



COMMUNITY DEVELOPMENT

DESCHUTES COUNTY PLANNING COMMISSION

5:30 PM, THURSDAY, MAY 26, 2022

Barnes Sawyer Rooms - Deschutes Services Bldg - 1300 NW Wall St – Bend

(541) 388-6575 | www.deschutes.org

AGENDA

MEETING FORMAT

The Planning Commission will conduct this meeting in person, electronically, and by phone.

Members of the public may view the Planning Commission meeting in real time via the Public Meeting Portal at www.deschutes.org/meetings.

Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link:

<https://us02web.zoom.us/j/87448934943?pwd=STRER5Ec2tkL3FOajFoNW5ObG4rQT09>

Passcode: 483452

Using this option may require you to download the Zoom app to your device.

Members of the public can access the meeting via telephone, dial: 1-312-626-6799. When prompted, enter the following Webinar ID: 874 4893 4943 and Passcode: 483452. Written comments can also be provided for the public comment section to planning@deschutes.org by 5:00 p.m. on May 26. They will be entered into the record.

I. CALL TO ORDER

II. APPROVAL OF MINUTES - April 14, 2022

III. PUBLIC COMMENT

IV. ACTION ITEMS

1. Update on Tumalo Community Plan (*Peter Russell, Senior Transportation Planner*)
2. Wildlife Inventory Update Check In (*Tanya Saltzman, Senior Planner*)

V. PLANNING COMMISSION AND STAFF COMMENTS

VI. ADJOURN



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MEMORANDUM

DATE: May 18, 2022

TO: Planning Commission

FROM: Peter Russell, Senior Transportation Planner

RE: May 26 on Tumalo Community Plan (TCP) 2020-2040 and Transportation Growth Management Grant (TGM) for Bike/Ped/Transit Element of TCP

The Planning Division is updating the Tumalo Community Plan (TCP), which will be completed by staff. The County received a \$75,000 Transportation Grant Management (TGM) from the State to 1) update the bike/ped/transit, aka Active Transportation, element of the TCP and 2) implement the rural trails portion of the Sisters Country. The County hired Kittelson and Associates (KAI) to do the work for the TGM grant.

I. BACKGROUND

Tumalo is an Unincorporated Community under Oregon Administrative Rule (OAR) 660-022, meaning the land use pattern is quasi-urban in terms of density and land uses and predated the state's land use system. The state classifies Tumalo as a Rural Unincorporated Community¹ and the County administers it under Deschutes County Code (DCC) 18.67. The Tumalo Community Plan is Section 4.7 of the Comprehensive Plan and appears as Appendix B of the Comprehensive Plan. Of the \$75,000 TGM grant, \$50,000 is earmarked for the bike/ped/transit segment of the TCP.

II. TUMALO COMMUNITY PLAN

Pre-Meeting

Since staff last appeared before the Planning Commission (PC) on February 24, the following preceded the TCP's first public meeting have occurred:

¹ OAR 660-020-010(7) "Rural Community" is an unincorporated community which consists primarily of permanent residential dwellings but also has at least two other land uses that provide commercial, industrial, or public uses (including but not limited to schools, churches, grange halls, post offices) to the community, the surrounding area, or to persons traveling through the area.

- Staff held several internal planning meetings on developing a thorough approach to public outreach using both traditional methods and current best practices.
- On April 18, staff briefed the Board of County Commissioners on the TCP and the then-upcoming TCP open house on May 11 at the Tumalo Community School gym.
- Staff produced a flyer describing the May 11 open house and then visited the community on April 21 to post the flyer at area businesses approximately two weeks before that event.
- Staff created a mailer which was sent on April 27 to every property within the boundaries of the Tumalo unincorporated community.
- Staff created a webpage for the TCP, www.deschutes.org/tumaloplan. The website includes a StoryMap that provided a narrative of the TCP's history, purpose, and process; a survey asking about major topics pertinent to Tumalo; and a box to provide for the public to provide e-mail contact info. The website went live on April 27.
- Staff met with KAI staff and Tumalo bike/ped/transit advisory committee on May 3 to discuss issues specific to these modes, potential mitigations and/or improvements, and the then-upcoming TCP open house.
- Staff prepared a media release which was distributed to the County's standard list of contacts on May 3. The County also posted to its social media outlets about the May 11 open house.

