



## BOARD OF COMMISSIONERS

### BOARD OF COUNTY COMMISSIONERS MEETING

1:00 PM, MONDAY, APRIL 01, 2024

Allen Room - Deschutes Services Building - 1300 NW Wall Street - Bend

(541) 388-6570 | [www.deschutes.org](http://www.deschutes.org)

## AGENDA

**MEETING FORMAT:** In accordance with Oregon state law, this meeting is open to the public and can be accessed and attended in person or remotely, with the exception of any executive session.

Members of the public may view the meeting in real time via YouTube using this link: <http://bit.ly/3mmlnzy>. **To attend the meeting virtually via Zoom, see below.**

**Citizen Input:** The public may comment on any topic that is not on the current agenda. Alternatively, comments may be submitted on any topic at any time by emailing [citizeninput@deschutes.org](mailto:citizeninput@deschutes.org) or leaving a voice message at 541-385-1734.

When in-person comment from the public is allowed at the meeting, public comment will also be allowed via computer, phone or other virtual means.

**Zoom Meeting Information:** This meeting may be accessed via Zoom using a phone or computer.

- To join the meeting via Zoom from a computer, use this link: <http://bit.ly/3h3oqdD>.
- To join by phone, call 253-215-8782 and enter webinar ID # 899 4635 9970 followed by the passcode 013510.
- If joining by a browser, use the raise hand icon to indicate you would like to provide public comment, if and when allowed. If using a phone, press \*9 to indicate you would like to speak and \*6 to unmute yourself when you are called on.
- When it is your turn to provide testimony, you will be promoted from an attendee to a panelist. You may experience a brief pause as your meeting status changes. Once you have joined as a panelist, you will be able to turn on your camera, if you would like to.



Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, call (541) 388-6572 or email [brenda.fritsvold@deschutes.org](mailto:brenda.fritsvold@deschutes.org).

**Time estimates:** The times listed on agenda items are estimates only. Generally, items will be heard in sequential order and items, including public hearings, may be heard before or after their listed times.

## CALL TO ORDER

**CITIZEN INPUT:** Citizen Input may be provided as comment on any topic that is not on the agenda.

**Note:** In addition to the option of providing in-person comments at the meeting, citizen input comments may be emailed to [citizeninput@deschutes.org](mailto:citizeninput@deschutes.org) or you may leave a brief voicemail at 541.385.1734.

## AGENDA ITEMS

1. **1:00 PM** Pacific Power Future Transmission Line Project
2. **1:20 PM** Work Session in preparation for Public Hearing: Draft 2020-2040 Deschutes County Comprehensive Plan
3. **1:40 PM** Preparation for a Public Hearing on a proposed Commercial Activity in Conjunction with Farm Use (Winery) in the Multiple Use Agricultural Zone
4. **2:00 PM** Work Session – Improvement Agreement for Phase C-2 and Remaining Improvements in Phase C-1 of the Caldera Springs Destination Resort
5. **2:10 PM** Community Development Department FY 2025 Budget Direction and Options for Fee Increases

## OTHER ITEMS

*These can be any items not included on the agenda that the Commissioners wish to discuss as part of the meeting, pursuant to ORS 192.640.*

## EXECUTIVE SESSION

*At any time during the meeting, an executive session could be called to address issues relating to ORS 192.660(2)(e), real property negotiations; ORS 192.660(2)(h), litigation; ORS 192.660(2)(d), labor negotiations; ORS 192.660(2)(b), personnel issues; or other executive session categories.*

*Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media.*

6. Executive Session under ORS 192.660 (2) (i) Employee Evaluation

## ADJOURN



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: April 1, 2024

SUBJECT: Pacific Power Future Transmission Line Project

RECOMMENDED MOTION:

Information only.

BACKGROUND AND POLICY IMPLICATIONS:

Pacific Power is in the early planning stage of a transmission line project which may affect properties in Deschutes County. The proposal is for approximately 180 miles of new high-voltage transmission line connecting existing and proposed substations in a five-county area (Deschutes, Crook, Klamath, Lake, and Harney). The proposed transmission line would most likely cross federal lands (Bureau of Land Management and Forest Service), state land, and privately owned lands.

Pacific Power has embarked on a routing study to identify a preferred route for the transmission line as well as alternative routes. As part of this study, community outreach will be conducted to share information and invite input from affected property owners and the general public. The routing study is expected to be completed in early 2025, followed by the permitting process which will include an Environmental Impact Statement and Record of Decision under the National Environmental Policy Act (NEPA) for right-of-way across federal lands, among other required permits. The Oregon Energy Facility Siting Council (EFSC) is the permitting authority. Other required federal, state and local permits are not required by EFSC.

BUDGET IMPACTS:

None

ATTENDANCE:

John Aniello, Project Manager, Pacific Power
Cindy Smith, Senior Project Manager, POWER Engineers



# Blueprint South

## 500-kV Transmission Line Project





# Service Territory

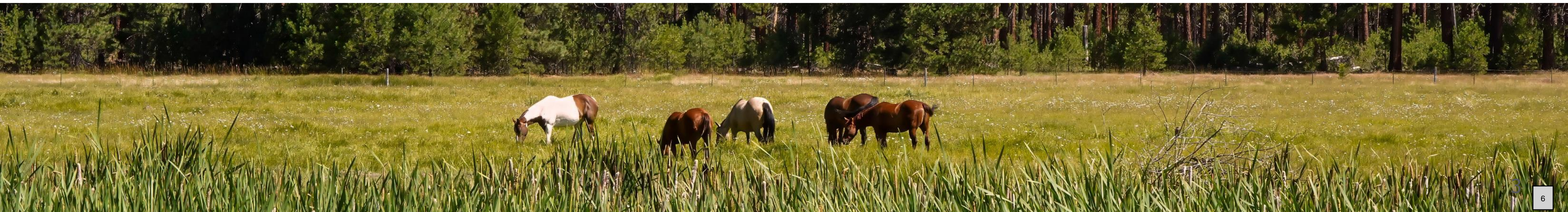
- Pacific Power is one of two business units of PacifiCorp, owned by Berkshire Hathaway Energy.
- The Company is a utility regulated by the federal and state governments.
- Service territory - southern Washington, Oregon, and northern California.
- The Company serves approximately 243 communities in its service territory.





# Project Need

- Upgrade the existing transmission system backbone to enable integration of new generation resources and large-load additions from Pacific Northwest and Intermountain region interconnections.
- Continue to provide reliable service to customers in southern Oregon.
- Compliance with transmission system reliability standards.
- Serve third-party network customers when capacity is available.
- Provide operational flexibility for the bulk transmission system.





# Current and Estimated Future Load

- Current peak load demand 4,400 MW
- Estimated need for 2.2% growth by 2032 5,400 MW
- Large-load-addition requests by 2032 3,000 MW
- Total forecasted load in 10-year horizon >8,000 MW







**Project Components**

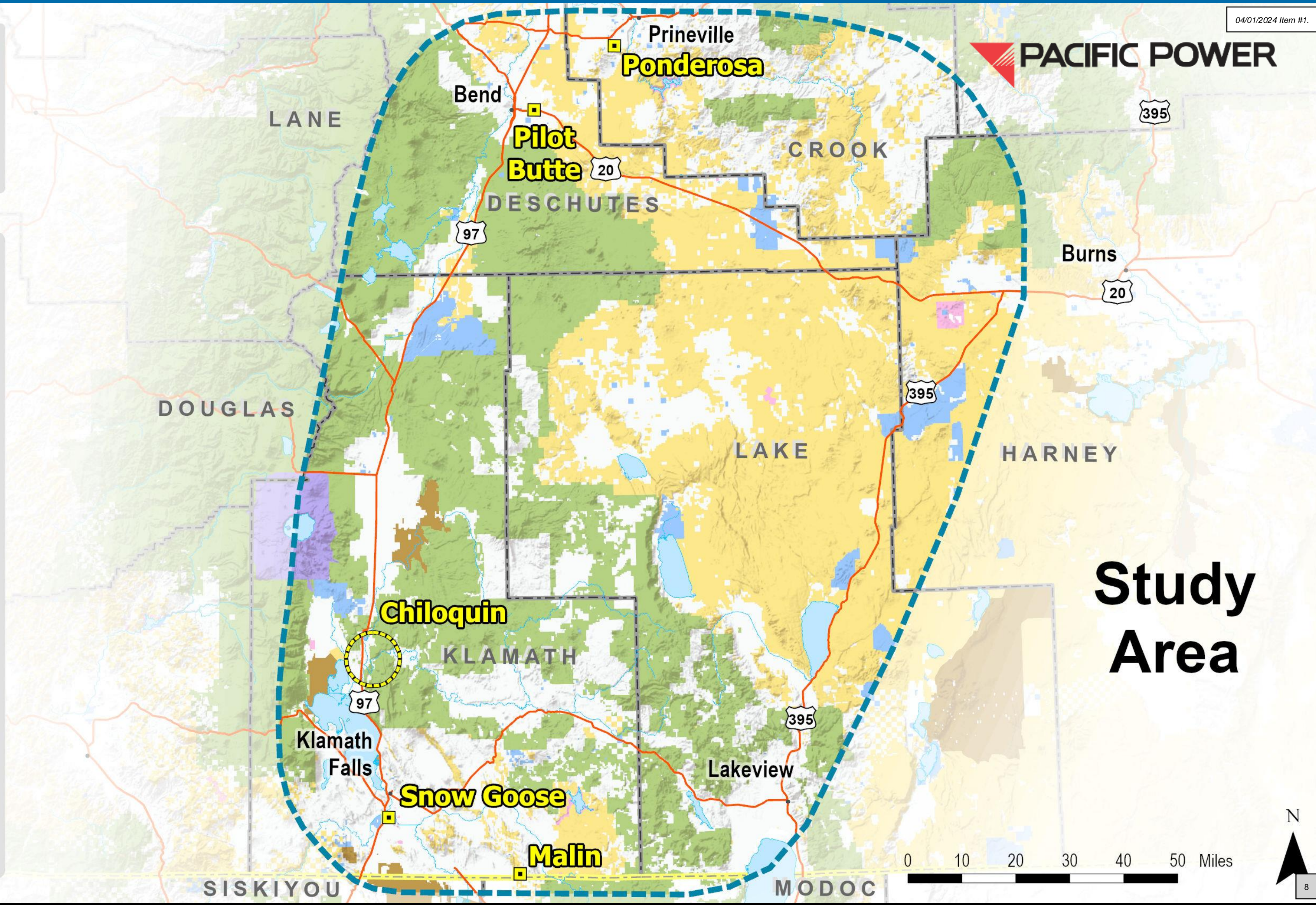
- Substation Interconnection Point
- 500 kV Substation Siting Area
- Blueprint South Study Area

**Reference Features**

- Highway
- State Boundary
- County Boundary
- Waterbody

**Land Management**

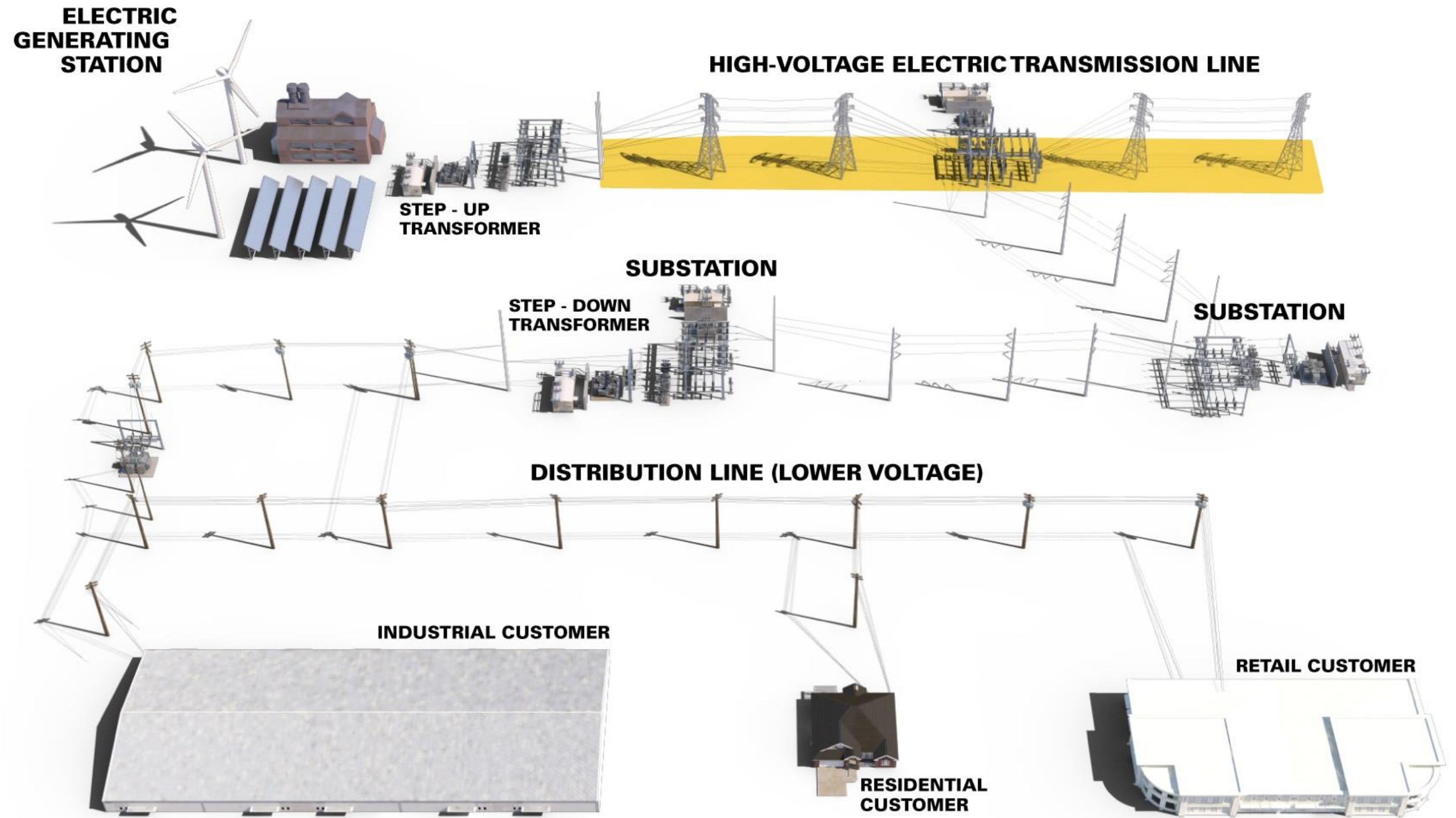
- Bureau of Land Management
- National Park Service
- Private
- State
- U.S. Forest Service
- U.S. Fish & Wildlife Service
- Other Federal Land



# Study Area



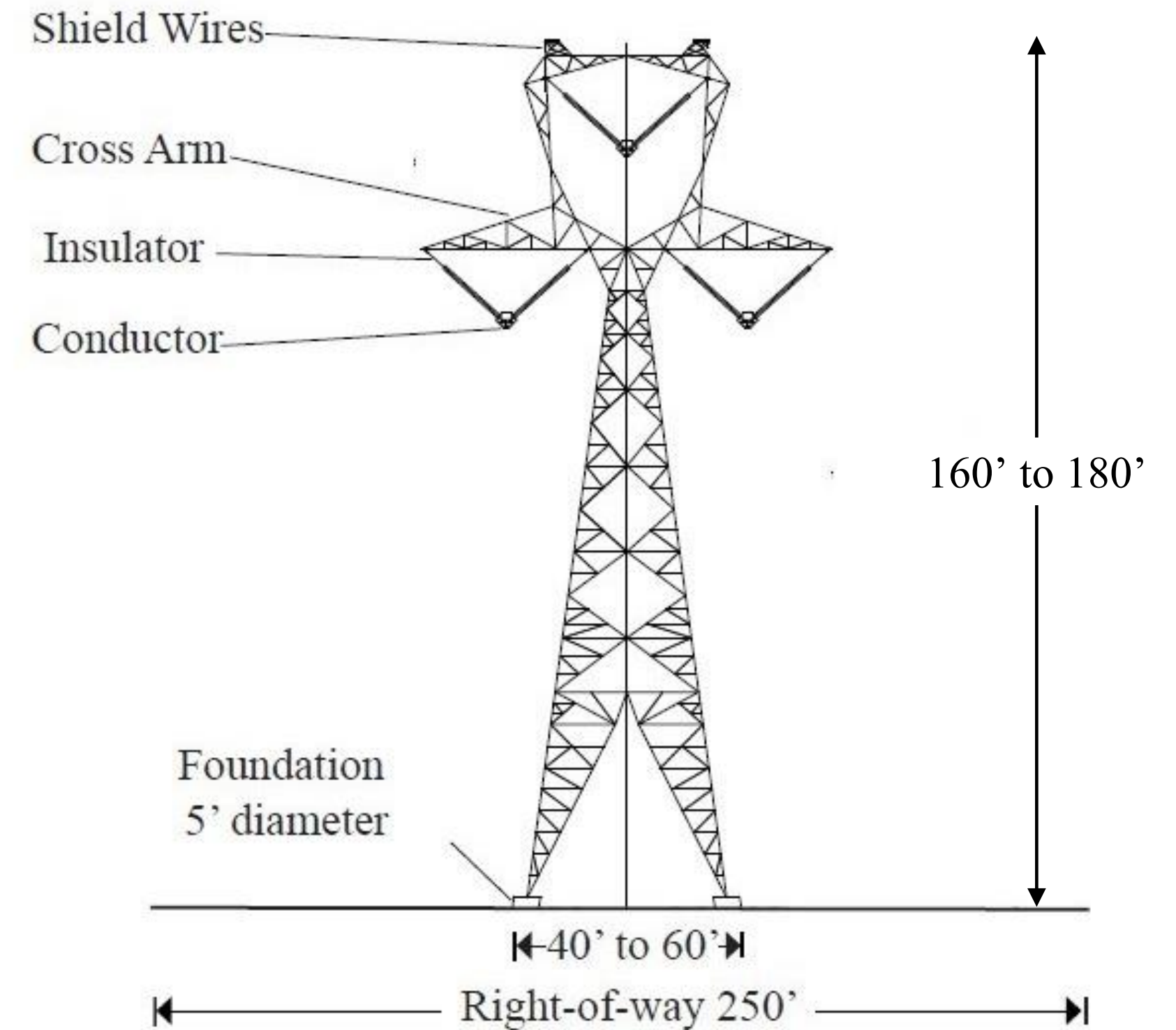
# From Generation Source to the Customer





# Typical Structure Type

- **Voltage:** 500 kV
- **Length:** Approximately 180 miles
- **Structure types:** Steel lattice, single circuit
- **Structure height:** 160 – 180 feet
- **Span between structures:** 800 to 1,400 feet
- **Right-of-way width:** 250 feet





# Routing Study

## Opportunities to optimize routing

- Parallel existing linear facilities (transmission lines, roads/highways, railroad).
- Use corridors designated by federal agencies for linear facilities.
- Route in areas of compatible land use (e.g., industrial, commercial), areas previously disturbed, and in federally designated corridors.
- Parallel section or property lines.
- Maximize use of existing adjacent, nearby access and areas compatible with overland travel.
- Areas that facilitate efficient and cost-effective transmission line design and construction.





# Routing Study

## Environmental and Technical Analysis

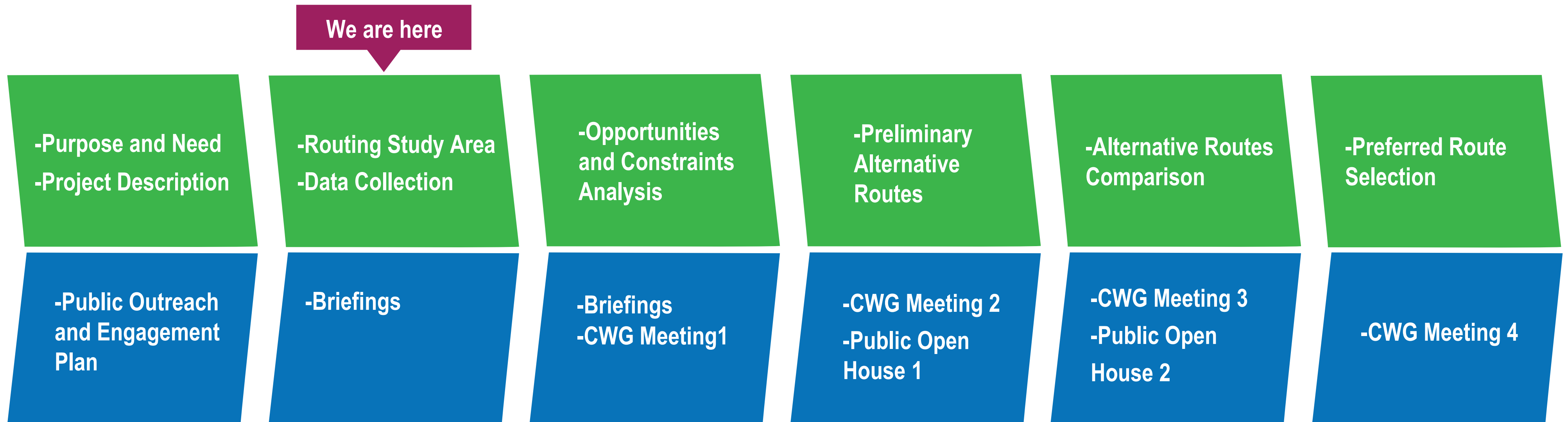
- Land ownership.
- Existing and planned land use.
- Scenic and aesthetic resources.
- Presence of protected species, critical habitat, conservation area, plants and wildlife.
- Floodplains, wetlands, water crossings.
- Known cultural resources (e.g., prehistoric, historic resources, Native American traditional use areas).
- Engineering factors (e.g., topography accessibility, constructability, potential geologic hazards, road and utility crossings).





