense than what is allowed in an unincorporated community, such as nearby Tumalo, and are discussed further in the Rural Economy section of the Comprehensive Plan.

### ***Deschutes Junction Community Process***

In 2008-2010, the Deschutes County Board of Commissioners directed planning staff to engage Deschutes Junction area residents and businesses in a closer look at existing and potential future land uses in the area. Changes to the transportation patterns, including a grade-separated interchange at U.S. 97 and Tumalo/Deschutes Market roads in 1998, had impacted the area. Some residents whose lands were zoned for farming questioned the viability of that designation. There was also discussion over whether the area had been appropriately classified in 2002. After researching the issue and discussing it with the Department of Land Conservation and Development, Deschutes Junction appears to be classified correctly. Establishing the area as an unincorporated community, which would provide opportunities for new and expanded zoning districts and land uses in the area, is both legally challenging to achieve and divisive among residents, property and business owners. A private party could certainly prepare a land use application to amend the plan if they felt differently.

Due to the recent and expected changes to and around the area, the County initiated a public conversation regarding creating a Deschutes Junction community plan. The intent was to determine how the County should plan for the future of this important area.

In 2009 Deschutes County held three community meetings in Deschutes Junction: on February 10, October 29, and December 16. At the initial meeting staff listened to residents, property and business owners to understand their land use values, hear what they would like to see changed or remain the same, answer questions, and explain the Comprehensive Plan process. During questions and answers with staff, one member of the audience asked for an impromptu straw poll of whether attendees desired commercial lands. The vote leaned toward allowing additional commercial uses. At the second community meeting, attendees voted on options for future land use, transportation improvements, a boundary to define the area, and other land use issues. In the third community meeting attendees critiqued the draft community plan, which included goals and policies based on the input from the previous two public meetings and stakeholder input.

The stakeholders committee was informally created in June 2009 to assist County staff in conducting public outreach to the area's businesses and residents, and to identify and define the key land use policy issues in the area. Four stakeholder meetings were held. Additional tools were used to assess community input, including questionnaires and surveys.

### ***Results of Public Input***

There was considerable diversity of opinions regarding the future of Deschutes Junction. Different people showed up at different meetings, leading to some meetings appearing to support more development in the area and some meetings appearing to oppose it. In general, there was no agreement over a possible Deschutes Junction boundary or preferred land use future.

To achieve more clarity, a draft set of goals and policies was created and distributed based on the public input received. The Community was invited to vote on these policies. Residents and business owners also passed out petitions and wrote letters. Approximately 130 people opposed any changes in the area, including additional commercial uses. Approximately the same number of people supported the idea of changes to the area, including additional commercial uses. Some of the responses were from people who do not live in Deschutes Junction, but who work or own property in the area.

Given the wide range of views, at the February 24, 2010, stakeholders meeting the main topic was whether to proceed and if so, then how. There were three broad approaches.

1. Simply end the process and continue with the current language in the comprehensive plan and zoning code.
2. Add language to the comprehensive plan to revisit the planning issues for Deschutes Junction as conditions and state regulations change.
3. Continue to develop a detailed community plan for Deschutes Junction.

After considerable discussion, the stakeholders and staff agreed on option two, to add a few policies specific to Deschutes Junction to the overall draft Comprehensive Plan.



**Deschutes Junction Comprehensive Plan Designations**

There was not universal agreement to add language to the Comprehensive Plan to revisit planning issues for this area as conditions and state regulations change. Some noted that the recent highway improvements have already changed the area. Additionally there are potential impacts on the horizon which need to be planned for, including:

- The City of Bend's Juniper Ridge which lies between Highway 97, Deschutes Market Road and Cooley Road, especially the third phase as it abuts Deschutes Junction;
- The planned large lot industrial development of Department of State Lands property of approximately 900 acres just south of Redmond;
- The potential future construction of 19<sup>th</sup> Street extension from the south end of the City of Redmond to Deschutes Junction; and

- The potential development of a regional soccer field immediately south of the interchange.

These changes to the area might demonstrate a need for creating a more specific plan for the area at this time.