May 11, 2022 Open House

The May 11 open house drew roughly 70 members of the public and lasted from 6 p.m. to about 8 p.m. All three County Commissioners also attended. Staff presented a 15-minute overview of the TCP and other concurrent or upcoming planning activities that will encompass Tumalo. Besides the TCP and TGM grant, the other activities include the Comprehensive Plan update, *Deschutes 2040*, the Transportation System Plan update to 2040, and a sewer feasibility study for Tumalo by the Road Department's consultant, murraysmith. KAI staff and murraysmith staff attended the open house.

The purpose of the open house was to receive the public's input on what topics, issues, concerns, and hopes in Tumalo that mattered to them. Staff provided several tables, each focusing on a different subject matter: Land Use, Environmental/Recreation, Population, Transportation, and Sewer. Attendees visited the tables pertaining to the topics that interested them. The tables were Land Use, Environmental/Recreation, Population, Transportation, and Sewer. Staff at the tables wrote the public's comments on easels. Those recorded comments are attached.

At the tables and the Welcome table, staff had sheets for the applicant's to sign in and provide their names and e-mails. The intent is to build a database to enable staff to provide timely updates to those interested in the TCP update.

Next steps

- Staff is reviewing the comments from the TCP open house, the survey responses, and updating basic facts from the 2010-2030 TCP such as population, development, traffic volumes, etc.
- Staff will present an Existing Conditions memo and a summary of the TCP, develop a stakeholders committee and meet with them, and begin drafting general policies and goals.
- Staff is working with the TGM grant consultant on a walking tour of Tumalo in June with bike/ped/transit advisory committee.
- Results of the above will be shared with the public at the next TCP open house, which tentatively will be in July.
- These will be shared at the next TCP open house, which tentatively will be in July.

III. TGM GRANT FOR TUMALO BIKE/PED/TRANSIT

KAI has reviewed plans and other documents relevant to bikes, pedestrians, and transit in Tumalo. These included 2010-30 TCP, 2010-2030 TSP, 2010-2030 Comprehensive Plan Tumalo Health Impact Assessment (2009), ODOT's US 20/Cook-O.B. Riley roundabout materials.

The project management team met on May 19 to review the draft Technical Memo #1. (As the meeting occurs after this memo is submitted, staff will provide an oral summary at the PC meeting.)

IV. CONCLUSION

Staff is prepared to answer any questions.

Attachment: Public comments captured at various tables

Public comments received at various topic tables at May 11, 2022, open house

Land Use Table

- Concern about the conversion of farmland to residential development
- No high-density development
- Concern about the nature and compatibility of uses in Tumalo
- Agreement about wastewater treatment option – But not Larry Kine’s proposal
- Would like a well-planned community with thought and planning given to livability
- Concern about available groundwater in region
- Protect and retain large parcel sizes
- Protect the Deschutes River and the rural feel of Tumalo
- Concern about groundwater
- Concern about increased traffic in Tumalo

Miscellaneous notes from land use table

Talked with Mark from Cascade Academy - Learning about Plan update and process. No comments were received.

Talked with Dale and Dixie Peer about ODOT multi-use path project which will boarder their home in Tumalo. No comments were received.

Environmental/Recreation Table

- Unimproved kayak takeout at the US 20 bridge (north side) needs some type of management
- Possible inclusion in the Bend Parks and Recreation (pros and cons of inclusion in tax district)
- Bend Parks and Recreation property should be developed to provide more access from Tumalo
- Bike paths and needed underpass for Hwy 20
- Scenic bike path is dangerous from traffic, shoulders too small on most bike routes (Couch Market, Tumalo Reservoir Rd.)
- Tumalo Reservoir is a big recreation destination, provide some connections from town?
- Place to park for kayakers/floaters taking out in Tumalo
- Need a Tumalo community park space
- Water is primary environmental concern, particularly with population growth, private wells, drought
- 2010-2030 TCP had good ideas, no changes needed
- Growth of recreation users is a concern, specifically conflicts between water rights and river recreation users, litter, etc.