# Routing Study Approach

We are here





# Evaluation Factors





# Public Outreach and Engagement



Fact Sheet



FAQ's



Website Content



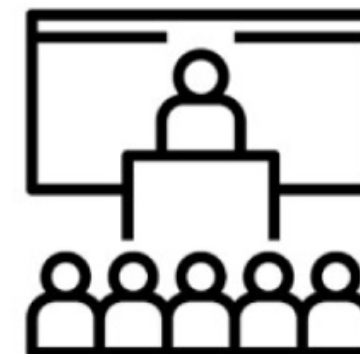
Information  
Phone Line



Briefings/  
Community Working  
Groups



Notifications/  
Mailing List



Public Meetings/  
Hearings



Email



# Permitting and Approvals

- Oregon Energy Facility Siting Council (EFSC) Site Certificate – Oregon Department of Energy.
- National Environmental Policy Act (NEPA) EIS and Record of Decision.
- Certificate of Public Convenience and Necessity (CPCN) – Oregon Public Utilities Commission.
- Other required federal, state, and local permits not required by EFSC.





# Preliminary Schedule

- Routing Study.....2023 – 2024
- Permitting.....2025 – 2028
- Land Acquisition.....2028 – 2029
- Construction.....2029 – 2031
- In Service.....2032







**Contact information:**

**John Aniello, Project Manager**

**503.545.9539 | [John.Aniello@PacifiCorp.com](mailto:John.Aniello@PacifiCorp.com)**





BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** April 1, 2024

**SUBJECT:** Work Session in preparation for Public Hearing: Draft 2020-2040 Deschutes County Comprehensive Plan

**RECOMMENDED MOTION:**

Work session in preparation for a public hearing scheduled for April 10, 2024.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Board of Commissioners (Board) will hold a work session in preparation for an April 10 public hearing to consider the Draft Deschutes County 2040 Comprehensive Plan. The full record is located on the project hearing page: <https://www.deschutes.org/cd/page/247-23-000644-pa-deschutes-county-2040-comprehensive-plan-update-hearing-page>.

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Nicole Mardell, AICP, Senior Long Range Planner  
Will Groves, Planning Manager  
Matt Hastie, MIG





MEMORANDUM

TO: Deschutes County Board of County Commissioners
FROM: Nicole Mardell, AICP, Senior Planner
DATE: March 27, 2024
RE: Work session in preparation for public hearing: Draft 2020-2040 Deschutes County Comprehensive Plan

The Board of County Commissioners will conduct a work session in preparation for an initial public hearing on April 10, 2024, to consider legislative amendments to repeal and replace the 2030 Comprehensive Plan with the Deschutes County 2040 Comprehensive Plan (file no. 247-23-000644-TA).

I. BACKGROUND

The Comprehensive Plan is Deschutes County’s policy document for guiding growth, development, and resource protection within the county over a 20-year planning period. The plan’s purpose is to provide a policy framework for zoning and land use regulations, demonstrate consistency with all applicable statewide goals, rules, and laws, and serve as a cohesive vision for future planning activities.





The project was initiated in April 2022 and progressed through four phases:

- Phase 1 - Project Initiation: Hiring of consultant (MIG, Inc), review of background documents, creation of Community Engagement Plan, project website, and branding materials.
- Phase 2 – Initial round of community engagement – visioning, review of existing policies with Planning Commission, review of policy best practices in drafting new text.
- Phase 3 – Second round of community engagement – policy approaches, finalizations of goal and policies with Planning Commission, update of maps.
- Phase 4 – Compilation of final Comprehensive Plan document and findings package.

The project has now entered Phase 5, which focuses on the adoption of the updated document. Extensive information from the previous phases, including open house summaries, outreach materials, and iterative versions of policies can be found on the project website process page: [www.deschutes.org/2040](http://www.deschutes.org/2040).

The full record including public and agency comments is included on the project hearings page: <https://www.deschutes.org/cd/page/247-23-000644-pa-deschutes-county-2040-comprehensive-plan-update-hearing-page>.

**II. PLANNING COMMISSION ROLE AND REVIEW**

The Deschutes County Planning Commission played an integral role overseeing the Deschutes County 2040 process. Commissioners met eleven times (prior to any public hearings) to review the community engagement plan, participate in engagement activities, craft new and revised goal and policy language, and review initial iterations of the Comprehensive Plan document. Staff initiated the Post Acknowledgement Plan Amendment process on August 30, 2023. From that date forward, the role of the Planning Commission shifted to that of a formal review body for the initial hearings process.

The Planning Commission held public hearings on October 26, 2023<sup>1</sup>, November 9, 2023<sup>2</sup>, and December 14, 2023<sup>3</sup>. At the conclusion of the December 14, 2023, meeting, commissioners closed the oral record and left the written record open until December 28, 2023. The Commission deliberated on January 11, 2024<sup>4</sup>, January 25, 2024<sup>5</sup>, February 8, 2024<sup>6</sup>, and February 22, 2024<sup>7</sup>. The Planning Commission ultimately voted to recommend approval of the plan as revised in accordance

---

<sup>1</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-42>  
<sup>2</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-40>  
<sup>3</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-43>  
<sup>4</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-44>  
<sup>5</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-45>  
<sup>6</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-46>  
<sup>7</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-47>



with the edits in Attachment A. These edits have been incorporated into the updated draft in Attachment B. Additionally, the Planning Commission wanted to emphasize the following points:

- The Planning Commission promoted a balance of regulations and incentives in addressing growth and development, although wanted to emphasize their preference to explore incentives where possible as the first approach.
- Policy 3.3.6 explores the creation of a new nonresource zoning classification that balances preservation of the high desert environment while allowing for rural housing opportunities. The Planning Commission emphasized the importance of holding an extensive engagement process while exploring creation of a potential new zone.
- Policy 8.1.2 promotes collaboration on trail projects between agencies and property owners, especially for projects adjacent to farm or forestry operations. The Planning Commission wanted to emphasize the group voted 3-2 on the final language, with two Commissioners preferring an additional policy to explore limitations to trails adjacent to farm and forestry operations to protect statutory “Right to Farm” allowances.
- Policy 5.1.3, now removed, sought to add consideration of potential impacts of water quality and quantity in surrounding areas as part of the siting, planning, and approval processes for destination resorts. Commissioners voted 3-2 to remove this policy, citing lack of regulatory authority and recognition of the extensive existing code requirements regulating this use.

To aid in the Commission’s review, staff also provided draft findings (Attachment C) and a policy tracker spreadsheet (Attachment D) to this memo which describes the iterative changes to the policies from the 2010 version to the current March 15, 2024, draft.

### **III. PUBLIC TESTIMONY**

Approximately 132 public comments were received as of the date of this memo. Major topics of community interest included:

- Potential development of a footbridge across the Deschutes River near the Brookwood neighborhood of Deschutes River Woods.
- Water availability monitoring, planning, and management.
- Voluntary or required measures to conserve water.
- Protection of private property rights and use of incentives to address issues related to growth and development.
- Rezoning of farmland and allowed uses on farmland.
- Dark skies protections.
- Wildlife protection.
- County role in housing production, including affordable housing opportunities.
- Destination resort siting and development.



The Planning Commission placed certain items that may be precluded by current state law, or those that may be more fitting for an action or work plan into a “parking lot”. Staff will utilize this information in drafting an action plan or exploring further if state regulations change.

**Parking Lot**

Potentially Precluded by State Law

- Tie rezoning to groundwater availability and quality.
- Require consideration of water availability during Urban Growth Boundary Expansion processes.
- Require appellants to cover costs for appeal process.
- Limit standing in appeals to adjacent landowners.
- Require water budgets and monitoring for public lands.
- Re-evaluate use of water rights and prioritize active agricultural operations.
- Regulate development through water availability and quality.
- Require approval of water permits prior to processing applications.
- Limit development that could impact natural springs.
- Limit housing where water quality and quantity will be negatively impacted.
- Moratoria on development.
- Explore Unincorporated community status for Three Rivers.

Action Items

- Include stronger language on noxious weed removal on county lands and in new developments.
- Create a County strategic plan.
- Advocate for legislation/policy at state level to enable transitional housing outside UGBs.
- Construct infrastructure to manage/limit water waste.
- Revise County code to state only minimum provisions required by state law for farm uses.
- Encourage clear and objective criteria where possible to reduce appeals.
- Adopt clear and objective criteria for Goal 5 polices that limit or prohibit allowed uses.
- Host community conversations to discuss benefits and challenges of destination resorts.

**IV. AGENCY EDITS**

The Deschutes Historical Society and U.S. Fish and Wildlife Service provided suggested edits to reflect best practices and updated terminology related to historic resources and wildlife resources, respectively. Staff integrated these edits directly into the document.

Central Oregon Irrigation District (COID) provided an extensive list of terminology and technical edits. Commissioners were generally comfortable adopting the majority of these edits, although three suggestions from COIDs recommendations were discussed by the Planning Commission, as



they expressed a particular perspective on issues related to groundwater recharge and hydroelectric facilities. The Planning Commission provided general direction to staff to draft revised language incorporating COIDs edits while also recognizing divergent community perspectives.

These edits are noted in Attachment A and the revised document.

**V. NEXT STEPS**

The Board will hold an initial public hearing on April 10, 2024. Commissioners expressed interest in holding two additional hearings in other locations in Deschutes County.

Staff has identified options for those two hearings and seeks direction from the Board on a preferred hearing time:

Sunriver Homeowners Association Recreation Center (SHARC):  
Tuesday 4/23, options for hearing start time – 2:30 pm, 3 pm, 4 pm

Sisters City Hall Hearing  
Tuesday 4/30, options for hearing start time – 2 pm, 3 pm, 4 pm

Following feedback from the Board, staff will finalize the details for these subsequent hearings.

Attachments:

- A. Planning Commission Recommended Edits
- B. Deschutes 2040 Draft Comprehensive Plan – 3.15.2024 updated version
- C. Deschutes 2040 Draft Findings
- D. Policy Tracker 2030 vs. 2040 language



**Attachment A**

~~Strikeout~~ signifies deletions.  
Underline signifies additions.

**Chapter 2 - Land Use Regional Coordination**

- Amend policy 2.1.1 as follows:  
Balance the consideration of private property rights and the economic impacts of land use decisions on property owners with incentives to preserve agricultural and forest land, wildlife habitat, ground and surface water resources, wetlands, riparian areas, open areas and other community goals identified in the Comprehensive Plan.
- Amend policy 2.2.6 as follows:  
Collaborate with federal agencies on land management issues, including homelessness, wildlife habitat restoration, water quality, road networks, energy projects, the impacts of recreation and the expansion of sustainable recreation opportunities-expansion, and energy projects.

**Chapter 3 - Farm and Forest Lands**

- Amend policy 3.2.4 as follows:
  - Work cooperatively with irrigation districts, public agencies and representatives and landowners to promote and support agricultural uses and operations, including through use of rural reserves, conservations easements, transfer of development rights programs, land acquisitions, and other preservation strategies consistent with existing Federal and State Law
- Amend policy 3.2.6 as follows:
  - Continue to review and revise county code as needed to be and consistent with state code, rules, and regulations to permit alternative and supplemental farm activities that are compatible with farming, such as agritourism ~~or commercial renewable energy projects~~ or other small scale sustainable activities.
- Amend narrative on page 3-3 Water Supply and Irrigation as follows:
  - Much of Deschutes County is served by six irrigation districts (Map 3-1) – these are special entities created for the purpose of delivering water to their patrons. These districts are ~~effectively non-profit water user associations-quasi-municipal corporations~~ chartered under Oregon law that operate as political subdivisions of the State of Oregon. In addition to irrigation, these districts also supply other services including municipal, industrial, and pond maintenance. ~~The total water available for irrigation and other human uses in Deschutes County is fixed under the current water regime. No additional water rights can be issued without the decommissioning of a previous claim. Therefore, there is limited opportunity to expand irrigated farming in the~~

County. Existing farms with senior water rights in general have relatively generous irrigation rights, which have rarely been fully utilized, and are expected to have sufficient water to cope with increasing temperatures and drought conditions in the future. In most cases, these districts are holders of senior water rights with shares then distributed to their patrons. As is the case with all water rights, the irrigation districts' water rights are managed by the Oregon Water Resources Department and subject to "beneficial use" requirements to prevent the waste of the water resource. The total water available for irrigation and other human uses in Deschutes County is fixed under the current water regime, and there is little opportunity to expand irrigated farming in the County. Irrigation districts with more junior water rights ~~junior water right holders,~~ associated with such as Arnold Irrigation District and North Unit Irrigation District (operating north of Deschutes County), have recently seen challenges with water delivery due to limited availability and drought.

- Amend narrative on page 3-3 Changes in Climate Conditions as follows:
  - Because the total volume of water available for agricultural and human use is fixed, strategies to decrease water usage (capping or piping irrigation channels, irrigation timing strategies, water conservation) will become more crucial. Deschutes County is committed to working with irrigation districts and holders of water rights to increase water conservation efforts throughout the County in a manner consistent with existing legal frameworks established by State and Federal law.
- **Remove** sentences on page 3-3 Conflicts with Other Uses
  - ~~Agricultural uses continue to be affected by conflicts with adjacent or surrounding non-farm uses (primarily new rural homes). In some cases, new residents object to impacts of common farming practices, such as noise, dust, and odors related to farm activity.~~

## Chapter 5 – Natural Resources

- Amend water resources narrative on page 5-3 as follows:
  - The high desert climate of Central Oregon poses many challenges with water supply and allocation. ~~Water laws are seen as antiquated by many and issues related to water level in private residential wells, irrigation allocation to farmers, and protection of habitat areas for dependent species arise frequently.~~

A 2021 report by the Oregon Department of Water Resources found that groundwater levels through Deschutes County are declining, by as much as 50 feet of total decline in the central part of the basin. This decline is considered "excessively declined" per state statute and is attributed toward a



shift in overall drier conditions since the late 1990s, a warming trend in the basin, and decreased snowpack. ~~Ongoing development and piping of canals (which limits artificial groundwater recharge while conserving canal water) also exacerbate this issue~~ To address these issues, irrigation districts and other entities are engaged in ongoing efforts to pipe canals and modernize irrigation systems to increase their efficiency. Due to water transmission losses in irrigation canals from seepage into groundwater and evaporation, piped canals typically require only half the amount of water to be diverted from the river or stream to deliver the same volume of water to the end user compared to open canals. Community members have expressed concern that piping canals contribute to aquifer declines.

~~Deschutes County has limited jurisdiction of water use, instead playing~~ plays a coordination role along with the Oregon Department of Water Resources, irrigation districts, water users, and owners of private wells to address these water resource issues.

- Addition of narrative to Chapter 5, Natural Resources, Wildlife section providing a brief description of the 2021-2023 Mule Deer Inventory Process.
  - Page 5-4 revise second paragraph to the following:
    - ~~A summary of Deschutes County's wildlife protection program follows:~~ A snapshot of Deschutes County's wildlife protection program is included below. Extensive information is included in Appendix A – the County's Goal 5 inventory.
  - Page 5-4, between first and second paragraphs, add new paragraph as follows;
    - From 2021-2023, Deschutes County explored an update to the county's mule deer inventory, which included extensive community participation including through the public record. Ultimately, the decision was made not to update.
- Amend Sensitive Birds - Page 5-4 as follows:
  - remove “northern” from “northern bald eagle”.
  - End of paragraph – add sentence: USFW works closely with ODFW on eagle-related issues and enforces federal guidelines to ensure protection of bald and golden eagles.
- Statewide Planning Goals - Page 5-5, add additional sentence at end of last paragraph:
  - Accordingly, it is imperative that local land use policies align with Federal and State laws governing the community's water resources.
- Regulatory Agencies - Page 5-5 add to end of paragraph

- Numerous sections of the Deschutes River in Deschutes County hold a special status as a federal wild and scenic river, as well as a state scenic waterway. These areas carry additional regulations through the 1996 Upper Deschutes Wild and Scenic River and State Scenic Waterway Comprehensive Plan, requiring additional agency coordination with the Oregon Parks and Recreation Department and the US Forest Service on development impacting these sections.
- Reservoirs – Page 5-8, revise to the following:
  - The majority of the irrigation in Deschutes County comes from reservoirs which are mostly spring fed from the Cascades. These reservoirs are primarily spring fed from the Cascades. Reservoirs serve the dual purpose of supplying water for irrigation and ensuring sufficient streamflow in the lower Deschutes River. The water levels in these lakes have been low in recent years due to drought in the region. When water is limited, the supply rate is determined by the age of water rights, with the more senior water permits having priority over the youngest. The Swalley and Central Irrigation Districts are the most senior in the County, while the North Unit Irrigation District is the most junior. Regional droughts in recent years have resulted in lower water levels in these reservoirs.
- Key Community Considerations – Page 5-9, amend last paragraph as follows:
  - The topic of habitat conservation and water availability came up frequently, with most respondents participants saying that further protections are needed. However, there was also some push back related to the burden these protections may put on property owners. recognition of the burden these protections may put on property owners. Deschutes County does not have the authority or expertise to reevaluate water rights as part of its land use planning efforts, leading the County to instead work with the Oregon Department of Water Resources, irrigation districts, and holders of water rights to increase the efficiency of water distribution throughout the community.
- Amend Goal 5.1 as follows:
  - Develop–Support regional, comprehensive water management solutions policies that balance the diverse needs of water users and recognize Oregon water law.
- Amend policy 5.1.1.a as follows:
  - Work cooperatively with appropriate federal, state, tribal and local agency resource managers, such as The Confederated Tribes of the Warm Springs Reservation of Oregon, the Oregon Water Resources Department (OWRD), irrigation districts, and other stakeholders and nonprofit water organizations,



such as the Deschutes Basin Water Collaborative, the County Soil and Water Conservation District;

- Remove policy 5.1.3. ~~Consider potential impacts on water quality and availability in surrounding areas as part of the siting, planning, and approval processes for Destination Resorts and other large-scale developments.~~
- Amend policy 5.11.5. as follows:
  - Develop and implement a Climate Action Plan to address the potential future impacts of climate change on Deschutes County through incentives and or regulations.
- Add new policy to Chapter 5, Natural Resources, Water section
  - Encourage state agencies to identify local areas of concern for water availability and explore additional regulations or requirements to ensure water capacity is not negatively impacted by development.
- Add new policy and narrative to Chapter 5, Natural Resources, Water section
  - Revisit recommendations of 1996 Upper Deschutes Wild and Scenic River and State Scenic Waterway Comprehensive Plan, or its successor, and consider implementation of voluntary recommendations into the county code.

## **Chapter 6 – Historic and Cultural Resources**

- Add paragraph to Opportunities, Challenges, Considerations – Page 6-12
  - Deschutes County owns the National Register listed Reid School and invests in supporting the Deschutes County Historical Society as a research and educational facility through a zero-cost lease and maintenance support for the purposes of running the museum and research center.
- Add to end second paragraph – Page 6-12
  - Deschutes County has several partners involved in drafting and implementing this strategic plan – those partners include the Deschutes County Historical Society, High Desert Museum, Archaeological Society of Central Oregon, Three Sisters Historical Society, and Redmond Historical Society.
- Amend context paragraph – Page 6-12 as follows:
  - These sites receive special protections to avoid land use or development activity that may disturb the historical ~~or educational~~ and cultural resources existing on site.
- Amend Locally significant sites – Page 6-12 as follows:

- Deschutes County has 35 locally significant sites including cemeteries, ranches, dams, bridges, schools, and granges among numerous historic homesteads and homesites. The State of Oregon has initiated a process to identify culturally significant archaeological sites and sites of indigenous importance. This process will likely be incorporated into the County's local inventory in the next five years.
- Nationally registered sites – Page 6-13 remove second paragraph. ~~One of the primary sites of historic and cultural learning in the county is the nationally acclaimed High Desert Museum. The museum is dedicated to broadening the understanding of the High Desert's wildlife, culture, art, and natural resources. In doing so, it strives to promote thoughtful decision making to sustain the region's natural and cultural heritage.~~
- Amend Policy 6.1.3. as follows:
  - Coordinate with The Confederated Tribes of the Warm Springs Reservation of Oregon, Burns-Paiute Tribe, Klamath Tribes, Archaeological Society of Central Oregon, and SHPO to adopt a program to identify and protect archaeological and cultural resources, as appropriate, and prevent conflicting uses from disrupting the value of known sites.