On the other hand, local residents were adamant in their concerns over a community plan. First, they noted their identification is with their individual neighborhoods, not Deschutes Junction. They were not interested in being included in a Deschutes Junction community plan. Second, they expressed uneasiness over losing the rural character of their neighborhoods, which is an important component of the area neighborhoods. Third, there was concern over the impacts to local traffic if additional development, especially commercial development, were permitted in the area.

Several property and business owners reiterated their desire to have the County either re-designate land from EFU to commercial as part of the comprehensive plan update or at a minimum craft policy language to support a private party's land use application to accomplish such a plan amendment

Interestingly, the one area where most participants agreed was the need for additional transportation changes to improve safety in the area. A frontage road on the west side of Highway 97 extending north from Tumalo Road to Gift Road generated little opposition, as long as it did not lead to further development in the area. In general the need for traffic safety improvements was raised at every public or stakeholders committee meeting for Deschutes Junction.

The public continued to provide input at several PC work sessions on the draft policies for Deschutes Junction on March 25 and May 13, 2010.

To recognize the recent and potential changes in the area, as well as the concerns of the residential and business communities, four policies have been proposed for the Deschutes Junction area.

#### **PROPOSED TEXT AMENDMENT**

Staff proposes a text amendment to add a new section to the Deschutes County Comprehensive Plan Title 23.40 for Unincorporated Communities. This section would be 23.40.065, Deschutes Junction Policies, and would provide broad guidance on what would trigger the beginning the process to attempt to designate Deschutes Junction as an Unincorporated Community. The text amendment does not change any existing land use designations; it provides a framework for how such changes could be attempted. The Deschutes Junction Master Plan could be as simple as solely identifying a future frontage road on the west side of US 97 to serve existing comprehensive and zoning designations or as complex as proposing an unincorporated community with attendant goal exceptions and potential changes in comprehensive plan and land use designations.

## REVIEW CRITERIA

The draft text amendment language is proposed for adoption under TA-10-6 and Ordinance 2011-005. TA-10-6 codifies the goals and objectives expressed by the staff, residents, property and business owners, and the PC. The policy language represents an effort to resolve the often competing interests of all parties. The PC recommended the Deschutes County Board of County Commissioners (BOCC) who are the final decision-makers, adopt the amendment and its and ordinances as amended.

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative plan amendment. Nonetheless, because this is a Deschutes County-initiated text amendment, the County bears the responsibility for justifying that the amendments are consistent with the statewide planning goals and Deschutes County's Comprehensive Plan.

## FINDINGS

### 1. Statewide Planning Goals

The following findings demonstrate that TA-10-6 and Ordinance 2011-005 comply with applicable statewide planning goals and state law. The state's system provides guidelines for each goal; the guidelines in turn are divided into planning and implementation portions. Planning is defined as "the process of developing plans that incorporate the provisions of the goals. Implementation guidelines should relate primarily to the process of carrying out the goals once they have been incorporated into the plans."<sup>1</sup>

- Statewide Goal 1, Citizen Involvement, is met through this adoption process because the amendment will have received two public hearings, one before the PC (County's citizen review board for land use matter) and a subsequent one before the Board. The first evidentiary hearing was Aug. 26, 2010, before the PC, and the first evidentiary hearing before the BOCC will be March 28, 2011. The proposed policies were developed after numerous public meetings then revised following a second and third round of public and stakeholder meetings. Should the Board direct staff to begin the process of designating Deschutes Junction an unincorporated community, there would be another iteration of public meetings and public hearings before the PC and the Board.
- Goal 2, Land Use Planning, was met because ORS 197.610 allows local governments to initiate post acknowledgment amendments. An Oregon Land Conservation and Development Department 45-day notice was initiated on July 7, 2010. Deschutes County initiated the amendment following two years of public meetings, stakeholders meetings, and meetings with affected state agencies to identify issues, opportunities, and constraints at Deschutes Junction. Staff also held workshops with the Planning Commission and Board of County Commissioners on the diverse opinions of the property and business owners and residents on the threshold question of increased economic development vs. retaining the rural character.

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<sup>1</sup> "Oregon's Statewide Planning Goals & Guidelines." Goal 2: Land Use Planning. Page 5, March 12, 2010.