- Invite Oregon Parks and Recreation to be more heavily involved in the TCP planning process
- More accommodate for floaters, including transportation to and from put-ins
- River access point should be managed more directly, but without the need for major infrastructure like a parking lot. Primarily desire public toilets and trash management
- Deschutes County owns “Tumalo Swimming Hole” property, which is treated as a public park, but not managed as one. Needs more direct engagement from Community Development Department staff
- Deschutes County needs to have a Parks Department to manage publicly owned lands in Tumalo
- Need connections for the Deschutes River Trail through Tumalo
- Any proposed sewer system will impact water/vegetation in river corridor and should be avoided
- Tumalo Rd/Oregon Scenic Waterway is a major congestion point for drivers and recreationists
- Deschutes County Natural Resource Department should manage County owned lands for recreation purposes
- Campers and bikers increase is generally a good thing for Tumalo
- Need more connections for the Deschutes River Trail in Tumalo
- Prioritize maintaining green spaces along the river corridor in and around Tumalo
- Cline Falls trails/Masten trails on BLM land are major recreation destinations for residents. Needs safer and greater connections to these areas for cyclists and pedestrians
- Outhouses and/or public toilets for boater take out spots
- People on septic are generally polluting the river and should be addressed in some manner
- Wildlife habitat on County owned river front lands should be maintained and managed, particularly in areas with high levels of recreation impacts

Transportation (CDD Planning easel)

- Soundwall on Cline Falls Hwy (downtown to Beaver Lane)
- Jersey barrier
- “No Jake Brake” signs on Cline Falls Hwy
- Lower speed limit on Cline Falls Hwy, Tumalo Road, US 20
- Better street sweeping post-winter (Cook Avenue, Bailey Road); more frequent sweeping
- Pave dirt roads Pine to Alder and east of Wharton and Riverview
- Speed feedback signs on US 20 going E toward Bend and Tumalo Road eastbound
- Bike lanes for Twin Bridges State Scenic Bikeway
- Roundabout at Cline Falls Highway/Tumalo Road
- Tumalo Trail from Tumalo State Park to Tumalo
- Bike lanes on Swalley Road, Tumalo Road
- Reduce speed on Tumalo Road and Cline Falls Hwy

- Downward and shielded roundabout lighting
- Reorient speed feedback sign on Cline Falls Hwy northbound south of Connard
- Increased speed enforcement on Cline Falls Hwy and Tumalo Road
- Pedestrian path on Tumalo Road
- Pedestrian plan for Tumalo
- Speed enforcement on Cline Falls Hwy leaving town
- Extend 25 mph speed limit on Cline Falls Hwy north past Beaver Lane
- Improve OR 126/Cline Falls Hwy interchange's ramps
- Do construction on US 20/Cook O.B. Riley 24/7
- Deschutes River Paddle Trail address parking, ramps for put-in, take out, circulation plan
- Establish a County Parks Dept.
- Deal with animal/vehicle collisions, especially those near Deschutes River

Transportation (KAI portion of table)

- Comments related to areas within the **Tumalo Unincorporated Boundary**:
 - Safety concerns with lack of sidewalk along Tumalo Rd
 - Safety concerns with lack of crossing on Cline Falls Rd at Tumalo Rd
 - Concerns about parking area at Tumalo Rd/Cline falls Rd for river floaters
 - Safety concerns with sight distance with WBL movement at Tumalo RD/Cline Falls Rd- specifically when on a bike
 - Need for sidewalks around school
 - Transit stop could possibly go on 5th Street near the church in Tumalo
 - Speed on Bailey Rd- make 25 mph
 - Need for lighting for cyclists and peds on Cook Ave through downtown sections, difficult to see
 - Add speed limit signs, speed feedback signs on Tumalo Road
 - High speeds along Tumalo Road, lack of signs
 - Difficult and dangerous to bike and walk on Tumalo Road
- Comments related to **ODOT projects/facilities**
 - Desire for barricade for noise, smell, pollution, etc. on US20 near Riverview Avenue for neighborhoods in south Tumalo
 - Scared noise will get worse with speeding up and slowing down before/after roundabout
 - Improve bike lanes on US20- increase safety performance
 - Curious as to why paved underpass path curves to the south just before connection with 4th Street
 - Why not go straight
 - Getting back onto Bailey Rd from the South with new roundabout- assuming would use Wood Avenue
 - Past new homes/neighborhood
 - Is this the plan?