**Chapter 7 – Natural Hazards**

- Revise wildfire summary in on page 7-3 to the following:
  - Wildfire. Historically, wildland fires have shaped the forests and wildlands valued by residents and visitors. These landscapes, however, are now significantly altered due to increased rural development, warmer and dried conditions, and a general lack of large-scale treatments due to outdated forest management practices, resulting in increased event of wildfires that burn more intensely than in the past.

**Chapter 8 - Recreation**

- Amend policy 8.1.2 as follows:
  - Collaborate with partners to develop a regional system of trails and open spaces, prioritizing balancing recommendations from local park districts, County, state, and federal recreation plans and studies and property owner considerations, particularly for projects adjacent to farm and forest lands.

**Chapter 9 – Economic Development**

- Page 9-5 Resource Land – replace paragraph with the following:
  - **Resource Land Construction and Development**  
While much of the County's economic activity occurs in urban areas, ~~County administration of farmland, forest land, and natural resources plays a vital role~~



in protecting and enhancing the economic development potential of the area. agricultural, forestry, and construction industries also provide economic growth in Deschutes County. Construction of rural housing can support additional workforce in areas outside of city limits while also utilizing local trade industries. Construction of rural industrial or commercial projects provide economic opportunities that serve rural communities, without a trip into an adjacent city.

**Chapter 11 – Unincorporated Communities and Destination Resorts**

- Amend policy 11.7.2. to following:
  - ~~Create and implement additional limitations on the siting and development of destinations resorts that go beyond current state regulations to~~ Ensure protection of water quality, recreational resources, and other County resources and values.
  
- Add paragraph to page 11-3 under destination resort section
  - Destination resorts are a key economic development strategy for Deschutes County. Many community members and visitors enjoy the recreational amenities and accommodations that Destination Resorts provide.
  
- Amend third paragraph, key community considerations, page 11-3 to the following:
  - Destination Resort development continues to be a contentious issue. Community members have expressed concern regarding the water use of large-scale development – specifically the effects to groundwater for neighboring property owners. ~~Many community members have expressed a desire to further limit destination resorts, golf courses, and visitor accommodations in order to preserve water access and availability for year-round residents.~~Other community members express support for the economic and amenity benefits of destination resorts, noting that the current requirements sufficiently address natural resource concerns. Additional community conversations will be valuable to understand the diversity of perspectives on this topic.

**Chapter 12 – Irrigation Districts**

Amend narrative under Irrigation Districts section – Pages 12-4-5

- “Irrigation districts in Oregon are organized as Special Districts under ORS Chapter 545. Six irrigation districts operate in Deschutes County: Arnold, Central Oregon, North Unit, Swalley, Tumalo, and Three Sisters Irrigation Districts. They are quasi-municipal public corporations under Oregon Law, with prescribed rules for purpose, boards, elections, staffing, charges, etc. The districts ~~are~~ operate as political subdivisions of the State of Oregon created for the purpose of delivering water to their patrons. ~~As such they are effectively non-profit water user associations.~~ In addition to irrigation uses, these districts also supply a number of other services,

including municipal, industrial, and pond maintenance, warranting coordination with municipalities.”

**Chapter 14 - Energy**

Add new policy:

- Include evaluation of adverse impacts to natural resources as part of renewable energy siting processes.
- **Remove** text below – Hydroelectric energy generation page 14-4
  - ~~Several water districts in Deschutes County have implemented hydropower projects to harness the energy of moving water. These projects may have impacts on wildlife habitat and migration, as well as construction, visual, and noise impacts.~~
  - Revise remaining text in section to following:  
 Currently, Deschutes County has three approved “in conduit” hydroelectric facilities that are owned and operated by irrigation districts within existing irrigation district canals. Approval of these facilities have previously been contentious, with community members expressing concern about wildlife and impacts to other basin users. Irrigation districts ~~have expressed interest in reducing barriers to permitting these types of developments to promote renewable energy development using manmade waterways.~~ noted challenges in utilizing the existing county code for these projects, which were drafted to address “in channel” hydroelectric facilities. To promote renewable energy development using man-made waterways, irrigation districts have expressed interest in helping the County update the Deschutes County Code to more appropriately address “in conduit” hydroelectric facilities separate and apart from “in-channel” hydroelectric facilities”.



# Deschutes County Comprehensive Plan



DESCHUTES  
COUNTY  
**2040**



**Draft - Revised March 15, 2024**

# Acknowledgements

## BOARD OF COUNTY COMMISSIONERS

- Patti Adair, Chair
- Anthony DeBone, Vice Chair
- Phil Chang

## DESCHUTES COUNTY PLANNING COMMISSION

- Jessica Kieras, Chair
- Nathan Hovekamp, Vice Chair
- Matt Cyrus
- Susan Altman
- Kelsey Kelley
- Patrick Trowbridge
- Toni Williams
- Dale Crawford (through June, 2023)
- Maggie Kirby (through June 2023)

## STAFF

- Peter Gutowsky, AICP, Community Development Director
- William Groves, Planning Manager
- Nicole Mardell, AICP, Senior Planner

## CONSULTANT TEAM

- MIG
- Parametrix
- Letz Consulting
- Kittelson and Associates

**Adopted** \_\_\_\_\_



# Table of Contents

- Acknowledgements** ..... i-2
- Introduction** ..... i-4
- 1. Community**
- Engagement** ..... 1-1
  - Opportunities, Challenges, and Considerations.....1-2
  - Context .....1-2
  - Key Community Issues.....1-6
  - Goals and Policies .....1-6
- 2. Land Use and Regional Coordination** ..... 2-1
  - Context .....2-3
  - Key Community Considerations .....2-7
  - Goals and Policies .....2-9
- 3. Farm and Forest Resources** ..... 3-1
  - Opportunities, Challenges, and Considerations.....3-2
  - Context .....3-3
  - Key Community Considerations .....3-6
  - Goals and Policies .....3-7
- 4. Mineral and Aggregate Resources** ..... 4-1
  - Opportunities, Challenges, and Considerations.....4-2
  - Context .....4-2
  - Key Community Considerations .....4-4
  - Goals and Policies .....4-4
- 5. Natural Resources** ..... 5-1
  - Opportunities, Challenges, and Considerations.....5-2
  - Context .....5-3
  - Key Community Considerations .....5-9
  - Goals and Policies ..... 5-10
- 6. Historic and Cultural Resources** ..... 6-11
  - Opportunities, Challenges, and Considerations..... 6-12
  - Context ..... 6-13
  - Key Community Considerations ..... 6-13
  - Goals and Policies ..... 6-14
- 7. Natural Hazards** ..... 7-1
  - Opportunities, Challenges, and Considerations.....7-2
  - Context .....7-3
  - Key Community Considerations .....7-6
  - Goals and Policies .....7-7
- 8. Recreation** ..... 8-1
  - Opportunities, Challenges, and Considerations.....8-2
  - Context .....8-4
  - Key Community Considerations .....8-5
  - Goals and Policies .....8-6
- 9. Economic Development** ..... 9-1
  - Context .....9-2
  - Opportunities, Challenges, and Considerations.....9-2
  - Key Community Considerations .....9-5
  - Economic Development Goals and Policies .....9-6
- 10. Housing** ..... 10-1
  - Context ..... 10-2
  - Opportunities, Challenges, and Considerations..... 10-2
  - Key Community Considerations ..... 10-4
  - Goals and Policies ..... 10-6
- 11. Unincorporated Communities and Destination Resorts** ..... 11-1
  - Context ..... 11-2
  - Opportunities, Challenges, and Considerations..... 11-2
  - Key Community Considerations ..... 11-4
  - Goals and Policies ..... 11-4
- 12. Public Facilities** ..... 12-1
  - Opportunities, Challenges, and Considerations..... 12-2
  - Context ..... 12-3
  - Key Community Considerations ..... 12-6
  - Goals and Policies ..... 12-7
- 13. Transportation** ..... 13-1
- 14. Energy** ..... 14-1
  - Opportunities, Challenges, and Considerations..... 14-2
  - Context ..... 14-3
  - Key Community Considerations ..... 14-5
  - Goals and Policies ..... 14-5
- Appendix A - Terrebonne Community Plan** ..... A-1
- Appendix B - Tumalo Community Plan** ..... B-1
- Appendix C - Transportation System Plan** ..... C-1
- Appendix D - Newberry Country Plan** ..... D-1
- Appendix E - Goal 5 Supplemental Sections** ..... E-1

# Introduction

The purpose of the Deschutes County Comprehensive Plan is to provide a blueprint for land use conservation and development. This is accomplished through goals and policies that tell a cohesive story of where and how development should occur and what places should remain undeveloped. The Plan provides a legal framework for establishing more specific land use actions and regulations such as zoning. The goals and policies are based on existing conditions and trends, community values and the statewide planning system. The Plan must provide clear policy direction yet remain flexible.

The County's most recent Comprehensive Plan was adopted in 2011. Since then, the County has grown substantially and experienced many demographic and economic shifts. Between April 2010 and July 2020, the County's population grew from 157,730 residents to 198,253 residents. This growth - 25.7% over ten years - is over twice the 10.6% increase that the State of Oregon experienced as a whole. The latest projections from Portland State University's Population Research Center suggest strong continued growth throughout Deschutes County.

An updated Comprehensive Plan is necessary to address current needs of the communities in the County, as well as to guide the anticipated growth and development of Deschutes County over the next twenty years. Although many of the goals and policies of the 2011 Plan still hold value, fundamental data, trends, and land use issues have become outdated. The updated Comprehensive Plan needs to incorporate community input to craft new and updated goals and policies regarding agriculture, forestry, housing, recreation, natural resources, natural hazards, economic development, and transportation.

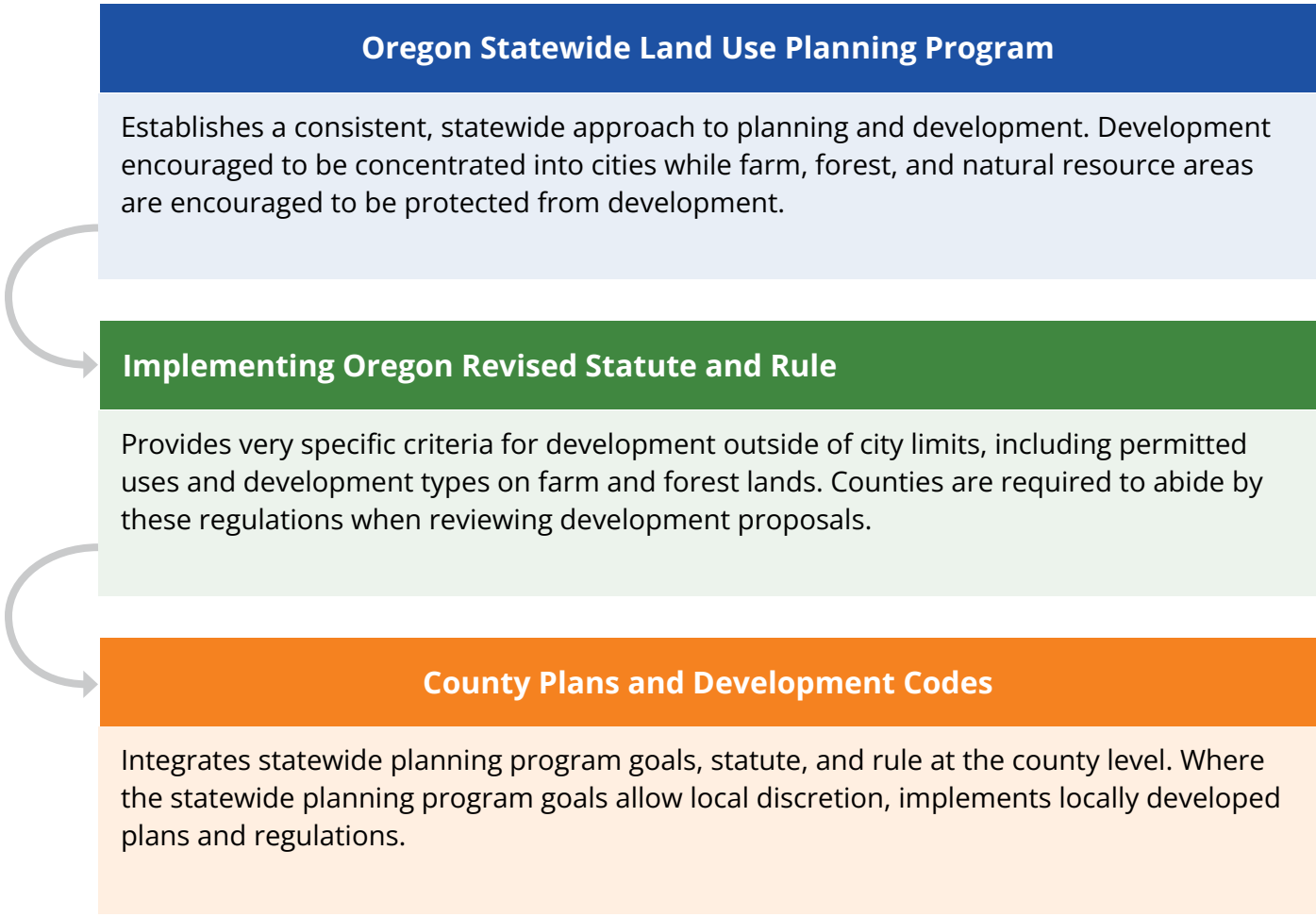




In Oregon, comprehensive plans must comply with the statewide planning system, which was adopted in 1973 to ensure consistent land use policies across the State. While compliance with the statewide system is required, it is also important for a comprehensive plan to reflect local needs and interests. This Plan balances statewide requirements and local land use values.

The Comprehensive Plan is the County’s long-range plan for how it will grow and serve its community members in the future. Oregon state law requires all counties and cities to adopt and regularly update Comprehensive Plans that are consistent with state and regional goals, laws, administrative rules and other requirements and guidelines. The Comprehensive Plan addresses topics such as land use, housing, economic

development, transportation, parks and recreation, and natural resources, with a strong emphasis on how land is used, developed, and/or conserved. Other topics in the plan include citizen involvement, natural hazards, and public infrastructure and facilities, and more. The Plan describes conditions related to each element of the community and provides overarching guidance for future County decisions in the form of a set of goals, objectives, and policies. These policies will drive future decisions and actions undertaken by County staff, advisory groups, and elected decision-makers.



# Deschutes County Timeline



**1859**  
Oregon Statehood



**1905**  
City of Bend incorporated



**1916**  
Deschutes County created from a portion of Crook County



**1937**  
County Courthouse and most early records destroyed by fire



**1941**  
Roberts Airfield completed allowing flights to Central Oregon for the first time



**1970**  
"Deschutes County to 1990" Comprehensive Plan



**1973**  
SB100 and Oregon Land Use Planning System Enacted



**1979**  
"Deschutes County Year 2000" Comprehensive Plan



**1988 to 2003**  
Periodic Review and updates to Comprehensive Plan



**2010**  
"Deschutes County 2030" Comprehensive Plan Update



**2023**  
"Deschutes 2040" Comprehensive Plan Update

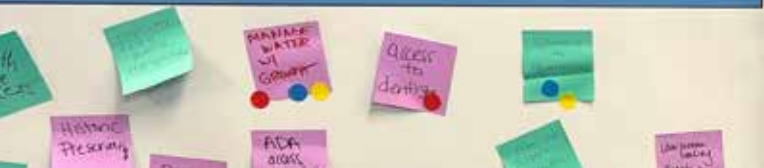
*City of Bend photo courtesy of DowntownBend.org*



# 1

## Community Engagement





## Opportunities, Challenges, and Considerations

Public engagement is the touchstone of planning in Oregon. As Deschutes County grows and its population changes over the course of the next 20 years, the County must be prepared to find innovative ways to keep community members involved in the planning process and provide ample and accessible ways to find and digest information. Challenges including funding, resources, and ongoing state appeals might pose barriers to this work. The County has an opportunity to plan for adequate resources and staffing to support this work.

## 2023 Comprehensive Plan Update

A far-reaching community conversation was a vital part of updating the Deschutes County Comprehensive Plan. This effort included:

- Two phases of engagement – one focusing on long-range vision, opportunities, and challenges; and another phase focusing on important and controversial topics.
- Outreach events in all parts of the County.
- A deliberate audit of engagement activities to learn and build on successes.

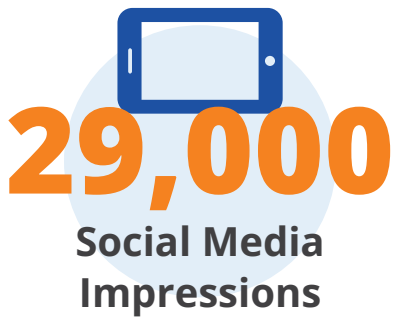
## Context

Involving the public in planning is a critical part of Oregon's land use system. Statewide Planning Goal 1 - Citizen Involvement, is intended to ensure that the public has the opportunity to be meaningfully involved in all phases of the land use planning process. Creating these opportunities requires time and energy on the part of County staff, as well as systems to incorporate that input in a meaningful way.

To participate in planning actions, the public needs to be notified of the proposal or project, understand the legal framework for the decision and understand the implications of the decision. Local governments need to be aware of changing technologies and best practices to involve the community and share project information. Community engagement can take many forms, such as focus groups for a larger planning project, email notification lists for department activities, or mailed notices of public hearings.



# Summary of Engagement for the 2023 Update



## Regulatory Framework

Statewide Planning Goal 1 – Citizen Involvement lays the groundwork for the County’s public involvement program. Jurisdictions are required to establish a Citizen Involvement Program that provides widespread community involvement, two-way communication with appropriate feedback mechanisms, opportunities for engagement in all phases of the planning process, technical information available in an intelligible form, and is adequately funded.

### Statewide Planning Goal 1

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

## Deschutes County’s Community Involvement Program

Statewide Planning Goal 1 is implemented by Deschutes County’s Community Involvement Program, as described in the following section.

### DESCHUTES COUNTY PLANNING COMMISSION

The Deschutes County Planning Commission serves as the County’s Committee for Community Involvement (CCI). The Planning Commission is composed of seven volunteer

members appointed to four-year terms by the Board of County Commissioners (Board).

Membership of the commission is representative of the various geographic areas of the County. Members are selected through an open process that aims to balance the diverse views of Deschutes County residents.

The purpose of the CCI is to create a direct and transparent connection between County decision-making and the public by providing regular updates, speakers, panel discussions, and handouts on land use law and policy. The CCI aims to make materials intelligible and convenient for the public and to provide a venue for civil discourse on important issues for the County.

### HISTORIC LANDMARKS COMMISSION

The Historic Landmarks Commission serves as a hearings body for matters concerning historical districts, structures and sites within unincorporated Deschutes County as well as the city of Sisters. The Landmarks Commission is composed of nine voting and several non-voting ex-officio members who have demonstrated expertise in historic preservation related disciplines. Commissioners serve four-year terms.





## OTHER LAND USE RELATED ADVISORY GROUPS

Project Wildfire is a committee formed to coordinate, develop and implement strategies to mitigate the effects of losses due to natural disasters that strike Deschutes County. Project Wildfire is composed of 15 to 27 members who reside or represent agencies within Deschutes County. All members are appointed by the Board and serve four years (see also Chapter X, Natural Hazards).

The Deschutes River Mitigation and Enhancement Program helps achieve Oregon Department of Fish and Wildlife (ODFW) habitat and management goals and objectives within the Upper Deschutes River sub-basin, consistent with an agreement between the Central Oregon Irrigation District (COID) and ODFW. As part of that agreement COID provides ODFW with funds to develop and implement a fish and wildlife habitat mitigation and enhancement program for the Upper Deschutes River Basin. The Deschutes River Mitigation and Enhancement Committee

has seven voting members appointed to three-year terms by the Board (see also Section 2.5).

In addition to convening these groups, Deschutes County engages with the public through numerous methods, including:

- Conducting regular work sessions and hearings
- Providing timely public notice of important items
- Maintaining the County Website, including the department's "Community Engagement Center" page.
- Advertising events and engaging with constituents through social media channels
- Coordinating with media organizations, such as local newspapers.
- Meeting with individuals and small groups to get feedback on important issues.

These activities were part of the most recent update of this Comprehensive Plan.





### Key Community Issues

Deschutes County is changing and community members are seeking new ways to share their ideas on key issues. To provide ample opportunities to engage, new tools and technologies will be needed to involve new groups. Issues that the policies in this section address include:

- Continuing to simplify materials to use plain language and be accessible to a variety of audiences
- Continuing to maintain a presence throughout the County, including holding meetings and events throughout the County
- Supporting engagement activities that allow community members to participate virtually and at the time of their choosing.

With these issues in mind, Deschutes County has adopted the following goals and policies:

### Goals and Policies

**Goal 1.1:** Provide for a robust community involvement program that includes all members of the community, including those who are commonly under-represented, by ensuring access to information, encouraging community collaboration, identifying and addressing barriers to involvement, and promoting efficient and transparent planning processes.

**Policy 1.1.1.** Convene the Deschutes County Planning Commission as the County's Committee for Community Involvement in order to provide a direct and transparent connection between County decision-making and the public.

**Policy 1.1.2.** Write all County planning documents to be understandable, intuitive, and easily available to the general public, using simplified language where possible, with acronyms spelled out and technical language explained.