- Goals 3, Agricultural Lands, and 4, Forest Lands, are not applicable because no land use designations are being changed by this text amendment nor are any roads being mapped. The proposed policies only identify catalysts and/or timelines for subsequent more refined planning to occur. If the Board directs staff to begin the process of creating an unincorporated community for Deschutes Junction, staff would have to a) identify a boundary; b) seek goal exceptions and provide findings for any farm or forest lands that would be inside the boundary; c) any frontage road would be on the west side of US 97 and would go north to Gift Road, crossing a mixture of Rural Residential Exception Area and Exclusive Farm Use lands. The latter would require a goal exception.

Staff believes under OAR 660-022, Unincorporated Community, the only suitable choice is Rural Service Center (RSC). RSC would accommodate the preservation and maintenance of farm land. The lands on the northwest quadrant of Deschutes Junction are Multiple Use Agriculture 10-acre minimum (MUA-10) with a less than two acre of Rural Commercial (RC); the eastern half is a mix of Exclusive Farm Use (EFU) and Rural Industrial (RI) and the southwest quadrant is EFU.

- Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces, is met through existing County policy and regulations. There are no identified Goal 5 resources in Deschutes Junction, based on a review of the adopted Comprehensive Plan and its Goal 5 inventory. If there are no Goal 5 resources, then there are no changes to any Goal 5 sites as part of this land use. If the Board directs staff to begin the process of creating an unincorporated community for Deschutes Junction, then Goal 5 will need to be addressed. There are parcels designated Open Space and Conservation adjacent to US 97, but those are at least a half-mile away from the area historically considered Deschutes Junction.
- Goals 6, Air, Water, and Land Resources Quality, and 7, Natural Hazards, are met through other code provisions in DCC Chapter 18.66 and no land use designations are being proposed to change as part of this text amendment. A frontage road, according to ODOT testimony, would only be done if a raised median were constructed on US 97 between Gift Road south to the current raised median. At that time, the parcels on the west side of US 97 would lose their direct access to the highway. Thus the intent of the frontage road is merely to redirect existing traffic to the highway via another route, but does not increase the number of vehicles. Therefore, there would be no adverse effect to air quality. Parcels in Deschutes Junction would remain on their current permitted septic systems, thus there would be no adverse affect to water quality. If the Board directs staff to begin the process to establish an unincorporated community, there would minimal increase in density as an RSC is rural by nature, thus preserving the land resources. There are no natural hazards in the area; given the current agricultural and industrial uses along with the open terrain there is no threat of catastrophic wildfire.
- Goal 8, Recreational Needs, is not applicable as these are not recreational lands. While several parcels now have a destination resort overlay zone, the County is in the process of remapping that overlay zone (PA-10-6/ZC-10-4) and these lands are proposed to be removed from the map. Any issues regarding this goal will be addressed during any destination resort remapping process.

- Goal 9, Economic Development, is met as the proposed language recognizes the ability of designated lands to develop for economic purposes and also includes language about potential future economic development. On the northwest quadrant is an area of less than two acres zoned Rural Commercial (RC) and the eastern quadrants are zoned for Rural Industrial (RI). The policy language at 23.40.65(A) explicitly states lands will be allowed to develop according to their commercial and industrial designations. Should the Board direct staff to begin the process to make Deschutes Junction a RSC, that designation allows for small-scale commercial and industrial development.
- Goal 10, Housing, is not applicable because unlike municipalities, unincorporated areas are not obligated to fulfill the housing requirements of this goal.
- Goal 11, Public Facilities and Services, is met as no land use designations are being changed as part of this text amendment, but TA-10-6 requires compliance with Oregon Administrative Rule (OAR) 660-022 Unincorporated Communities. A frontage road would be constructed on the west side of 97 between Gift Road and Tumalo Road in conjunction with a raised median on the highway. Properties abutting U.S. 97 would lose direct access to the highway. The two-lane frontage road would then carry the traffic from those parcels. As the underlying zoning will not have changed, the traffic would still be serving rural needs. If the Board directs staff to begin the process to designate Deschutes Junction an RSC the allowed uses under OAR 660-022 are small scale and intended to serve the surrounding rural areas.
- Goal 12, Transportation, is met as TA-10-6 explicitly requires compliance with the OAR 660-012 (the Transportation Planning Rule), the Oregon Highway Plan, Deschutes County Code's requirement for traffic studies, and the state's access management standards of OAR 734-051. Should ODOT apply to the County to construct a frontage road, the state will need to provide findings demonstrating compliance with the TPR and DCC 17.16.115 for traffic studies.
- Goal 13, Energy Conservation, is not applicable. The proposed policies will not alter the current land use designations so no new uses can develop which would generate new trips. As explained above, a frontage road would merely redistribute existing traffic from parcel that would lose direct access to US 97. The policies speak to encouraging development on properties already with commercial and industrial designations. Thus, no further Goal 13 compliance findings are necessary for those properties because no expansion of lands with those designations or any others in this area is being proposed at this time. If the Board directs staff to begin the process to designate Deschutes Junction as an unincorporated community this goal will have to be readdressed. The small-scale commercial and industrial activities allowed for an RSC under 660-022 might result in nearby residents making fewer shopping trips to Bend and or Redmond.
- Goal 14, Urbanization is not applicable because Deschutes Junction's existing comprehensive plan designations and zoning districts remain intact and TA-10-6 requires compliance with OAR 660-022, Unincorporated Communities. If the Board directs staff to begin the process to designate Deschutes Junction as an Unincorporated Community the area does not meet the criteria of an Urban Unincorporated Community (UUC). A RSC is the only OAR 660-022 the area might possibly meet. .