- Comments related to the **County** outside of Tumalo:
 - Safety concerns about lack of shoulder/bike lanes along Twin Bridges Scenic Bikeway
 - Safety concerns with speed on Bailey Rd
 - Safety concerns for cyclists on Couch Marker Road, vehicles at high speeds, width of shoulder

Sewer (results from survey at table; no easel)

1. Your connection to Tumalo (Check any)

- 18 – Tumalo resident
- 3 – Business owner / operator
- 10 – Property owner
- 1 – Work in Tumalo
- 1 – Visitor / customer

2. For Tumalo residents and businesses: Your current wastewater system?

- 2 – On a sewer
- 22 – On a septic system
- 1 – Holding tank
- 0 – Not sure

3. For Tumalo residents and businesses: Your source for drinking water?

- 11 – On-site water well
- 11 – Laidlaw Water District
- 2 – Another water source: Community well
- 0 – Not sure

4. What questions should the feasibility study answer? (Check any)

- 20 – Cost of sewers?
- 17 – Area served?
- 20 – Who would operate the system?
- 19 – Effect on the town's future growth?
- 23 – Sewer hookups: mandatory or optional?
- 15 – Timing?

5. Your advice on sewer options for Tumalo?

1. Must be run by a public/municipal authority. Cannot be a private operation.
2. Should be a public system
3. Time to get off septic. Too close to the water table.
4. We want a County sewer system not a privately owned system.
5. Sewer through downtown is a great idea. Restaurants need sewer especially being in such close proximity to the river. Any property close to the river should be served by sewer - require if system is failing (by river) need to hook up, otherwise optional. Provide grants / loans if people need (like City of Bend did in SE)
6. Community system i.e. community (not developers) drives size, rates, etc. County or some larger entity to fund and manage.
7. Keep information flowing on all the above.
8. Neutral
9. New sewer system should only be along the river. Not up above at Research Rd.
10. Sewer hookup should be owner decision.
11. Do not expand
12. No not see a need for sewer - it's going to be a hard sell
13. I want to see a bonafide utility, overseen by the County. NOT the proposed offering.
14. The proposed "sewer" isn't! We need a wastewater treatment solution, not a "septic" system. The reclaimed pumice-pit north of the Tumalo school is a perfect location for a "true" wastewater treatment facility!
15. We don't need a giant septic system, especially those of us with good systems and aren't in "downtown" Tumalo.
16. Try to limit growth by limiting sewer options. Don't "Bend" Tumalo
17. Whatever the solution, no HOA, no private operator
18. Stop growth
19. Don't allow a private operator to have anything to do with the sewer program
20. I want nothing to do with a private operator
21. Not a private operator!

Population Forecast

No written comments received



MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Tanya Saltzman, AICP, Senior Planner

DATE: May 19, 2022

SUBJECT: Wildlife Inventory Update – Status Report

Staff is providing an update to the Planning Commission concerning the mule deer wildlife inventory update project. Staff recently updated the Board of County Commissioners (Board) on May 18. First, staff will provide a brief overview of the project and will outline the draft amendment concepts that have emerged from Oregon Department of Fish and Wildlife (ODFW) recommendations as well as prior discussions with the Board. Next, staff will provide a tentative timeline of the project.

Staff last provided a summary of recent activities to the Planning Commission on November 18. On August 30, 2021, staff provided the Board with a summary of the public outreach effort for the first phase of the wildlife inventory update project, which was funded by a Department of Land Conservation and Development (DLCD) Technical Assistance Grant.¹ In the fall, staff provided the Board with a “roadmap” of potential options pertaining to a wildlife inventory update,² and followed up several weeks later.³ Ultimately, the Board directed staff to pursue an update of one inventory, mule deer winter range, as a pilot project.