**Policy 1.1.3.** Hold area-specific comprehensive plan and zoning text amendment public hearings in locations and at times convenient and accessible to area residents, as appropriate.

**Policy 1.1.4.** Provide property information to the public in an intuitive and easy-to-use manner.

**Policy 1.1.5.** Consult and coordinate with developers before submitting applications as required or recommended by the County Development Code to identify and discuss project requirements and impacts.

**Policy 1.1.6.** Invest in and support land use educational resources for community members including information related to rural living, agricultural practices, natural resources, and natural hazards.

**Policy 1.1.7.** Promote opportunities for community members to have civil dialogue around key community issues.

**Policy 1.1.8.** Explore new and innovative ways to reach community members and promote participation in the planning process.

**Goal 1.2:** Support the activities of the Committee for Community Involvement

**Policy 1.2.1.** Maintain adequate funding and staffing support for the Committee.

**Policy 1.2.2.** Provide regular updates, speakers, panel discussions, and handouts on land use law and policy.

**Policy 1.2.3.** Appoint members through an open and public process to reflect the diverse geographic regions, demographics, and values of Deschutes County residents.

**Policy 1.2.4.** Meet with the Board of County Commissioners at least once a year to coordinate planning policies and activities.

**Policy 1.2.5.** Complete periodic reports on community involvement implementation for the State Citizen Involvement Advisory Committee, the Board of County Commissioners, and the public.

**Policy 1.2.6.** Maintain open and civil discourse among Committee members and with the public.



# 2

## Land Use and Regional Coordination







## Opportunities, Challenges, and Considerations

Deschutes County has been one of the most rapidly growing parts of Oregon for many years. This growth can cause tension and highlight trade-offs between community priorities, such as the need for housing, preservation of natural resources, adequate infrastructure, and intergovernmental collaboration. To manage this growth, the County partners with its cities, special districts, and state and federal agencies to ensure a collaborative approach to development activities. As the County continues to navigate emerging issues, intergovernmental agreements and new partnerships will be key.

One purpose of the Deschutes County Comprehensive Plan is to provide a blueprint for land use throughout the County. This is accomplished through goals and policies that tell a cohesive story of where and how development should occur and what places are expected to remain undeveloped. The Plan provides a legal framework for establishing more specific land use actions and regulations.

Deschutes County regulates and manages the use of land in the unincorporated parts of the County. This is accomplished by:

- Implementing state policy and laws and furthering local planning goals by maintaining, updating and applying County land use policies, standards and regulations in its zoning codes and this Comprehensive Plan.
- Reviewing development and land use proposals and help applicants to navigate the application process.
- Coordinating with other local jurisdictions on issues of regional growth management, infrastructure, and public services.
- Coordinating land use and transportation planning efforts in rural areas including planning for farm and forest lands and natural resource management and protection.
- Administering land use regulations for unincorporated communities in the County.



The policies contained in this chapter, as well as all chapters in this Plan, establish the legislative policy basis for the County’s land use planning program. The program is implemented primarily through application of the County’s Zoning Code, regulatory maps, and development permitting application and approval procedures. In addition, these policies establish important criteria to be used when initiating regulatory changes or reviewing and developing code, map, and policy amendments.

*Note: Official comprehensive plan and zoning maps, including overlay zone maps, included in are available on Deschutes Count Dial Property Information System.*

## Context

### Comprehensive Plan Designations

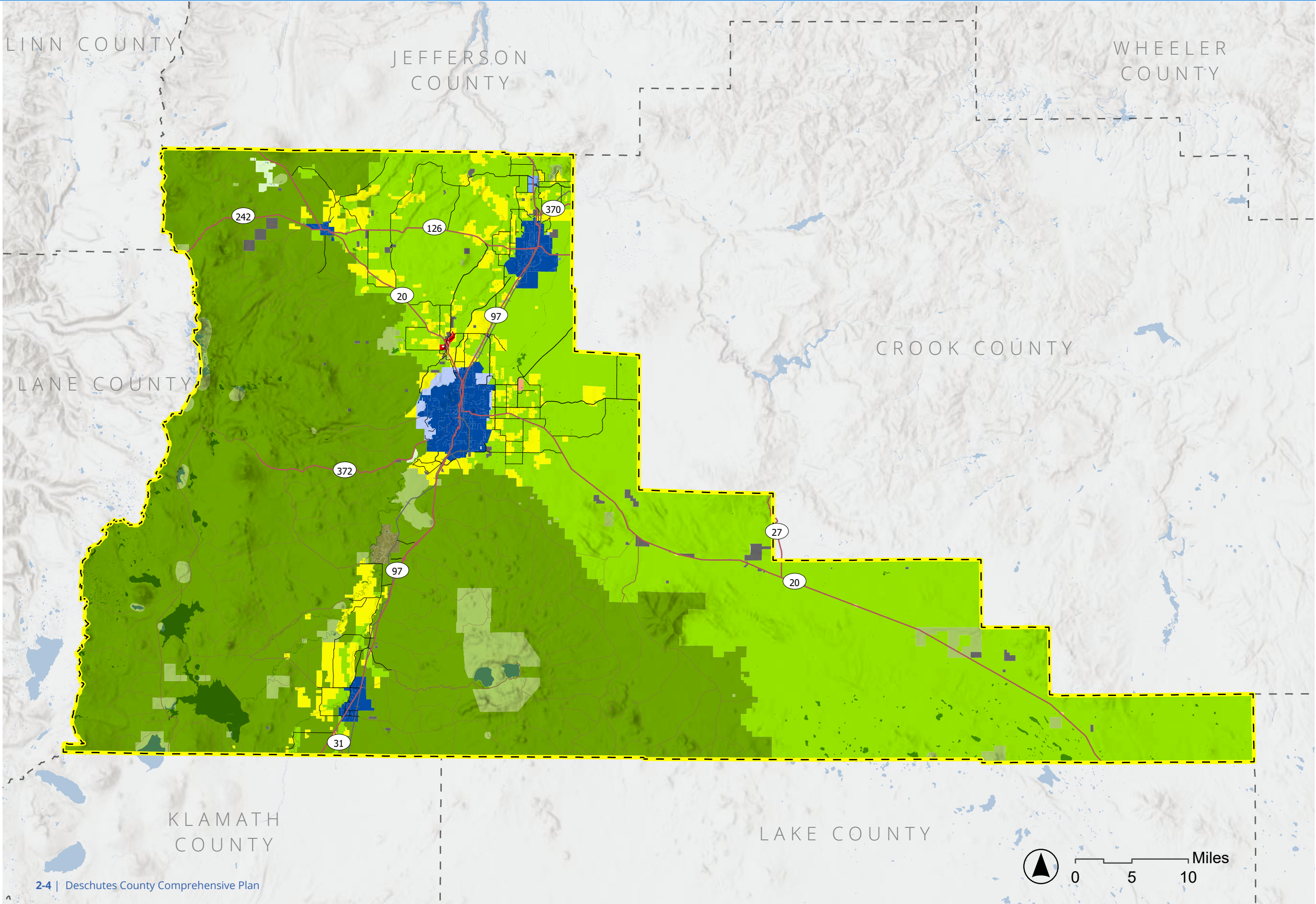
Comprehensive Plan designations provide a high-level policy basis for more detailed zoning regulations – each Comprehensive Plan designation may be implemented by one or more specific zones.

Comprehensive plan designations in Deschutes County are shown in Map 2-1 and described in the preceding table. Comprehensive Plan designations within the Bend, Redmond, Sisters, and La Pine Urban Growth Boundaries are excluded – local jurisdictions have responsibility for comprehensive planning within their Urban Growth Boundaries.

Comprehensive Plan Designation	Purpose Statement
<b>County-wide Designations</b>	
Agriculture	To preserve and maintain agricultural lands for farm use.
Airport Development	To allow development compatible with airport use while mitigating impacts on surrounding lands.
Forest	To conserve forest lands for multiple forest uses.
Open Space & Conservation	To protect natural and scenic open spaces, including areas with fragile, unusual or unique qualities.
Rural Residential Exception Area	To provide opportunities for rural residential living outside urban growth boundaries and unincorporated communities, consistent with efficient planning of public services.
Surface Mining	To protect surface mining resources from development impacts while protecting development from mining impacts.
Resort Community	To define rural areas with existing resort development that are not classified as a destination resort.
Rural Community	To define rural areas with limited existing urban-style development.
Rural Service Center	To define rural areas with minimal commercial development as well as some residential uses, based on Oregon Administrative Rule 660-22 or its successor.
Urban Unincorporated Community	To define rural areas with existing urban development, based on Oregon Administrative Rule 660-22 or its successor.
<b>Urban Designations</b>	
Deschutes County coordinates with cities to adopt comprehensive plan designations for areas within Urban Growth Boundaries or as part of Urban Reserves Areas in the City of Redmond area. These designations are reflected in the Deschutes County GIS database.	
<b>Area Specific Designations</b>	
Parts of Deschutes County (Sunriver for example) have area-specific Comprehensive Plan designations. These are detailed in Chapter 11, Unincorporated Communities.	



# COMPREHENSIVE PLAN DESIGNATION



A PLAN FOR THE FUTURE

- Water Bodies
- County Boundary

### Transportation

- State Routes
- Railroad
- County Lines
- Arterial
- Collector
- Forest Highway

### Comprehensive Plan Designation

- Airport
- Agriculture
- Forest
- Flood Plain
- Open Space & Conservation
- Rural Commercial
- Resort
- Rural Industrial
- Rural Residential Exception Area
- Surface Mining
- Terrabone Districts
- Tumalo Districts
- Unincorporated Community
- Mixed Use / Commercial
- Mixed Use / Commercial Future Expansion Area

### Other

- Urban Growth Boundary
- Urban Reserve
- Urban Unincorporated Community

This map is for information purposes only. The County's official zoning and comprehensive plan maps can be accessed through the Deschutes County Dial Property Information System. Please note that these maps do not represent all of the County's combining and overlay zones.



## Zoning Designations

Zoning designations in Deschutes County are shown in Map 2-2. Zones within the Bend, Redmond, Sisters, and La Pine Urban Growth Boundaries are excluded - local jurisdictions have responsibility for zoning within Urban Growth Boundaries.

### OVERLAY ZONES

Deschutes County has the following overlay zones, which apply in addition to the base zone of a given property.

- **Airport Safety:** The purpose of the AS Zone is to restrict incompatible land uses and airspace obstructions around airports in an effort to maintain an airport's maximum benefit.
- **Destination Resort:** The purpose of the Destination Resort Combining Zone is to identify lands eligible for siting a Destination Resort and establish procedures and standards for establishing this type of development.
- **Landscape Management:** The purposes of the Landscape Management Combining Zone are to maintain scenic and natural resources of the designated areas and to maintain and enhance scenic vistas and natural landscapes as seen from designated roads, rivers, or streams.
- **Greater Sage-Grouse Combining Zone.** The purpose of the Greater Sage-Grouse Combining Zone is to fulfill obligations of OAR 660-23-0115. This state rule requires seven Oregon counties to mitigate impacts of large-scale development on sage-grouse habitat.
- **Sensitive Bird and Mammal Habitat:** The purpose of the Sensitive Bird and Mammal Combining Zone is to insure that sensitive habitat areas identified in the County's Goal 5 sensitive bird and mammal inventory as critical for the survival of the northern bald eagle, great blue heron, golden eagle, prairie falcon, osprey, great grey owl, and

## Land Use Planning in Oregon

The foundation of statewide program for land use planning in Oregon is a set of 19 Statewide Land Use Planning Goals. The goals express the state's policies on land use and related topics, like citizen involvement, housing, and natural resources.

Oregon's statewide goals are achieved through local comprehensive planning. State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect.

Local comprehensive plans must be consistent with the Statewide Planning Goals. Plans are reviewed for such consistency by the state's Land Conservation and Development Commission (LCDC). When LCDC officially approves a local government's plan, the plan is said to be acknowledged. It then becomes the controlling document for land use in the area covered by that plan.

The goals relevant to Deschutes County are:

- **Goal 1 Citizen Involvement**
- **Goal 2 Land Use Planning**
- **Goal 3 Agricultural Lands**
- **Goal 4 Forest Lands**
- **Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces**
- **Goal 6 Air, Water and Land Resources Quality**
- **Goal 7 Areas Subject to Natural Hazards**
- **Goal 8 Recreational Needs**
- **Goal 9 Economic Development**
- **Goal 10 Housing**
- **Goal 11 Public Facilities and Services**
- **Goal 12 Transportation**
- **Goal 13 Energy Conservation**
- **Goal 14 Urbanization**



the Townsend’s big-eared bat are protected from the effects of conflicting uses or activities which are not subject to the Forest Practices Act.

- **Surface Mining Impact Area:** The purpose of the SMIA zone is to protect the surface mining resources of Deschutes County from new development which conflicts with the removal and processing of a mineral and aggregate resource while allowing owners of property near a surface mining site reasonable use of their property.
- **Wildlife Area:** The purpose of the Wildlife Area Combining Zone is to conserve important wildlife areas in Deschutes County; to protect an important environmental, social and economic element of the area; and to permit development compatible with the protection of the wildlife resource.

**CITY COORDINATION**

Deschutes County includes the following jurisdictions, each with their own authority and needs. The role of the County is largely one of coordination across these multiple communities.

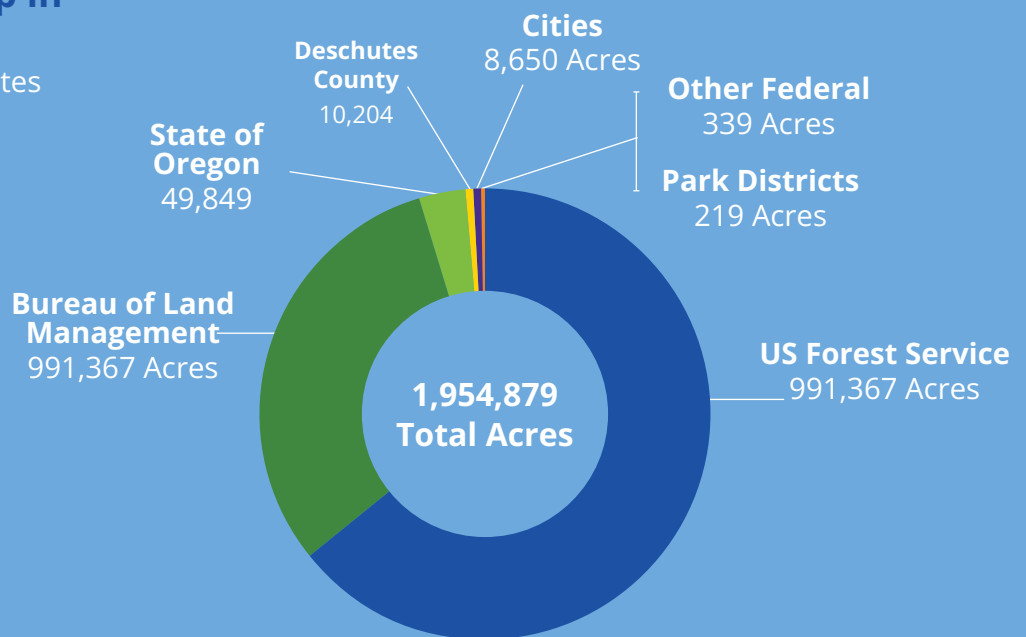
Deschutes County contains four incorporated cities. The County, per statute, is responsible for coordinating with cities on growth related issues including urban growth boundary and urban reserve planning. The County maintains intergovernmental agreements with each city to define land use authority for lands outside of city limits and within urban growth boundaries.

**City of Bend**

Bend is the largest incorporated area in Deschutes County. It is centrally located in the county, with Highways 20 and 97 crossing paths through the center of the city. Bend has experienced rapid growth in the last few years, accelerated by the COVID-19 pandemic and “Zoom Town” remote working trends. The 2022 estimated population of the Bend UGB is 103,976. The Bend UGB accounts for most of the population share among all UGBs in Deschutes County with a population of 225,619 (57.4% of the population) by 2072.

**Public Land Ownership in Deschutes County**

Approximately **79%** of Deschutes County is public land.



**City of La Pine**

The City of La Pine is located close to the southern edge of the county along Hwy. 97. The current (2022) estimated population of the La Pine UGB is 2,736. The population of the La Pine UGB is projected to increase by 87% to 5,129 in 2047. By 2072, the population is projected to be 8,336.

**City of Redmond**

Redmond is located northeast of Bend with Hwy. 97 running through the center of town. The current (2022) estimated population of the Redmond UGB is 37,342. The population of the Redmond UGB is projected to increase by 121% to 82,601 in the next 50 years. By 2047 it is estimated that the population of the Redmond UGB will increase to 60,060.

**City of Sisters**

Sisters is located on the eastern edge of the Willamette National Forest and Cascade Mountains. The current (2022) estimated population of the Sisters UGB is 3,437. The Sisters UGB is projected to increase by 130%, to 7,911 in 2047, and to 14,881 by 2072.

**TRIBAL COORDINATION**

In the Treaty of 1855, the Confederated Tribes of Warm Springs ceded approximately 10.2 million acres to the United States Government in exchange for creation of the Warm Springs Reservation. As part of this agreement, the Tribes maintained rights to hunt, fish, gather, and graze on these ceded lands. The map below identifies the location of these ceded areas in Deschutes County, which primarily intersect with publicly owned lands. Coordination with the Confederated Tribes of Warm Springs on growth and development related issues is important to ensure consistency with these treaty rights.

**Key Community Considerations**

The rapid pace of growth in Deschutes County and its impacts on urban, rural, natural, and recreational areas has been one of the most significant – and at times the most controversial – topics of discussion among the community. Some topics and comments include:

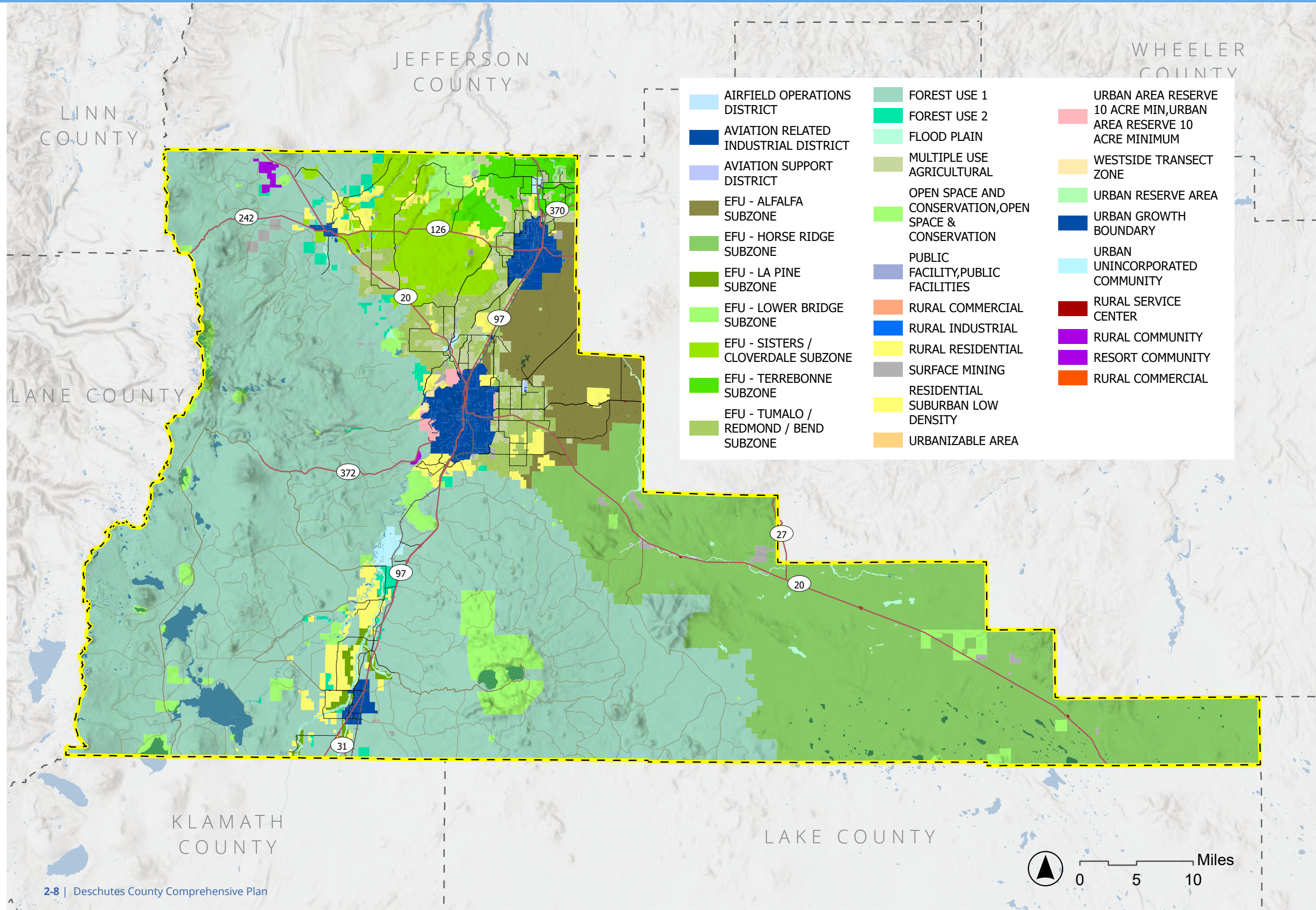
- Strong desire by some for greater densities in urban areas, in order to accommodate growth while preserving open space and resource land in rural areas.
- A similarly strong feeling by some that the cities in Deschutes County are becoming too urban already.
- Concern about the amount and distribution of benefits and burdens created by destination resorts and tourism-related activities in rural areas.
- Strong desire for interagency collaboration to manage growth in a coordinated manner.