- Goals 15 through 19, Willamette River Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources, are not applicable to any amendments to the County's comprehensive plan because the county has none of those types of lands.

## **2. Deschutes County Comprehensive Plan, Unincorporated Communities Chapter**

The 1979 Deschutes County Comprehensive Plan designated Deschutes Junction a Rural Service Center (RSC), but there were no policies adopted.

In 1994, the Oregon Land Conservation and Development Commission adopted Oregon Administrative Rule (OAR) 660, Division 22, Unincorporated Communities. This OAR instituted new land use requirement for rural areas with existing residential, commercial, or industrial development as well as public uses.

Deschutes County in 2002 reviewed Deschutes Junction against the yardstick of the four types of unincorporated communities of OAR 660-022: 1) Urban Unincorporated; 2) Rural Community; 3) Rural Service Center; and 4) Resort Community. The County determined during Periodic Review that Deschutes Junction did not fit into any of the four categories. Instead, the County recognized pre-existing land uses by designating 1.77-acres on the northwest quadrant as Rural Commercial and Rural Industrial on northeast and southeast quadrants of the US 97/Deschutes Market-Tumalo Road interchange.

The proposed language complies with the intent of the Comprehensive Plan at 23.40.060 (Rural Commercial Deschutes Junction, Deschutes River Woods Store, Pine Forest, Rosland and Spring River) as this is applicable to the designated residential and commercial lands located outside unincorporated communities and urban growth boundaries. Any development would have to comply with the limitations set by OAR 660-022 in terms of type, intensity, and size of use. This would be in compliance with 23.40.060(C). Rural uses are limited in size and scope for lands designated with the RC designation. The uses are intended to serve the needs of the immediate rural area and passing travelers. Any text amendment put forth under the proposed policy language of TA-10-6 would likely first require a comprehensive plan text and map amendment that complies with the statewide planning goals and would have to comply with OAR 660-022, the rule for unincorporated communities.

DCC 23.40.070 (Rural Industrial) is applicable to industrial lands outside unincorporated communities and urban growth boundaries. DCC 23.40.070 specifically states the intent of RI "is to recognize existing industrial areas in rural areas of the County and to allow the appropriate development of additional industrial uses that are consistent with the rural character, facilities, and services." The language at 23.40.65(A) calls for protecting the rural aspects of existing residential neighborhoods while simultaneously "recognizing the intended development of properties designated for commercial, industrial and agricultural uses." Clearly, DCC 23.40.070 anticipated some modest expansion of RI. Also any text amendment put forth under the proposed policy language of TA-10-6 would still have to comply with OAR 660-022 and DCC 23.40.070 in terms of size, type, and intensity for industrial uses.



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06/17/2011

Mailed From 97701

US POSTAGE

DEPT OF

JUN 20 2011

LAND CONSERVATION  
AND DEVELOPMENT

***Deschutes County Community Development Department***

117 NW LAFAYETTE AVENUE  
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