I. Wildlife Inventory Update Overview

As stated previously, the process for updating a Goal 5 wildlife inventory is prescribed by Oregon Administrative Rules (OARs). Oregon counties rarely, if ever, undergo the process to update existing wildlife inventories because, unlike cities, they are not required to comply with periodic review.⁴ By choosing to undertake a Goal 5 wildlife inventory update, Deschutes County is moving

¹ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-12>

² <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-16>

³ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-25>

⁴ Periodic Review is a term used in Oregon law to describe the periodic evaluation and revision of a local comprehensive plan. Prior to 2003, state law (ORS 197.628 – 636) called for counties to review their comprehensive plans according to a periodic schedule established by the Land Conservation and Development Commission (LCDC). The Oregon Legislature eliminated periodic review requirements for counties in 2003 (SB 920).

forward with a rarely-utilized and complex process that, while a significant effort, can hopefully provide an example of best practices for other jurisdictions as well as the County for future efforts.

Over the last several months, staff has been constructing the draft amendments and corresponding findings. These will be provided to the Planning Commission prior to the hearings process as they are finalized; staff is providing a general overview here.

The amendments will:

- Update Deschutes County's Comprehensive Plan, Chapter 2, Resource Management, Section 2.6, Wildlife, by describing the mule deer winter range update.
- Update other sections of County Code to be consistent with proposed changes to the Wildlife Area (WA) Combining Zone.
- Create a new WA Combining Zone specifically related to mule deer winter range that corresponds to the boundaries determined by the Interagency Working Group (including ODFW and a wildlife biologist consultant) during the first phase of the project. The methodology for determining these boundaries was described in the Interagency Report and the Public Outreach Report provided to the Planning Commission last fall.
 - The boundaries of the existing WA Combining Zone remain unchanged.
- Allow, limit, or prohibit certain land uses determined to be "conflicting" with mule deer winter range. The decision to allow, limit, or prohibit each use is derived from an ESEE (Economic, Social, Environmental, Energy) analysis, a decision-making methodology outlined in [OAR 660-023-0040](#), which then becomes incorporated into the findings document for the amendments.
 - The existing WA Combining Zone already prohibits some uses. However, ODFW has subsequently recommended additional prohibitions which will now be applied to both the existing and new WA zone; the end result will be that both WA zones have the same use prohibitions/limitations/allowances, though there may be moderate differences between the existing and new WA zones to some of the proposed limitations.

The current WA Combining Zone for mule deer winter range covers approximately 315,847 acres, and the proposed additional area covers 188,132 acres, resulting in a total of 503,979 acres. Unincorporated communities (Tumalo, Terrebonne, Sunriver, Black Butte Resort, and Inn of 7th Mountain / Widgi Creek Resorts) remain exempt from the provisions of DCC Chapter 18.88.

Of the proposed 188,132 acres:

- 113,262 acres (61%) are on federal land
- 74,870 acres (39%) are on nonfederal land

Disaggregating the 74,870 acres on nonfederal land subject to Deschutes County's land use authority:

- 54,474 acres (3,619 tax lots) zoned Exclusive Farm Use
- 915 acres (12 tax lots) zoned Forest Use
- 9,358 acres (1,635 tax lots) zoned RR-10
- 7,597 acres (1,529 tax lots) zoned MUA-10

Conflicting Uses and ESEE Analysis

ODFW provided a list of conflicting land uses they recommended be prohibited in the existing and proposed winter deer ranges—these include the existing conflicting uses already prohibited in the current WA zone, as well as conflicting uses subsequently identified by ODFW and a 2009 Interagency Report. The human activity associated with these uses have various impacts on the winter range, ranging from noise to impediments to movement across land.

Staff has taken the ODFW recommendations and in some cases, “translated” or consolidated them to reflect current code language. For instance, due to changes in state law, the use referred to as “bed and breakfast inn” is now called “room and board arrangement” when located in the EFU zone.