With these ongoing conversations in mind, Deschutes County drafted and refined the following goals and policies to guide the growth of our community for the next 20 years.





# ZONING DESIGNATIONS



A PLAN FOR THE FUTURE

- Water Bodies
- County Boundary

### Transportation

- State Routes
- Railroad
- County Lines



This map is for information purposes only. The County's official zoning and comprehensive plan maps can be accessed through the Deschutes County Dial Property Information System. Please note that these maps do not represent all of the County's combining and overlay zones.



## Goals and Policies

**Goal 2.1:** Maintain an open and public land use process in which decisions are based on substantial evidence and a balancing of community needs.

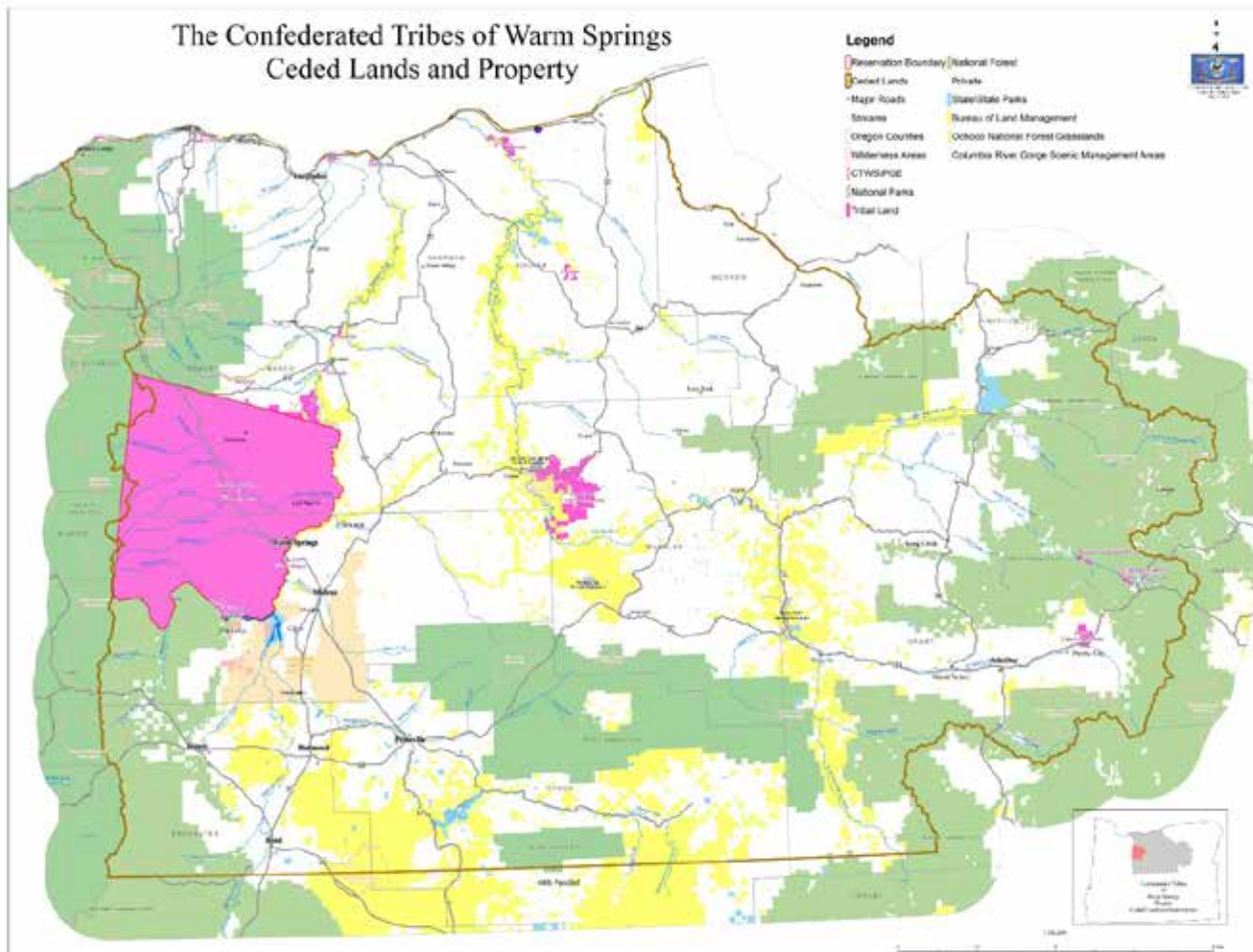
**Policy 2.1.1.** Balance the consideration of private property rights and the economic impacts of land use decisions on property owners with incentives to preserve agricultural and forest land, wildlife habitat, ground and surface water resources, wetlands, riparian areas, open areas and other community goals identified in the Comprehensive Plan.

**Policy 2.1.2.** Review the Comprehensive Plan periodically in order to address current conditions, issues, and opportunities.

**Policy 2.1.3.** The Deschutes County Comprehensive Plan Map will be retained in official replica form as an electronic map layer within the County Geographic Information System and is adopted as part of this Plan.

**Policy 2.1.4.** Implement Comprehensive Plan policies through the Community Development Department’s annual work plan and other actions by the Department and the Board of County Commissioners.

**Policy 2.1.5.** Explore methods to integrate carrying capacity into County land use decision making.





**Goal 2.2:** Coordinate and support regional planning efforts relating to growth, natural resources, recreation, and major infrastructure investments.

**Policy 2.2.1.** Periodically review and update intergovernmental and urban management agreements to coordinate land use review on land inside urban growth boundaries and outside city limits.

**Policy 2.2.2.** Help coordinate regional planning efforts with other agencies on land use policies and actions that impact their jurisdictions.

**Policy 2.2.3.** Support the use of high value natural resource and recreational lands for public purposes, whether through acquisition, easements, or other means.

**Policy 2.2.4.** Support the implementation of long-range plans of Deschutes County jurisdictions, incorporating elements of those plans into the County's Comprehensive Plan as appropriate.

**Policy 2.2.5.** Encourage cities to conduct, in collaboration with Deschutes County, urban reserve planning to facilitate orderly and thoughtful management of growth and infrastructure needs.

**Policy 2.2.6.** Collaborate with federal agencies on land management issues, including homelessness, wildlife habitat restoration, water quality, road networks, energy projects, the impacts of recreation and the expansion of sustainable recreation opportunities.

**Policy 2.2.7.** Support efforts to reduce barriers to regional infrastructure projects with community benefit while mitigating negative impacts.

**Policy 2.2.8.** Support updates to unincorporated community area plans.

**Policy 2.2.9.** In accordance with OAR 660-024-004 and 0045, Deschutes County, fulfilling coordination duties specified in ORS 195.025, shall approve and update its comprehensive plan when participating cities within their jurisdiction legislatively or through a quasi-judicial process designate regionally significant sites.

**Policy 2.2.10.** The County and City shall periodically review the agreement associated with the Redmond Urban Reserve Area (RURA). The following land use policies guide zoning in the RURA.

- a. Plan and zone RURA lands for rural uses, in a manner that ensures the orderly, economic and efficient provision of urban services as these lands are brought into the urban growth boundary.
- b. Parcels shall be a minimum of ten acres.
- c. Until lands in the RURA are brought into the urban growth boundary, zone changes or plan amendments shall not allow more intensive uses or uses that generate more traffic, than were allowed prior to the establishment of the RURA.
- d. For Exclusive Farm Use zones, partitions shall be allowed based on state law and the County Zoning Ordinance.
- e. New arterial and collector rights-of-way in the RURA shall meet the right-of-way standards of Deschutes County or the City of Redmond, whichever is greater, but be physically constructed to Deschutes County standards.
- f. Existing and future arterial and collector rights-of-way, as designated on the County's Transportation System Plan, shall be protected from development.

- g. A single-family dwelling on a legal parcel is permitted if that use was permitted before the RURA designation. Additionally, the County will coordinate planning efforts and development goals with the City of Redmond prior to bringing County-owned property into Redmond's urban growth boundary.

**Goal 2.3:** Manage county-owned lands to balance the needs of the community as articulated in the goals and policies of this Plan and other supporting planning documents.

**Policy 2.3.1.** Manage lands with a park designation consistent with the goals and policies in Chapter 5 Natural Resources.

**Policy 2.3.2.** Support the efforts of park districts, state and/or federal agencies to identify additional properties along rivers, streams, or creeks, or containing significant wildlife, scenic resources, or open space resources to designate as park land.

**Goal 2.4:** Minimize onerous barriers to land use application and development review processes.

**Policy 2.4.1.** Explore opportunities to build or obtain specialty planning knowledge and experience among staff within CDD in related fields such as wildlife, natural resources, and/or agricultural practices.

**Policy 2.4.2.** Explore measures to reduce development costs for projects related to agriculture and addressing houselessness, including fee reductions and expedited land use applications.



# 3

## Farm and Forest Resources





## Opportunities, Challenges, and Considerations

Farm and forestry resources and operations continue to play an important role in the character and economy of Deschutes County. However, a variety of ongoing and forecasted trends will impact the viability and vitality of these industries and the people who contribute to them. A number of these trends and challenges are described below and more information about some issues is found in the Water Resources section of this Plan (see Chapter 5: Natural Resources).

### PREVALENCE OF SMALL FARMING OPERATIONS AND HOBBY FARMS

The 2022 Census of Agriculture profiles Deschutes County as primarily consisting of small acreage, hobby farms and other relatively small agricultural operations. As of 2022 there were approximately 1,572 farms, an increase of 5% from 2017. Although the average size of a farm in Deschutes County is 97 acres, the majority of acreage (about 85%) is in farms of 50 acres or less in size.

### MARGINAL OR LOW PRODUCTIVITY SOILS

While a large proportion of the County is zoned for exclusive farm use, much of the land in these areas has marginal soils which provide limited productivity, particularly for higher value crops. Limited access to water rights and irrigation can further hamper productivity in some areas. Deschutes County attempted to reclassify certain agricultural lands through a nonresource lands program. This approach was rejected at the state level. Since that time, some landowners have successfully redesignated property, primarily to residential zones, through an applicant-initiated process.

### FINANCIAL CHALLENGES

According to the 2022 Agricultural Census, agricultural producers in Deschutes County are often operating in the red. The per-farm average of market value of products sold was \$25,437, a 23% increase from 2017, and average production expenses of \$39,918. This results in a deficit of approximately \$14,481 per farm per year. Government payments help cover a portion of this deficit, with the average farm receiving \$17,959 in assistance. The costs of operating continue to be a major challenge for small family operations, resulting in approximately 48% of farms in Deschutes County reporting under \$2,500 in sales.

### DECLINING FOREST PRODUCTS INDUSTRY

Approximately 1,032,436 acres of Deschutes County area are zoned for Forest Use. Historically, forestry on public and private land was a primary industry in Central Oregon with key mill sites along the Deschutes River in Bend. Over time, species protections, international competition, and new technologies have reduced the overall footprint of the timber industry in Central Oregon. Recently, land uses are shifting toward recreation and residential development in these natural resource areas.





### WATER SUPPLY AND IRRIGATION

Much of Deschutes County is served by six irrigation districts (Map 3-1) – these are special entities created for the purpose of delivering water to their patrons. These districts are quasi-municipal corporations chartered under Oregon law that operate as political subdivisions of the State of Oregon. In addition to irrigation, these districts also supply other services including municipal, industrial, and pond maintenance. In most cases, these districts are holders of senior water rights with shares then distributed to their patrons. As is the case with all water rights, the irrigation districts’ water rights are managed by the Oregon Water Resources Department and subject to “beneficial use” requirements to prevent the waste of the water resource. The total water available for irrigation and other human uses in Deschutes County is fixed under the current water regime, and there is little opportunity to expand irrigated farming in the County. Irrigation districts with more junior water rights such as Arnold Irrigation District and North Unit Irrigation District (operating north of Deschutes County), have recently seen challenges with water delivery due to limited availability and drought.

### CHANGES IN CLIMATE CONDITIONS

Because the total volume of water available for agricultural and human use is fixed, strategies to decrease water usage (capping or piping irrigation channels, irrigation timing strategies,

water conservation) will become more crucial. Deschutes County is committed to working with irrigation districts and holders of water rights to increase water conservation efforts throughout the County in a manner consistent with existing legal frameworks established by State and Federal law.

### Context

#### Agriculture

Agriculture and ranching operations in Deschutes County vary widely based on water availability, soil, and microclimate. The following subzones were created through a commercial farm study conducted in 1992. This study concluded that irrigation is a key factor to viability of operations, which enabled the County to establish smaller acreages than allowed by state law to provide additional flexibility.

Additional information about farm and forest resources is provided in the tables and charts below.

#### Forest Lands

Deschutes County classifies Forest land in one of two zones. Forest 1 zoning is intended for land that is primarily used for forest management or commercial forestry, with a lot size over 160 acres, and not developed with residential or non-forest uses. Forest 2 zoning is intended for land that does have residential or non-forest uses, is less than 160 acres, and may contain roads or other public facilities that serve the property.

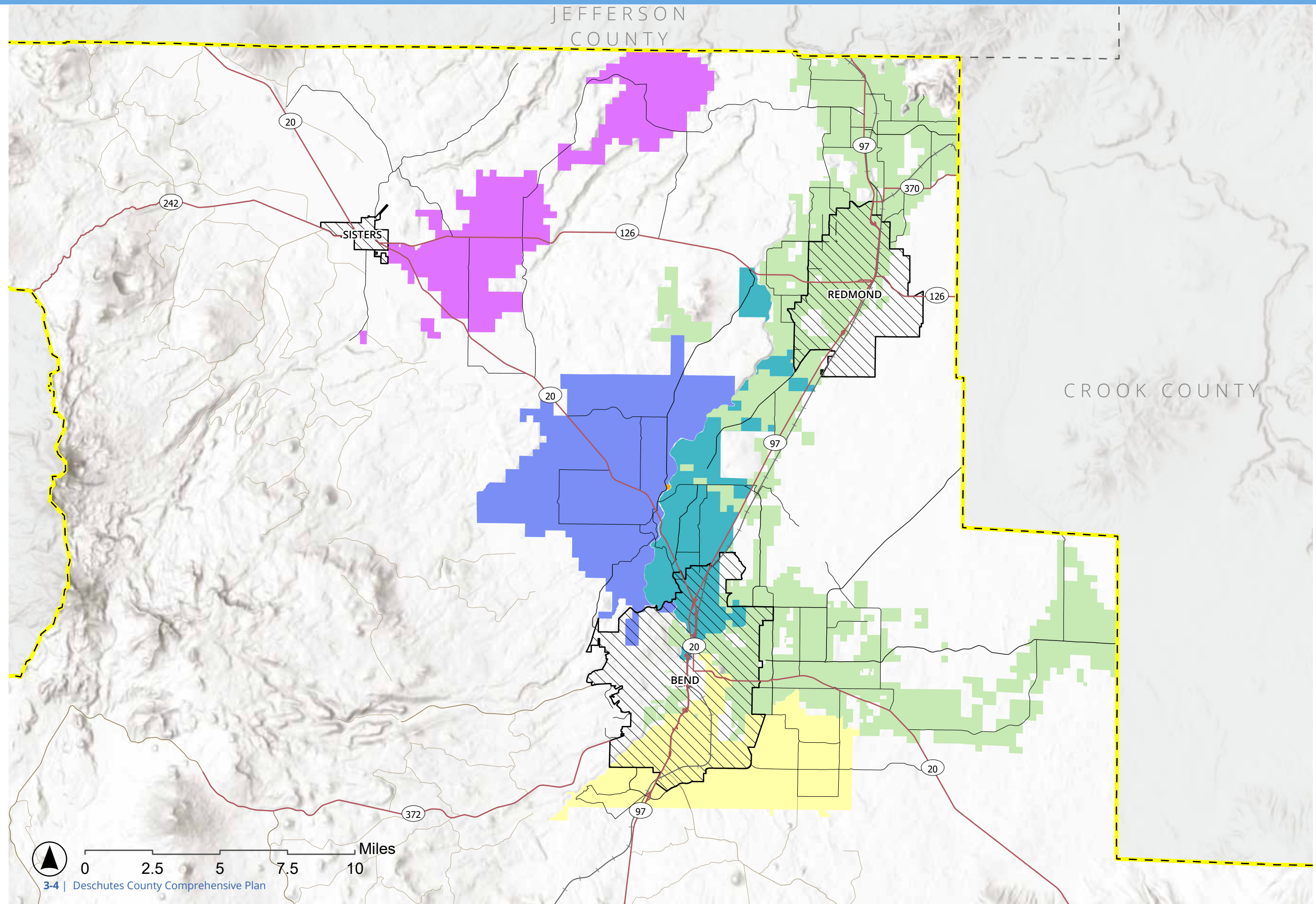
State regulations limit residential and non-forestry related development on forest lands and the County sees only a few applications for

### Days Above 90 Degrees in Brothers



# IRRIGATION DISTRICTS

## Map 3-1



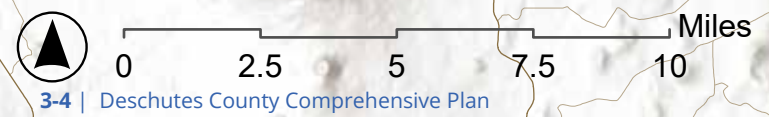
A PLAN FOR THE FUTURE

### Irrigation Districts

- Arnold Irrigation District
- Central Oregon Irrigation District
- Rimrock Water Improvement District
- Swalley Irrigation Dist (DRIC)
- Three Sisters Irrigation District
- Tumalo Irrigation District
- State Routes

### Transportation

- Arterial
- Collector
- Forest Highway
- Railroad
- Urban Growth Boundaries
- County Boundary



Prepared by   
 Revised 8/1/2023

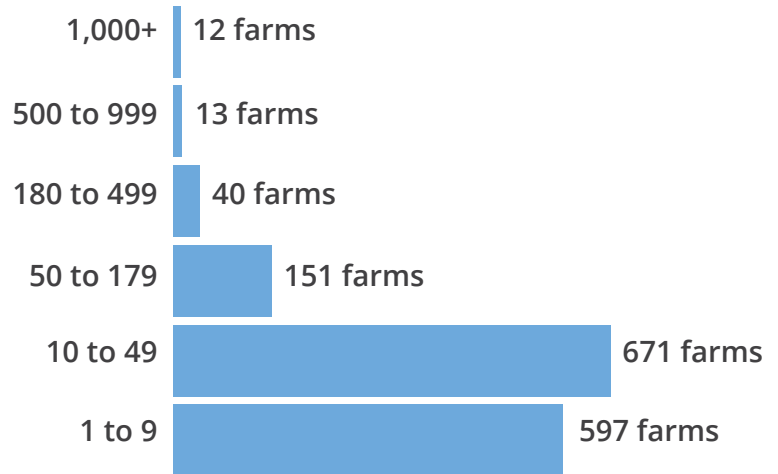
*This map is for information purposes only. The County's official zoning and comprehensive plan maps can be accessed through the Deschutes County Dial Property Information System. Please note that these maps do not represent all of the County's combining and overlay zones.*



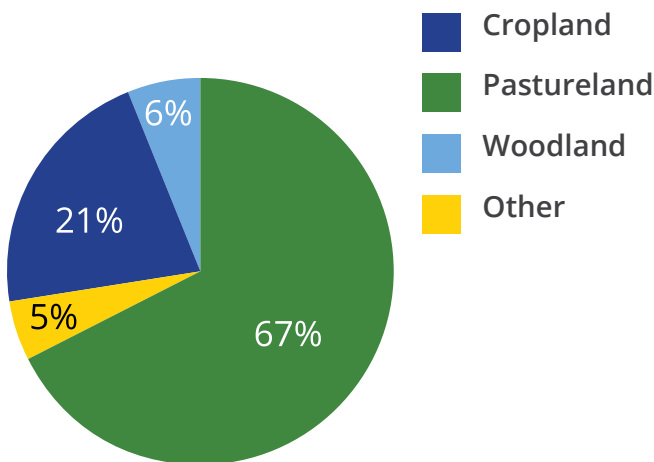
development in these areas each year. Even with this limitation on development, forest managers and service providers continue to express concern with wildfire risk associated with residential development in heavily wooded areas.