The findings document and the ESEE analysis will provide an examination of each conflicting use based on the methodology outlined in OAR. Ultimately, the ESEE is a decision-making tool designed to weigh the positive and negative economic, social, environmental, and energy consequences of allowing a use, limiting a use, or prohibiting a use. The ESEE is not intended to require separate studies for aspects such as industry profits/loss, employment statistics, scientific data and the like. As stated in OAR 660-023-0040, ESEE Decision Process, “The ESEE analysis need not be lengthy or complex, but should enable reviewers to gain a clear understanding of the conflicts and the consequences to be expected.”

In addition to the use prohibitions and limitations established through the 1992 process that created the existing WA combining zone, staff’s draft ESEE analysis will list certain newly identified conflicting uses that should be prohibited, limited, or allowed fully, despite the possible impacts on the deer winter range. Staff is continuing to consult with the Department of Land Conservation and Development and ODFW prior to the initiation of the public process and reiterates that the draft concepts represent a starting point for the public process that the Board may ultimately refine. Based on recommendations from ODFW, the decisions made during the 1992 process, the relative prevalence of certain uses, and staff’s understanding of Board priorities, staff anticipates the draft amendments will include the following regulations:

Allowed with Limitations

Allowing the following use subject to restrictions during the time of year deer use the winter range (from December through April) offers the greatest net benefit for those land uses while still considering habitat needs:

- Guest ranch/dude ranch

Allowed Fully

Allowing the following uses in the deer winter range provide economic and social benefits that should not be limited in the mule deer winter range. This could help address the region's housing and houselessness challenges, which has been noted as a Board priority.

- Camping areas
- RV parks

Prohibited

Deschutes County finds that the significance of mule deer winter range compared to all other conflicting uses, listed below, warrants prohibiting them.

- Bed and Breakfast/Room and board arrangement
- BMX / Bike Course
- Commercial dog kennel
- Fishing lodge
- Golf course
- Model airplane park
- OHV course
- Paintball course
- Playground, recreational facility or community center
- Public or private school
- Shooting range
- Solar Farms
- Timeshare
- Veterinary clinic
- Wind farm development

II. Process and Timeline

Staff is aiming for a first evidentiary hearing with the Planning Commission in late July or early August, though acknowledges that this timeline is still subject to minor adjustments. Prior to the hearing, staff has several key tasks with target dates outlined below:

35-day notice filed with DLCD (early July): Counties are required to provide DLCD with written notice of a land use change 35 days prior to the first evidentiary hearing. At this point, draft amendments are provided to DLCD and written comments may be provided to staff for incorporation into the record.

Website/StoryMap (late June/early July): To coincide with the 35-day notice, staff will create a project StoryMap that provides relevant maps, draft amendments, and information on the public process.

Measure 56 mailings and notice of public hearing mailings: Measure 56 requires counties to provide notice to landowners between 20 and 40 days prior to the first public hearing when a land use change limits or prohibits previously allowed uses. Subject to verification by County legal counsel, Measure 56 notices with the required statutory language will be mailed to property owners in the zones where uses are proposed to be prohibited or limited (see above). Complementing the Measure 56 notices and with the goal of full transparency and public awareness, staff anticipates providing general notices to property owners in other areas that may fall into the existing or proposed WA zone but in which uses would not be newly prohibited or limited.

Public Information Sessions (July): Given the high visibility as well as the complexity of this project, staff believes it will be helpful to conduct several public information sessions to provide an overview of the inventory update. This will enable members of the public as well as stakeholders to more fully digest the proposed amendments well in advance of the formal public process, and will allow staff to explain the project and answer questions. Staff anticipates that verbal comments provided at these sessions would not be part of the official record and will make that clear during all sessions. However, given that these sessions will occur after 35-day notice has been provided to DLCD, any written comments received would indeed be a part of the record. Staff aims to conduct three information sessions: one hybrid online/in-person meeting in Bend, one in person in Sisters, and one in-person in La Pine.

III. Next Steps

Staff is providing this general overview of the timeline and the major elements of the proposed amendments while many elements are still in progress. Staff will conduct a work session with the Planning Commission prior to the public hearing to provide more details and/or discussion of specific elements.

Lastly, it is important to note again that the amendments that will be provided for the public process effectively represent a starting point; the public process is designed to capture public and stakeholder input that may help further shape any proposed legislation recommended by the Planning Commission.