Most lands in either of these classifications within Deschutes County are federally owned and managed by the US Forest Service. Historically, forest lands were used for timber production. As timber harvesting decreases, other uses for forest lands are emerging. State regulations permit five general types of uses, including forest operations; environmental, agricultural or recreational uses; two types of

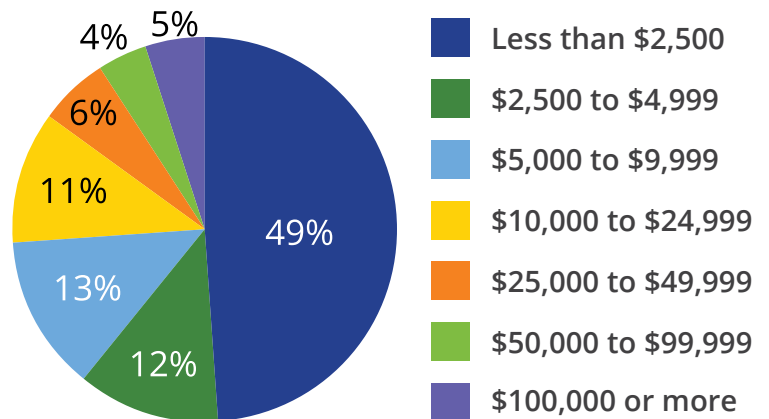
### Farms By Size (acres)



### Land in Farms by Use



### Farms By Value of Sales



Subzone Name	Minimum Parcel Size (for farm divisions and farm-related dwellings)	v
Lower Bridge	130	Irrigated field crops, hay pastures
Sisters/Cloverdale	63	Irrigated alfalfa, hay and pastures, wooded grazing and some field crops
Terrebonne	35	Irrigated hay and pasture
Tumalo/Redmond/Bend	23	Irrigated pasture and some hay
Alfalfa	36	Irrigated hay and pasture
La Pine	37	Riparian meadows, grazing and meadow hay
Horse Ridge East	320	Rangeland grazing

dwelling and locally dependent uses. Permitted uses are defined and clarified in OAR 660-006. The following uses are major forest uses in Deschutes County:

- **Secondary forest products (forest operations):** There is an increasing use of secondary forest products, such as hog fuel (chipped wood) or wood slash. This type of product is generally seen as providing dual benefit, by providing economic opportunity while also reducing wildfire risk through thinning projects.
- **Alternative Energy:** Biomass is an emerging technology for renewable energy and can also be integrated with these products. The first biomass facility in the County is currently under development through a partnership with Mt. Bachelor Ski Resort and the US Forest Service.
- **Recreation (environmental, agricultural and recreation uses):** The proximity of federal forests for hiking, mountain biking, skiing, hunting, fishing, wildlife viewing and other outdoor recreation draws tourists and residents alike. Skyline Forest, a 33,000-acre privately owned property in the Forest 1 zone has been identified as a potential community asset, with several groups and nonprofits seeking to acquire and utilize the property as a community forest. In 2022, Deschutes Land Trust facilitated a community visioning process to identify preferred community uses if land were to be purchased as a privately held recreational asset.

## Key Community Considerations

Given the range of issues and conditions discussed above and, this plan includes a variety of policies to support farm and forest operations in Deschutes County. Additional related policies also are found in Chapter 2: Land Use and Regional Coordination, Chapter 5: Natural Resources, and Chapter 9: Economic Development. These strategies are underpinned by the following results of Comprehensive Plan outreach efforts.

- Community members opposed rezoning low productivity farmland with poor soil to allow greater opportunities for housing, while supporting rezoning of this land to preserve open space.
- There is strong support for conducting educational outreach to encourage water conservation and on-farm efficiency measures.
- Community members also strongly support allowing greater flexibility for income-producing supplemental activities on farms such as farm-to-table dinner, farm stands, weddings, or similar events.
- Outreach participants expressed support for investment in the agricultural economy through grants or exploring a farmland conservation program.



## Goals and Policies

**Goal 3.1:** Preserve and maintain agricultural lands, operations, and uses to support Deschutes County's agricultural economy

**Policy 3.1.1.** Retain agricultural lands through Exclusive Farm Use zoning.

**Policy 3.1.2.** Continue to apply Exclusive Farm Use sub- consistent with the County's most up-to-date adopted studies of agricultural land and as implemented through the County Development Code.

**Policy 3.1.3.** Develop comprehensive plan policy criteria and code to provide clarity on when and how EFU parcels can be converted to other designations.

**Policy 3.1.4.** Regularly review farm regulations to ensure compliance with changes to State Statute, Oregon Administrative Rules and case law.

**Goal 3.2:** Promote a diverse, sustainable, and thriving agricultural sector.

**Policy 3.2.1.** Encourage farming by promoting the raising and selling of crops, livestock and/or poultry.



**Policy 3.2.2.** Support agriculture through the use of grant funds, research, and other resources dedicated to agricultural community members and stakeholders, including but not limited to farmers, agricultural researchers, farm bureaus, and other organizations in studying and promoting economically viable agricultural opportunities and practices.

**Policy 3.2.3.** Support and encourage small farming enterprises through a variety of related strategies and programs, including, but not limited to, niche markets, organic farming, food council, buy local, farmers markets, farm-to-table activities, farm stands or value-added products, or other programs or strategies.

**Policy 3.2.4.** Work cooperatively with irrigation districts, public agencies and representatives, and landowners to promote and support agricultural uses and operations, including through use of rural reserves, conservation easements, transfer of development rights programs, land acquisition, and other preservation strategies consistent with existing Federal and State Law.

**Policy 3.2.5.** Support efforts to control noxious weeds and invasive species.

**Policy 3.2.6.** Continue to review and revise county code as needed to be and consistent with state code, rules, and regulations to permit alternative and supplemental farm activities that are compatible with farming, such as agritourism or other small-scale sustainable activities.

**Policy 3.2.7.** Work with the State to review and revise their regulations when a desired alternative or supplemental use identified by the County is not permitted by State regulations.

**Policy 3.2.8.** Use land use policy and development code requirements, including right-to-farm provisions, as well as coordination with other jurisdictions to minimize conflicts between residential uses and agricultural uses and continue to promote the viable operation of agricultural uses.

**Policy 3.2.9.** Provide resources such as technical assistance and access to grants to support on-site efficiency upgrades relating to agriculture.

**Goal 3.3:** Ensure Exclusive Farm Use policies, classifications, and codes are consistent with local and emerging agricultural conditions and markets.

**Policy 3.3.1.** Identify and retain accurately designated agricultural lands.

**Policy 3.3.2.** Continue to explore new methods of identifying and classifying agricultural lands.

- a. Apply for grants to review and, if needed, update farmland designations.
- b. Study County agricultural designations considering elements such as water availability, farm viability and economics, climatic conditions, land use patterns, accepted farm practices, and impacts on public services.
- c. Lobby for changes to State Statute regarding agricultural definitions specific to Deschutes County that would allow some reclassification of agricultural lands.

**Policy 3.3.3.** Address land use challenges in the Horse Ridge subzone, specifically:

- a. The large number of platted lots not meeting the minimum acreage;
- b. The need for non-farm dwellings and location requirements for farm dwellings;

- c. Concerns over the impact on private property from off-road vehicles, facilities, and trails located on adjacent public lands.

**Policy 3.3.4.** Continue to work with the State to review and revise accessory farm dwelling requirements to address the needs of local farmers.

**Policy 3.3.5.** Encourage coordination between agricultural interests and fish and wildlife management organizations, including public agencies, non-governmental organizations and others.

**Policy 3.3.6.** Explore the evaluation and potential redesignation of lands with a farm designation and poor soils and low productivity for protected open space, development of needed housing, or other uses that support community goals as follows.

- a. Allow comprehensive plan and zoning map amendments, including for those that qualify as non-resource land, for individual EFU parcels as allowed by State Statute, Oregon Administrative Rules and this Comprehensive Plan.
- b. Explore creation of a new zoning classification intended to balance value of high desert environment while allowing for limited housing opportunities and applying this designation through coordination with interested and willing property owners.

**Goal 3.4:** Protect and maintain forest lands for multiple uses and objectives, including forest products, watershed protection, conservation, recreation, wildlife habitat protection, carbon sequestration, forest health, and wildfire resilience.

**Policy 3.4.1.** Retain forest lands through Forest 1 and Forest 2 zoning.



**Policy 3.4.2.** To conserve and maintain unimpacted forest lands, retain Forest 1 zoning for those lands with the following characteristics:

- a. Consist predominantly of ownerships not developed by residences or non- forest uses;
- b. Consist predominantly of contiguous ownerships of 160 acres or larger;
- c. Consist predominantly of ownerships contiguous to other lands utilized for commercial forest or commercial farm uses;
- d. Are accessed by roads intended primarily for forest management; and
- e. Are primarily under forest management.

**Policy 3.4.3.** To conserve and maintain impacted forest lands, retain Forest 2 zoning for those lands with the following characteristics:

- a. Consist predominantly of ownerships developed for residential or non-forest uses;
- b. Consist predominantly of ownerships less than 160 acres;
- c. Consist of ownerships generally contiguous to tracts containing less than 160 acres and residences, or adjacent to acknowledged exception areas; and
- d. Provide a level of public facilities and services, including roads, intended primarily for direct services to rural residences.”

**Policy 3.4.4.** Notwithstanding any other quasi-judicial plan or zone change criteria, lands designated as Forest under this Plan and zoned Forest 2 may upon application be redesignated and rezoned from Forest 2 to Exclusive Farm Use if such lands:

- a. Do not qualify under State Statute for forestland tax deferral,
- b. Are not necessary to permit forest operations or practices on adjoining lands and do not constitute forested lands that maintain soil, air, water and fish and wildlife resources,
- c. Have soils on the property that fall within the definition of agricultural lands as set forth in Goal 3,
- d. Are a tract of land 40 acres or less in size,
- e. Do not qualify under State Statute and the terms of the Forest 2 zone for a dwelling, and;
- f. Were purchased by the property owner after January 1, 1985 but before November 4, 1993.

Such changes may be made regardless of the size of the resulting EFU zoning district. Such changes shall be processed in the same manner as other quasi- judicial plan or zoning map changes.

**Policy 3.4.5.** Ensure that criteria for and designation of Forest Lands are consistent with state administrative rules and statutes.

**Policy 3.4.6.** Coordinate and cooperate with the U.S. Forest Service, the Bureau of Land Management and other public agencies to promote sustainable forest uses, including recreation and biomass facilities, on public forest land, including currently adopted Forest and Land Management Plans prepared by the US Forest Service (USFS) and US Bureau of Land Management (BLM).

- a. Using the Deschutes National Forest Land and Resource Management Plan, or its successor, as the basis for mutual coordination and cooperation with the U.S. Forest Service;

- b. Using the Prineville Bureau of Land Management Upper Deschutes Resource Management Plan, or its successor, as the basis for mutual coordination and cooperation with the Bureau of Land Management.

**Policy 3.4.7.** Notify affected agencies and tribal governments when reviewing land use applications and proposals for development that could impact Federal or State forest lands.

**Policy 3.4.8.** Support economic development opportunities that promote forest health, create opportunities for local production of related forest products, and reduce the prevalence of invasive plant species that adversely affect forest health and soil quality.

**Policy 3.4.9.** Provide input on public forest plans that impact Deschutes County.

**Policy 3.4.10.** Coordinate with community stakeholders to support forest management plans and projects that are consistent with the policies of this chapter and with local community forest management and wildfire protection plans.

- a. Promote forest health and resilience to wildfire.
- b. Contribute to public safety by treating wildland hazardous fuels particularly in the designated Wildland Urban Interface as identified in the Community Wildfire Protection Plans described in Chapter 13, Natural Hazards, of this Plan.
- c. Retain fish and wildlife habitat.

**Policy 3.4.11.** Continue to review and revise the County Code as needed to ensure development in forest zones minimizes and/or mitigates impacts on fish and wildlife habitat, forest health, and wildfire resiliency.

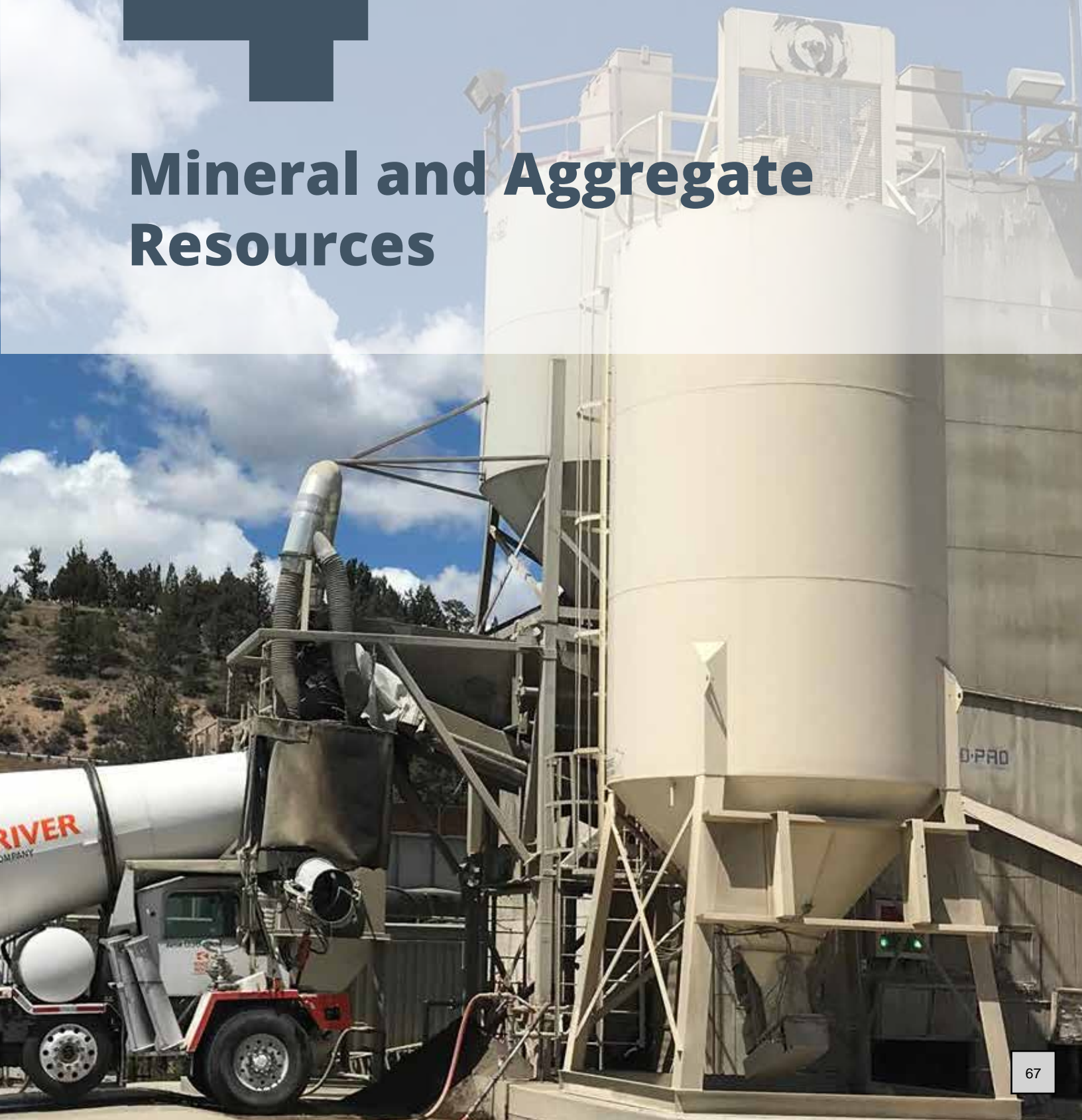






# 4

## Mineral and Aggregate Resources





### Opportunities, Challenges, and Considerations

Surface mining provides non-renewable resources, such as pumice, cinders, building stone, sand, gravel and crushed rock. The extraction of these materials provides employment as well as products important to local economic development. However, mining of mineral and aggregate resources creates noise, dust and traffic and potential pollution that can conflict with neighboring land uses, particularly residential uses.

The Oregon Department of Geology and Mineral Industries (DOGAMI) regulates surface mining sites in Deschutes County. The last available published analysis of mineral resources in Deschutes County was completed by DOGAMI in 1976. No updates have been completed during that time due to limited staff. A continued challenge is monitoring the availability of these resources. However, it is likely that Deschutes County has enough mineral resources to meet demand for the next 20 years.

When a mineral resource is exhausted, the site is required to submit a reclamation plan to Deschutes County and DOGAMI. This plan identifies how the site will be closed for mineral operations, environmental impacts will be mitigated, and steps to be taking to return the site to a new use. As mineral and aggregate resources are exhausted, property owners often rezone the site from the "Surface Mine" designation to a new zone (often a residential zone), to allow for new development to occur. Coordination with DOGAMI and property owners is imperative to ensure this reclamation process occurs in an efficient and environmentally focused manner.

### Context

Surface mining is protected through Statewide Planning Goal 5, Natural Resources, Scenic and Historic Areas and Open Spaces and the associated Oregon Administrative Rule (OAR) 660-023 (this rule replaced 660-016 in 1996). Mineral and aggregate resources are included on the list of Statewide Goal 5 resources that the County must inventory and protect.

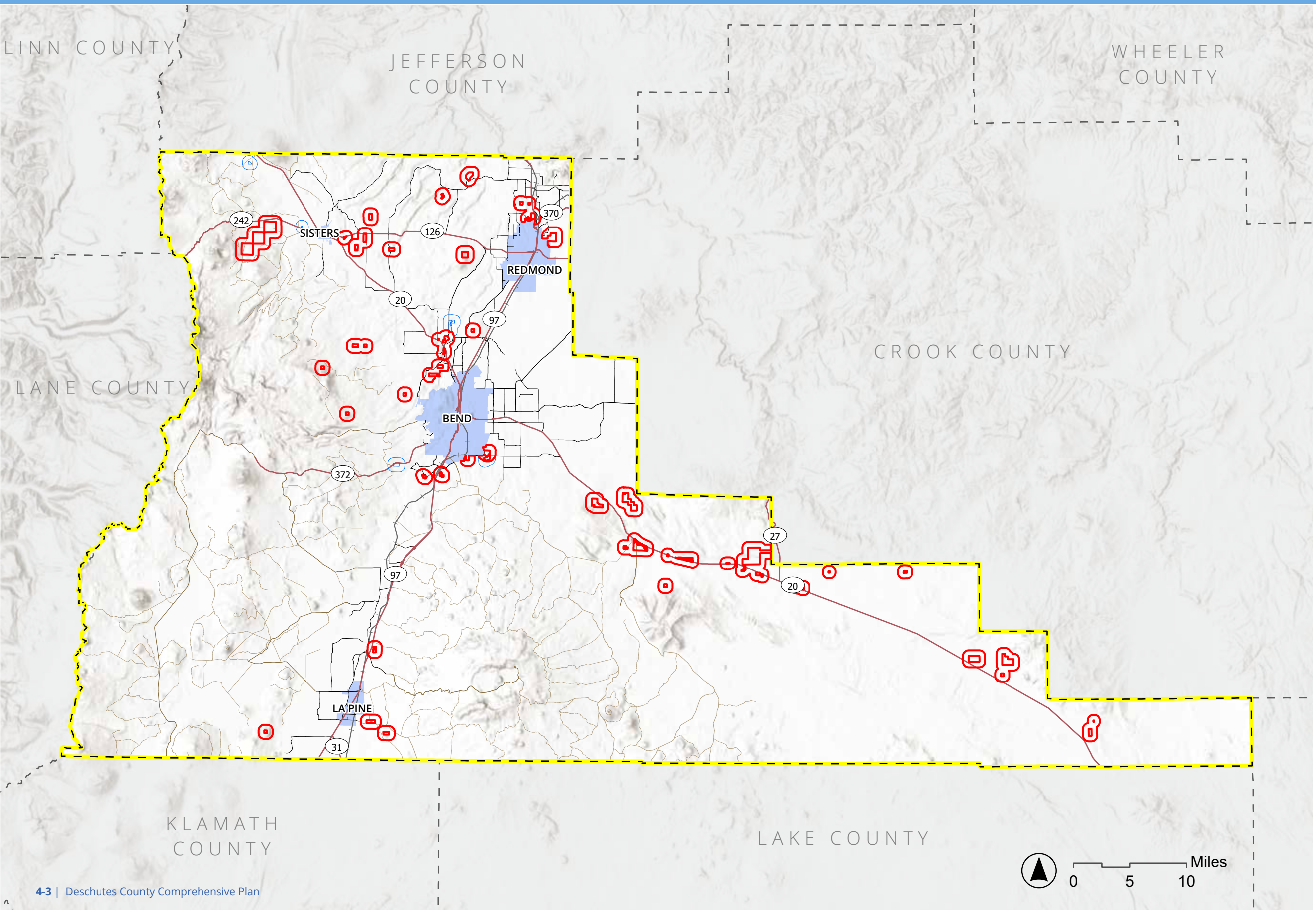
The County maintains an inventory of surface mining sites as part of its Goal 5 program, shown in Map 4-1. There are currently 59 mining sites identified in the Deschutes County GIS data, and 8 sites that have been reclaimed.

Mining sites are subject to a Surface Mining Impact Area Combining Zone that applies within ½ mile of the mining site boundary. This combining zone limits new uses and expansion of existing uses that may be impacted by mining activities and are not in compliance with the site-specific Economic, Social, Environmental, and Energy (ESEE) analysis for nearby mining sites. In certain cases, a waiver of nonremonstrance may also be required in this zone.



# SURFACE MINING

## Map 4-1



A PLAN FOR THE FUTURE

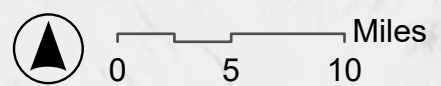
- County Boundary
- Urban Growth Boundaries

### Zoning Surface Mining Impact Area

- Surface Mining Impact Area
- Reclaimed - Surface Mining Impact Area

### Transportation

- State Routes
- Railroad
- County Lines



This map is for information purposes only. The County's official zoning and comprehensive plan maps can be accessed through the Deschutes County Dial Property Information System. Please note that these maps do not represent all of the County's combining and overlay zones.

## Key Community Considerations

Transportation agencies expressed concern regarding the impact of depleting mineral resources on road operations, including the use of cinder for winter maintenance and other resources for use in new road projects. The topic of mineral and aggregate resources was not a focus of community discussion as part of this Comprehensive Plan update, though the priorities of a diverse economy and protected natural areas for habitat and open space are interrelated with this subject. The following goals and policies represent a balance of these community interests.

## Goals and Policies

**Goal 4.1:** Protect and utilize mineral and aggregate resources while minimizing adverse impacts of extraction, processing and transporting the resource.

**Policy 4.1.1.** Implement adopted Goal 5 Surface Mining inventories.

**Policy 4.1.2.** Coordinate with the Oregon Department of Geology and Mineral Industries (DOGAMI) on mining regulations and studies.

**Policy 4.1.3.** Balance protection of mineral and aggregate resources with conflicting resources and uses.

**Policy 4.1.4.** Support the required reclamation of mining sites following mineral extraction.

### Surface Mining in 2023

**59**

Active Mining Sites

**8**

Reclaimed Sites

**9,235**

Acres in Surface Mining Zone

including Black Butte Ranch Surface Mine/Limited Use Zone

**58,881**

Acres in the Surface Mining Impact Area Combining Zone (SMIA)

Source: Deschutes County GIS information



# 5

## Natural Resources







## Opportunities, Challenges, and Considerations

Natural resources in Deschutes County are abundant. Wildlife, scenic views of forests and peaks, and open spaces to preserve habitat and native vegetation are among the County’s top assets.

Oregon Statewide Planning Goal 5 governs Natural Resources, Scenic and Historic Areas, and Open Spaces. Through this goal, the County maintains inventories and regulatory protections to preserve these many resources. These regulations are created by weighing Economic, Social, Environmental, and Energy (ESEE) consequences associated with protection of a resources.

Topics covered in this chapter include:

- Protected Wildlife Resources
- Open Space and Scenic Views
- Water Resources

### PROTECTED WILDLIFE RESOURCES

Deschutes County has some of the broadest and most robust wildlife protections in the state, covering a variety of species. The County has development protections within and surrounding numerous wildlife habitats. Some of these habitats have mapped geographic boundaries such as Deer Winter Range, Deer Migration Range, Antelope Habitat, Golden Eagle – Sensitive Bird Habitat, and Elk Habitat.

Other species are commonly found in protected riparian areas, such as wetlands and floodplains. Deschutes County contains general habitats for fish, fur-bearing animals, waterfowl, and upland game birds.

A continued challenge to wildlife resources is rural development and impacts on habitat. Mule deer are seeing steady declines, approximately 10% each year per Oregon Department of

Fish and Wildlife biologists. These declines in population are due to a variety of factors, including but not limited to loss of habitat, predation, and disease.

### SCENIC VIEWS AND OPEN SPACE

The 2010 Greenprint for Deschutes County listed protection of scenic viewsheds as one of the top five community priorities for conservation in the rural County, and the protection of open space has been one of the key topics of discussion during the most recent update of this Comprehensive Plan. The County has several designated scenic corridors, including several scenic bikeways, highways, and wild and scenic river sections.

With close to 80% of the County under public ownership, many community members enjoy access to natural resources on public lands. A perennial issue among community members is



preserving scenic views and open spaces closer to home on undeveloped private properties.

**WATER RESOURCES**

The high desert climate of Central Oregon poses many challenges with water supply and allocation.

A 2021 report by the Oregon Department of Water Resources found that groundwater levels through Deschutes County are declining, by as much as 50 feet of total decline in the central part of the basin. This decline is considered “excessively declined” per state statute and is attributed toward a shift in overall drier conditions since the late 1990s, a warming trend in the basin, and decreased snowpack. To address these issues, irrigation districts and other entities are engaged in ongoing efforts to pipe canals and modernize irrigation systems to increase their efficiency. Due to water transmission losses in irrigation canals from seepage into groundwater and evaporation, piped canals typically require only half the amount of water to be diverted from the river or stream to deliver the same volume of water to the end user compared to open canals. Community members have expressed concern that piping canals contribute to aquifer declines.

Deschutes County plays a coordination role along with the Oregon Department of Water Resources, irrigation districts, water users, and owners of private wells to address these water resource issues.

**Context**

**Protected Wildlife Resources**

Wildlife diversity is a major attraction of Deschutes County. The key to protecting wildlife is protecting the habitats each species needs for food, water, shelter, and reproduction. Also important is retaining or enhancing connectivity between habitats to protect migration routes and avoid isolated populations.

**Statewide Planning Goal 5**

Oregon land use planning protects wildlife with Statewide Planning Goal 5 and the associated Oregon Administrative Rule (OAR) 660-023. Goal 5 includes a list of resources which each local government must inventory, including wildlife habitat.

The Goal 5 process requires local governments to inventory wildlife habitat and determine which items on the inventory are significant. For sites identified as significant, an Economic, Social, Environmental and Energy (ESEE) analysis is required. The analysis leads to one of three choices: preserve the resource, allow proposed uses that conflict with the resource or strike a balance between the resource and the conflicting uses. A program must be provided to protect the resources as determined by the ESEE analysis.

**Appendix A** of the Comprehensive Plan contains the full ESEE ordinances for the County’s protected Goal 5 resources.



In considering wildlife habitat, counties rely on the expertise of the Oregon Department of Fish and Wildlife (ODFW) and U.S. Fish and Wildlife Service (USFWS). Those agencies provide information for the required wildlife inventory and recommendations on how to protect wildlife habitat on private lands.

A summary of Deschutes County's wildlife protection programs follows:

**MULE DEER**

Migration corridors and winter range are essential habitats needed to support mule deer in Deschutes County. The Bend/La Pine migration corridor is approximately 56 miles long and 3 to 4 miles wide and parallels the Deschutes and Little Deschutes Rivers. The corridor is used by deer migrating from summer range in the forest along the east slope of the Cascades to the North Paulina deer winter range. Deschutes County adopted a "Deer Migration Priority Area" based on a 1999 ODFW map submitted to the South County Regional Problem Solving Group. This specific sub-area is precluded from destination resorts.

From 2021-2023, Deschutes County explored an update to the county's mule deer inventory, which included extensive community participation including through the public record. Ultimately, the decision was made not to update.

A snapshot of Deschutes County's wildlife protection program is included below. Extensive information is included in Appendix E, the County's Goal 5 inventory.

**SENSITIVE BIRDS**

Nest sites for the bald eagle, osprey, golden eagle, prairie falcon, great grey owl, greater sage-grouse, and great blue heron rookeries are inventoried by the County. The area required for each nest site varies between species. The minimum area required for protection of nest sites has been identified by the ODFW in their management guidelines for protecting colony

nesting birds, osprey, eagles, and raptor nests. The USFW works closely with ODFW on eagle-related issues and enforces federal guidelines to ensure protection of bald and golden eagles.

**ELK**

The Land and Resource Management Plan for the Deschutes National Forest identifies 6 key elk habitat areas in Deschutes County. The ODFW also recognizes these areas as critical elk habitat for calving, winter or summer range. The following areas are mapped on the Big Game Habitat Area map and in the Deschutes National Forest Land and Resource Management Plan:

- Tumalo Mountain
- Kiwa
- Ryan
- Crane Prairie
- Fall River
- Clover Meadow

**ANTELOPE**

The Bend and Ochoco District offices of the ODFW provided maps of the antelope range and winter range. The available information is adequate to indicate that the resource is significant. The antelope habitat is mapped on Deschutes County's Big Game Habitat-Wildlife Area Combining Zone Map.



*Credit: Andrew Walch/ODFW*



## Scenic Views and Open Space

Deschutes County has a rich abundance of open space. Open spaces are generally undeveloped areas that are being maintained for some other purpose, such as farms, parks, forests, or wildlife habitat. Besides the value that stems from the primary use of the land, open spaces provide aesthetically pleasing undeveloped landscapes. Because these areas are undeveloped, they also provide additional benefits such as water recharge, buffers from habitat, and safety zones from natural hazards such as flooding.

Open spaces and scenic views are an important draw for visitors and are often mentioned as important to the area’s quality of life. The backdrop of the Cascade Mountains, with its vast forest and sagebrush landscapes and riparian and wetland habitats, all provide an inspirational setting for visitors and residents alike. Statewide Planning Goal 5 recommends, but does not require, creating an inventory and protections for open spaces, scenic views and sites. Oregon Administrative Rule (OAR) 660-023 defines open space designations as parks, forests, wildlife preserves, nature sanctuaries, and golf courses.

Open spaces are protected through an Open Space and Conservation map designation and zoning district. Scenic view protection is implemented through the Landscape Management Combining Zone regulations.

## Water Resources

Deschutes County’s Role in Water Management is described below.

### REGULATORY AGENCIES

The primary state regulator of water availability is the Oregon Water Resources Department (OWRD). The Oregon Department of Environmental Quality (DEQ) leads the monitoring and enforcement of water quality standards. The Oregon DEQ is required to comply with the Federal Environmental Protection Agency. Numerous sections of the

Deschutes River in Deschutes County hold a special status as a federal wild and scenic river, as well as a state scenic waterway. These areas carry additional regulations through the 1996 Upper Deschutes Wild and Scenic River and State Scenic Waterway Comprehensive Plan, requiring additional agency coordination with the Oregon Parks and Recreation Department and the US Forest Service on development impacting these sections.

### STATEWIDE PLANNING GOALS

There are two Statewide Planning Goals relating to the protection of water resources. Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) requires an inventory and protection of the following water resources. In Deschutes County, these inventories have been completed and acknowledged by the Land Conservation and Development Commission (See Appendix A for Goal 5 Inventories). Goal 6 (Air, Land, and Water Resources Quality) requires comprehensive plans to be consistent with state and federal pollution regulations. Accordingly, it is imperative that local land use policies align with Federal and State laws governing the community’s water resources.



The policies in this section relating to water provide the framework for evaluating land use actions and define the responsibility of the County to work in partnership with cities, agencies, non-profits and others to achieve efficient use of water resources and effective management of water quality in the Upper Deschutes Basin.

It is important to underscore that the primary water resource management process occurs outside of the state land use planning system. Oregon land use and water management are not integrated; there are no overarching administrative rules that consider statewide water management in conjunction with land use planning.

**WATER USE**

The Deschutes aquifer has a recharge rate of roughly 3 million acre feet per year. The current water usage comes to roughly 720 thousand acre feet per year. Roughly 40 to 50 thousand acre feet of that water goes toward municipal and non-agricultural use, while the remaining goes toward crop and pasture irrigation. The majority of that municipal water use goes towards outdoor watering (gardens, sports fields, etc.). As an example: the City of Bend uses 5 times as much water in the summer as in the winter.

**SNOWPACK**

Although there is expected to be a slight increase in winter precipitation by the middle of the century, snowpack is expected to decline throughout the Cascades. The decline in snowpack (which has already been observed, see figure below)<sup>1</sup> is due largely to increasing temperatures causing some precipitation to fall as rain rather than snow. This has the double effect of decreasing snowfall and melting the previously fallen snow. At the Mt Bachelor Ski Resort, April snowpack is expected to decline between 11% and 18% by the middle of the

<sup>1</sup> Adapted from Mote, P.W., Li, S., Lettenmaier, D.P. et al. Dramatic declines in snowpack in the western US. npj Clim Atmos Sci 1, 2 (2018). <https://doi.org/10.1038/s41612-018-0012-1>

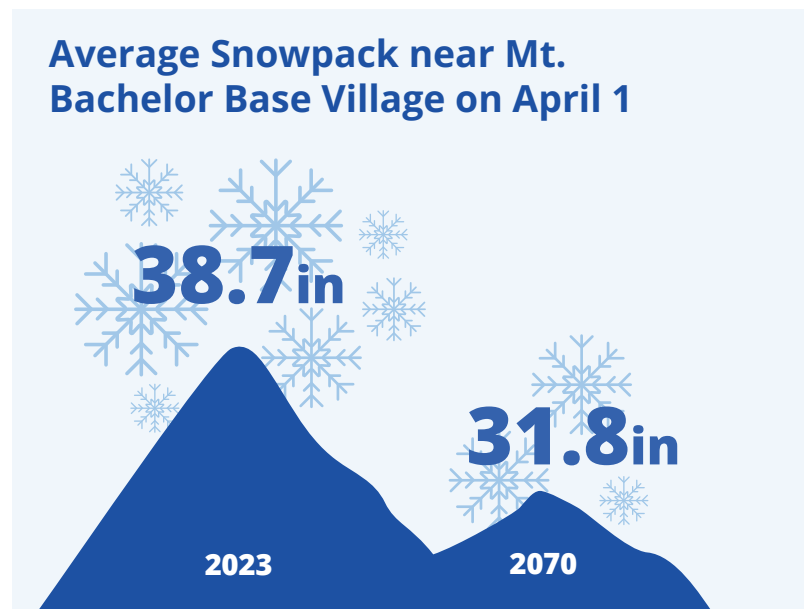
century and between 18% and 43% by the end of the century.

**LAVA SPONGE**

Deschutes county is fortunate to be underlain on the Western side by relatively young volcanic lava sponge. This sponge is highly porous and is able to absorb large quantities of water during the wet season and gradually release it via abundant springs along the eastern slope. The great advantage this provides is that the resulting summer flows into the Deschutes basin are not as dependent on overground flow of snowmelt, and therefore are expected to maintain a relatively stable water supply even as snowpack decreases into the next century.

**GROUNDWATER**

The groundwater aquifer is roughly 1000 feet thick and is replenished yearly by the Cascades’ precipitation. Recent years of “exceptional drought” have lowered the aquifer level by roughly 30 feet, resulting in a small percentage of wells running dry, and raising concerns about available groundwater for new developments. Although it is likely that some wells will need to be deepened to cope with increasing temperatures and drought frequency, there is likely to remain ample sustainable groundwater supply.





Because the groundwater in the Deschutes Basin is directly connected to the flow of the Deschutes River, all additional groundwater use must be mitigated by decreased use of groundwater elsewhere through the Oregon Water Resources Department's Deschutes Groundwater Mitigation program. This can include retiring of other water rights, or the release of water into the waterway. A mitigation permit must be obtained before a new groundwater right can be accessed.<sup>2</sup>

Generally, groundwater quality in Deschutes County is generally classified as being 'good,' providing high quality drinking water to most of its residents. However, several productive aquifers lie in shallow alluvial sediments that are vulnerable to contamination from human activities and development.

The Department of Environmental Quality (DEQ) Laboratory and Water Quality Divisions' Groundwater Quality Report for the Deschutes Basin (March 2006) identifies areas of concern for groundwater contamination based on various sources of data and groundwater quality studies. Based on collected data, development patterns and the geology of the underlying aquifer, the report makes recommendations for a couple of areas in the County. The report notes the groundwater aquifer in the Redmond area is vulnerable to contamination from human activities and recommends further study by the DEQ. The La Pine aquifer in the southern portion of the county from the Sunriver area to the Klamath County line between Newberry Caldera and the Cascades is an area of particular concern because of data collected through several studies and the high level of development in the area. The report also identifies underground injection systems that could contaminate the aquifer with pollutants from stormwater drywells or sewage drillholes.

In South Deschutes County, the concern for groundwater quality arises from nitrate

<sup>2</sup> Information from the Oregon Water Resources Board Mitigation Program.

## Deschutes Basin Hydrogeology

The Deschutes River Basin, from its headwaters to the Columbia River, encompasses 10,400 square miles of the north central part of the State. Nearly 91% of Deschutes County lies within the Deschutes Basin. The upper Deschutes River Basin is characterized by recent volcanic activity and strong and rapid groundwater flows. The geologic conditions lead to a strong connection between surface and ground water (see also Section 3.10).

Groundwater flows eastward from the Cascade Range through permeable volcanic rocks out into the basin and then generally northward. Groundwater recharge comes from precipitation in the Cascade Range, inter-basin flow and leaking irrigation canals. No long-term water-level declines attributable to groundwater pumping were found in the upper Deschutes Basin. Approximately one-half of the ground water flowing from the Cascade Range discharges to spring-fed streams along the margins of the range. The remaining groundwater flows through the subsurface, and eventually discharges to streams near the confluence of the Deschutes, Crooked, and Metolius Rivers.

The large amount of groundwater discharge in the confluence area is primarily caused by geologic factors. The Deschutes River flows north through permeable rock until it hits a region of low-permeable rock near the confluence area. There the permeable rock strata terminates, forcing water to the surface. Virtually all of the regional groundwater in the upper Deschutes Basin discharges to streams south of the area where the Deschutes River enters this low-permeability terrain, at roughly the location of Pelton Dam.

contamination associated with on-site wastewater treatment (septic) systems discharging to the shallow unconfined aquifer. The issue is small lots with highly permeable rapidly draining soils and a high groundwater table with relatively cold water temperatures. Combined with the fact that the majority of lots are served by on-site wastewater treatment systems and individual wells, concern arose that nitrates from the septic systems could contaminate local wells and the river system.

Considerable work has gone into studying the groundwater in South County. In 1999 Deschutes County and the Department of Environmental Quality (DEQ) identified the need for a better understanding of the processes that affect the movement and chemistry of nitrogen in the aquifer underlying the La Pine area. In response, the U.S. Geological Service (USGS), in cooperation with Deschutes County and DEQ, began a study to examine the hydrologic and chemical processes that affect the movement and chemical transformation of nitrogen within the aquifer. A primary objective was to provide tools for evaluating the effects of existing and future residential development on water quality and to develop strategies for managing groundwater quality.

Field research from the USGS study shows that in a 250-square-mile study area near La Pine the groundwater underlying the La Pine sub-basin is highly vulnerable and being polluted by continued reliance on traditional onsite systems. Environmental impacts from residential development include higher nitrate concentrations in groundwater that is tapped for domestic water supply and discharges to rivers. Nitrates are regulated by the federal Environmental Protection Agency and DEQ as a human health concern. Vulnerability of the shallow aquifer to contamination led to concern that wastewater from septic systems poses a threat to the primary drinking water supply and local river systems. The Upper Deschutes and

Little Deschutes Sub-basins have abundant, natural sources of phosphorus from volcanic soils and rocks so the rivers are naturally nitrogen limited. Nitrogen-limited rivers are sensitive to low concentrations of available nitrogen until some other component becomes limiting, and that may lead to ecological impacts.

In 2008 the County used the research on nitrates to adopt a 'local rule' that required South County residents to convert their septic systems over a period of 14 years to alternative sewage system technology designed to reduce nitrates. New septic systems were also required to use alternative technologies. The County created a process to assist residents in funding the conversions.

Many South County residents expressed concern over the costs involved with converting their septic systems and disputed the science behind the rule. Placed on the ballot by petition, the local rule was rescinded by voters in March 2009.

As of 2010 the DEQ is leading the effort to address nitrates in South County, with the full cooperation of the County. One solution being considered is creating a sewer system or extending Sunriver's to serve some of the nearby areas. Sewer systems are tightly restricted on rural lands by Statewide Planning Goal 11 and OAR 660-11, so the Department of Land Conservation and Development is also involved in these efforts.

## RESERVOIRS

The majority of the irrigation in Deschutes County comes from reservoirs. These reservoirs are primarily spring fed from the Cascades. Reservoirs serve the dual purpose of supplying water for irrigation and ensuring sufficient streamflow in the lower Deschutes River. Regional droughts in recent years have resulted in lower water levels in these reservoirs.



## ALGAL BLOOMS

Algal blooms have been a problem for recreational lakes in the cascade mountains in recent years. Since 2007, the Wickiup Reservoir, Crane Prairie Reservoir, and Paulina Lake have experienced algal or bacteria blooms that required a health advisory.<sup>3</sup>

Although not all algal blooms are toxic, they interfere with recreation and aesthetic enjoyment. In general, algal blooms are caused by elevated nutrients, elevated temperature, and still water. Algal blooms in other parts of the state have led to drinking water concerns, but Deschutes County cities are supplied by groundwater and so the risk in algal blooms is mainly to recreation.

## Key Community Considerations

Natural resources for recreation, passive enjoyment, habitat protection, and economic production are a fundamental part of life in Deschutes County, and as such were a key part of the community conversation in this Comprehensive Plan update. Highlights of this conversation include:

- Concern about the ability of the County's water supply to accommodate more residents, visitors, and water-intensive jobs in the future
- Interest in a re-evaluation of water rights for urban, agricultural, and "hobby farm" uses.
- A robust discussion around wildlife inventories, habitat conservation, open space regulations, and impacts on private property owners.

The topic of habitat conservation and water availability came up frequently, with most participants saying that further protections are needed. However, there was also recognition of the burden these protections may put on property owners. Deschutes County does not have the authority or expertise to reevaluate water rights as part of its land use planning efforts, leading the County to instead work with the Oregon Department of Water Resources, irrigation districts, and holders of water rights to increase the efficiency of water distribution throughout the community.



<sup>3</sup> <https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/RECREATION/HARMFULALGAE/BLOOMS/Pages/archive.aspx>

## Goals and Policies

### Water Goals and Policies

**Goal 5.1:** Support regional, comprehensive water management solutions that balance the diverse needs of water users and recognize Oregon water law.

**Policy 5.1.1.** Participate in Statewide and regional water planning including, but not limited to:

- a. Work cooperatively with appropriate federal, state, tribal and local agency resource managers, such as The Confederated Tribes of the Warm Springs Reservation of Oregon, the Oregon Water Resources Department (OWRD), irrigation districts, and other stakeholders and nonprofit water organizations, such as the Deschutes Basin Water Collaborative, the County Soil and Water Conservation District;
- b. Support the development and implementation of Upper Deschutes Basin Study, Habitat Conservation Plan, and Biological Opinion from National Marine Fisheries Service for the middle and lower Deschutes Rivers.

**Policy 5.1.2.** Support grants for water system infrastructure improvements, upgrades, or expansions.

**Policy 5.1.3.** Develop better understanding of The Confederated Tribes of the Warm Springs Reservation of Oregon's treaty-protected rights to co-manage the water resources of the Deschutes Basin.

**Policy 5.1.4.** Encourage state agencies to identify local areas of concern for water availability and explore additional regulations or requirements to ensure water capacity is not negatively impacted by development.

**Goal 5.2:** Increase water conservation efforts.

**Policy 5.2.1.** Support efficient water use through targeted conservation, educational and, as needed, regulatory or incentive programs.

- a. Encourage new development incorporates efficient water use practices for all water uses.
- b. Encourage the reuse of grey water for landscaping.
- c. Encourage and educate the community about the relative impacts of thinning or reduction of plant species that adversely impact forest health, water availability, and soil quality.
- d. Encourage and educate the community about on-farm efficiency measures, including upgrades to equipment.
- e. Encourage and educate the community about use of voluntary metering of water use to monitor seasonal impacts on water use.
- f. Provide access to educational materials and tools related to water conservation including publications, information about grant opportunities, and/or partner with organizations on educational events.
- g. Encourage and educate community members on stewardship of wetlands and waterways.
- h. Provide access to educational materials about water-wise gardening and xeriscaping.

**Policy 5.2.2.** Promote coordinated regional water conservation efforts and implementation by regional, tribal, and local organizations and agencies, including increasing public awareness of and implementing water conservation tools, incentives, and best practices.



**Policy 5.2.3.** Support conservation efforts by irrigation districts, property owners and other water users, including programs to provide incentives for water conservation, such as piping of canals and laterals, water banking, exchanges of water rights, voluntary transfers of in-stream flows, onsite efficiency measures, and other means.

**Goal 5.3:** Maintain and enhance a healthy ecosystem in the Deschutes River Basin.

**Policy 5.3.1.** Notify the Oregon Department of State Lands, The Confederated Tribes of the Warm Springs Reservation of Oregon, and other state and federal agencies as appropriate of any development applications for land within a wetland identified on the statewide wetland inventory maps.

**Policy 5.3.2.** Work with The Confederated Tribes of Warm Springs Reservation of Oregon and other federal, state, and local agency resource managers to restore, maintain and/or enhance healthy river and riparian ecosystems and wetlands, including the following:

- a. Cooperate to improve surface waters, especially those designated water quality impaired under the federal Clean Water Act;
- b. Support research on methods to restore, maintain and enhance river and riparian ecosystems and wetlands;
- c. Support restoration efforts for river and riparian ecosystems and wetlands;
- d. Inventory and consider protections for cold water springs;
- e. Evaluate waterways in coordination with OPRD for possible designation under the Scenic Waterways program;

- f. In collaboration with appropriate federal, state, tribal and local agency resource managers stakeholders, map channel migration zones and identify effective protections;
- g. Develop comprehensive riparian management or mitigation practices that enhance ecosystems, such as criteria for removal of vegetation that adversely impacts water availability and soil health.

**Policy 5.3.3.** Support studies of the Deschutes River ecosystem and incorporate strategies from current watershed studies that provide new scientific information and indigenous knowledge about the Deschutes River ecosystem.

**Policy 5.3.4.** Support educational efforts and identify areas where the County could provide information on the Deschutes River ecosystem, including rivers, riparian areas, floodplains and wetlands.

- a. Support efforts to educate property owners to understand regulations pertaining to rivers, riparian areas, floodplains and wetlands.

**Policy 5.3.5.** Revisit recommendations of 1996 Upper Deschutes Wild and Scenic River and State Scenic Waterway Comprehensive Plan, or its successor, and consider implementation of voluntary recommendations into the county code

**Goal 5.4:** Maintain and enhance fish and riparian-dependent wildlife habitat.

**Policy 5.4.1.** Coordinate with The Confederated Tribes of Warm Springs Reservation of Oregon and other federal, state, and local agency resource managers and stakeholders to protect and enhance fish and wildlife habitat in river and riparian habitats and wetlands.

**Policy 5.4.2.** Promote healthy fish populations through incentives and education.

**Policy 5.4.3.** Support healthy native salmonid fish populations through coordination with stakeholders, including, but not limited to, The Confederated Tribes of the Warm Springs Reservation of Oregon and other federal, state, and local agency resource managers who provide fish habitat management and restoration.

- a. Review, and apply where appropriate, strategies for protecting fish and fish habitat for native salmonid species.
- b. Promote native salmonid species recovery through voluntary incentives and encouraging appropriate species management and associated habitat conservation and restoration.

**Policy 5.4.4.** Update and implement policies to support federally approved Habitat Conservation Plans for species listed under the Endangered Species Act

- a. Spawning and rearing areas for salmonid species should be considered significant habitat and should be protected in rivers and streams.
- b. Cooperate with covered parties in restoring or enhancing spawning and rearing areas for salmonid species, where feasible.
- c. Support efforts to address riparian restoration associated with streamflow management under approved plans.

**Policy 5.4.5.** Use a combination of incentives and/or regulations to avoid, minimize, and mitigate development impacts on river and riparian ecosystems and wetlands.

**Policy 5.4.6.** Support plans, cooperative agreements, education, water quality monitoring and other tools that protect watersheds, reduce erosion and runoff, enhance riparian vegetation, and protect other natural or engineered water systems/ processes that filter and/or clean water and improve and/or and preserve water quality.

**Policy 5.4.7.** Coordinate with the Oregon Department of Environmental Quality and other stakeholders on regional water quality maintenance and improvement efforts such as identifying and abating point (single-source) and non-point (unidentified or multiple-source) pollution or developing and implementing Total Maximum Daily Load and Water Quality Management Plans.

**Policy 5.4.8.** Coordinate with The Confederated Tribes of Warm Springs Reservation of Oregon and other federal, state, and local agency resource managers to address water-related public health issues.

- a. Support amendments to State regulations to permit centralized sewer systems in areas with high levels of existing or potential development or identified water quality concerns.
- b. If a public health hazard is declared in rural Deschutes County, expedite actions such as legislative amendments allowing sewers or similar infrastructure.

**Policy 5.4.9.** Continue to evaluate and/or implement regulations, such as a wellhead protection ordinance for public water systems, in accordance with applicable Federal and/or State requirements.

**Policy 5.4.10.** Coordinate and work with the Oregon Department of Agriculture, agricultural uses, and available voluntary programs to support and implement proven new technologies and best practices to maintain and enhance water quality,



such as minimizing nitrate contamination, maintaining streamside vegetation, reducing streambank soil erosion and runoff, reducing fish passage barriers, managing return flows, limiting livestock access to riparian areas, and minimizing weeds and bare patches in grazing areas.

**Policy 5.4.11.** Support regulations, education programs, and cleaning procedures at public and private boat landings.

**Goal 5.5:** Coordinate land use and water policies to address management and allocation of water in Deschutes County.

**Policy 5.5.1.** Coordinate with other affected agencies when a land use or development application may impact rivers or riparian ecosystems or wetlands.

**Policy 5.5.2.** Regulate land use patterns and promote best practices to preserve the integrity of the natural hydrologic system, recognize the relationship between ground and surface water, recognize basin-wide impacts, and address water impacts of new land uses and developments, including water-intensive uses.

**Policy 5.5.3.** Support OWRD’s efforts to update and modernize Oregon’s groundwater allocation rules and policies to protect existing surface water and groundwater users and to maintain sustainable groundwater resources.

**Policy 5.5.4.** Support efforts by the OWRD in collaboration with Central Oregon Cities Organization, The Confederated Tribes of the Warm Springs Reservation of Oregon, and non-governmental organizations to revisit the Deschutes Basin Groundwater Mitigation Program.

**Policy 5.5.5.** Coordinate with the irrigation districts to ensure irrigated land partitions and lot line adjustments are not approved without notice to the affected district.

**Policy 5.5.6.** Utilize Central Oregon Stormwater Manual to apply appropriate stormwater management practices land use decisions.

**Policy 5.5.7.** Allow for development of wastewater facilities and improvements where needed or required to address water quality issues and maintain water quality, consistent with state and local wastewater system requirements.

### Open Space and Scenic Views Goals & Policies

**Goal 5.6:** Coordinate with property owners to protect open spaces, scenic views, and scenic areas and corridors through a combination of incentives and/or educational programs.

**Policy 5.6.1.** Work with stakeholders to create and maintain a system of connected open spaces while balancing private property rights with community benefits.

**Policy 5.6.2.** Work to maintain the visual character and rural appearance of open spaces such as the area along Highway 97 that separates the communities of Bend and Redmond or lands that are visually prominent.

**Policy 5.6.3.** Work to maintain and protect the visual character and rural appearance of visually prominent open spaces within the County, particularly those that are identified in the Goal 5 inventory.

**Policy 5.6.4.** Seek to protect the cultural identity of rural communities, such as the Highway 97 area/corridor between Bend and Redmond, and others.

**Policy 5.6.5.** Protect significant open spaces, scenic views, and scenic sites by encouraging new development to be sensitive to these resources.

**Policy 5.6.6.** Incentivize the placement of structures in a way that is sensitive of view corridors to maintain the visual character of the area.

### Wildlife Goals and Policies

**Goal 5.7:** Maintain and enhance a diversity of wildlife and habitats.

**Policy 5.7.1.** Promote stewardship of wildlife habitats through incentives, public education, and development regulations.

**Policy 5.7.2.** Ensure Goal 5 wildlife inventories and habitat protection programs are up-to-date through public processes, expert sources, and current or recently adopted plans and studies.

**Policy 5.7.3.** Provide incentives for new development to be compatible with and to enhance wildlife habitat.

**Policy 5.7.4.** Require, incentivize, or encourage clustering of development in inventoried wildlife areas to reduce impacts to wildlife populations.

**Policy 5.7.5.** Develop better understanding of The Confederated Tribes of the Warm Springs Reservation of Oregon’s treaty-protected rights to co-manage the wildlife resources of the Deschutes Basin.

**Goal 5.8:** Balance protection of wildlife and habitat with the economic and recreational benefits of wildlife and habitat.

**Policy 5.8.1.** Encourage responsible and sustainable wildlife related tourism and recreation.

**Policy 5.8.2.** Coordinate with stakeholders to ensure access to appropriate recreational opportunities within significant wildlife and riparian habitat through public or non-profit ownership.

**Policy 5.8.3.** Coordinate with Confederated Tribes of the Warm Springs Reservation of Oregon and State agencies to develop strategies to support sound wildlife management science and principals for the benefit of the wildlife resource.

**Goal 5.9:** Comply with federal and state regulations related to sensitive, threatened, and endangered species, including the Endangered Species Act, the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and others as applicable.

**Policy 5.9.1.** Coordinate with Federal and State agencies to develop strategies to protect Federal or State Threatened or Endangered Species, or Species of Concern.

**Policy 5.9.2.** Mitigate conflicts between large-scale development and sage grouse habitat.

**Policy 5.9.3.** Consider adopting recommendations from Oregon Department of Fish and Wildlife, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Deschutes River Mitigation and Enhancement Program in dock construction.

### Environmental Quality Goals and Policies

**Goal 5.10:** Maintain and improve upon the quality of air and land in Deschutes County.

**Policy 5.10.1.** Use building techniques, materials, and technologies in existing and future County operations and capital facilities that help maintain and improve environmental quality.



**Policy 5.10.2.** Implement a dark skies educational and or incentive program and periodically update the Dark Skies ordinance to reduce the impacts of light pollution and reduce lighting impacts on adjacent properties.

**Policy 5.10.3.** Coordinate with agency partners to educate residents about controlled burning projects and air quality concerns.

**Policy 5.10.4.** Use public education, education for County departments, and regulations to control noxious weeds and invasive species.

**Goal 5.11:** Promote sustainable building practices that minimize the impacts of development on the natural environment.

**Policy 5.11.1.** Use the County Code and educational materials to promote the use of resource-efficient building and landscaping techniques, materials, and technologies that minimize impacts to environmental quality.

**Policy 5.11.2.** Encourage and support reuse and recycling of consumer goods, green waste, construction waste, hazardous waste, and e-waste through education and enhanced recycling opportunities through the Recycling Program.

**Policy 5.11.3.** Support the process for siting new County solid waste management facilities in rural Deschutes County, consistent with facility needs and County standards for the location and approval of such facilities.

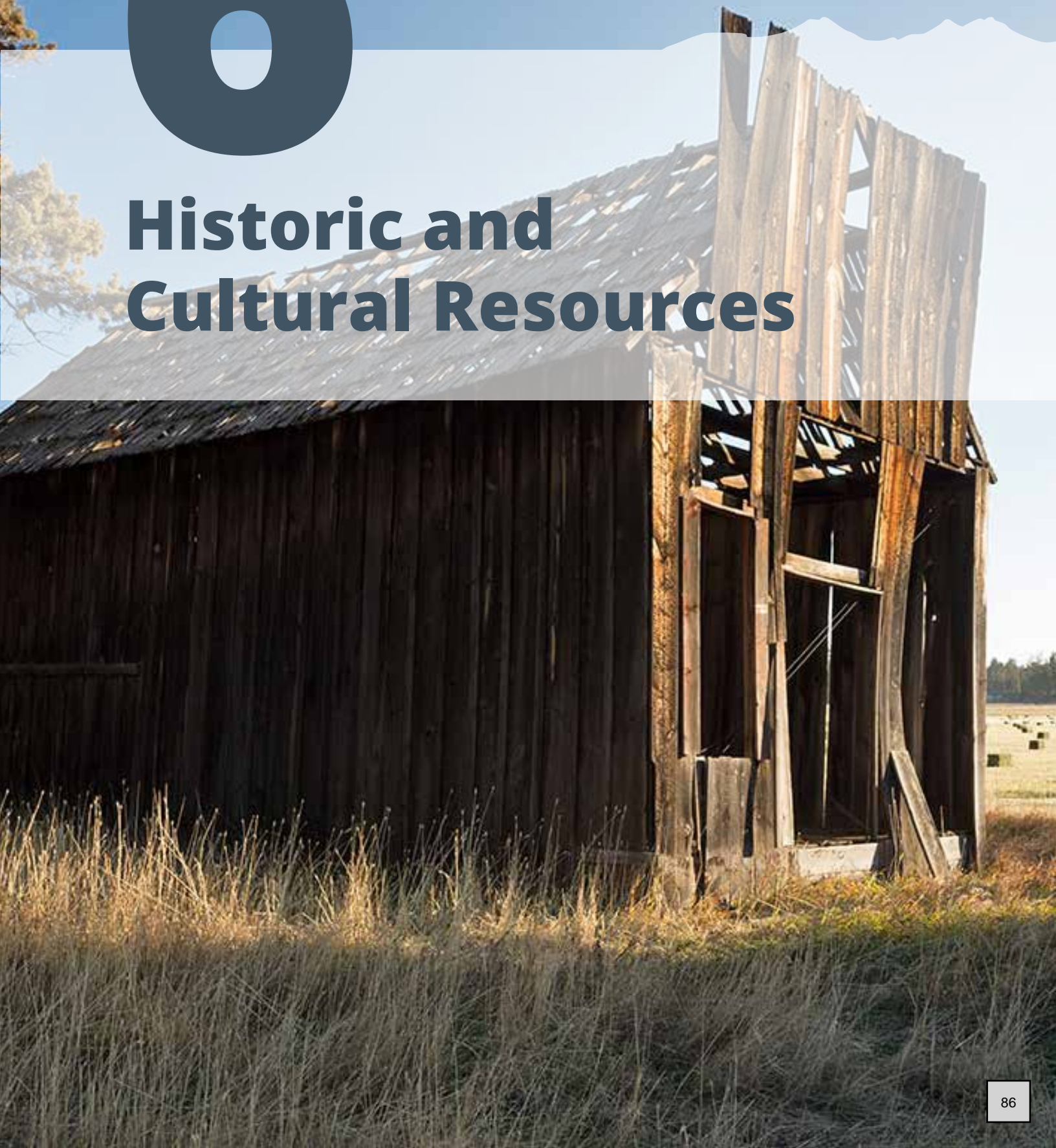
**Policy 5.11.4.** Implement best practices in solid waste management throughout the County.

**Policy 5.11.5.** Develop and implement a Climate Action Plan to address the potential future impacts of climate change on Deschutes County through incentives and/or regulations.

**Policy 5.11.6.** Promote and incentivize green infrastructure in new development to improve stormwater management.

# 6

## Historic and Cultural Resources





## Opportunities, Challenges, and Considerations

Deschutes County is a certified local government (CLG), as designated by the State of Oregon Historic Preservation Office. This certification recognizes the County's commitment to implementing and maintaining a formal historic resources program. Deschutes County has 13 nationally registered historic and cultural sites and 35 locally significant historic sites. The County currently administers grant programs and zoning requirements to preserve and restore these sites. Deschutes County owns the National Register listed Reid School and invests in supporting the Deschutes County Historical Society as a research and educational facility through a zero-cost lease and maintenance support for the purposes of running the museum and research center.

Historic resources are recognized by Statewide Planning Goal 5, Natural Resources, Scenic Views and Historic Areas and Open Spaces, and Oregon Administrative Rule (OAR) 660-023. The Statewide Goal and OAR recommend cities and counties inventory and protect historic and cultural sites. Recognizing the value and importance of having a connection to our past, Deschutes County chose to implement and maintain a historic preservation program and Historic Preservation Strategic Plan (Adopted 2022).

The 2022 Historic Preservation Strategic Plan identified three overarching goals to guide historic and cultural resource preservation in Deschutes County: collaborate, coordinate, and educate. The plan identifies opportunities to strengthen relationships between historic preservation and community partners, and to involve community members in historical and cultural preservation efforts. Improving access to historic resource information and providing content in an easily accessible format will be paramount to preservation efforts and increase

community appreciation for resources. Along with improved educational resources, more outreach and education opportunities could be explored. Deschutes County has several partners involved in drafting and implementing this strategic plan – those partners include the Deschutes County Historical Society, High Desert Museum, Archaeological Society of Central Oregon, Three Sisters Historical Society, and Redmond Historical Society.





## Context

Deschutes County has several notable historical and cultural sites. These sites receive special protections to avoid land use or development activity that may disturb the historical and cultural resources existing on site.

### LOCALLY SIGNIFICANT HISTORIC SITES

Deschutes County has 35 locally significant sites including cemeteries, ranches, dams, bridges, schools, and granges among numerous historic homesteads and homesites. The State of Oregon has initiated a process to identify culturally significant archaeological sites and sites of indigenous importance. This process will likely be incorporated into the County's local inventory by 2029.

### NATIONALLY REGISTERED SITES

Deschutes County has 13 sites that have completed the national register process, including highways, bridges, lodges, and rock gardens.

## Key Community Considerations

As part of the 2023 Comprehensive Plan update, community members shared their vision for the protection of historic and cultural resources.

Comments included:

- The importance of county-wide coordination on cultural and historic, as well as increased representation of the indigenous history of Central Oregon.
- Acknowledging previous landowners and preserving the County's historical and cultural resources are both important.
- A county-wide historic and cultural resource signage program was also suggested.
- The community shared an interest in capitalizing on the High Desert Museum to continue to support indigenous culture and Central Oregon's history.

## Goals and Policies

**Goal 6.1:** Promote the preservation of designated historic and cultural resources through education, incentives, and voluntary programs.

**Policy 6.1.1.** The Historic Landmarks Commission shall take the lead in promoting historic and cultural resource preservation as defined in DCC 2.28.

- a. Support incentives from the State Historic Preservation Office (SHPO), The Confederated Tribes of the Warm Springs Reservation of Oregon Tribal Historic Preservation Office (THPO), or other agencies for private landowners to protect and restore historic resources.
- b. Support the Historic Landmarks Commission to promote educational programs to inform the public of the values of historic preservation.
- c. Support improved training for the Historic Landmarks Commission.
- d. Support the goals, objectives, and actions of the Historic Preservation Strategic Plan.

**Policy 6.1.2.** Coordinate cultural and historic preservation with the Oregon State Historic Preservation Office and The Confederated Tribes of the Warm Springs Reservation of Oregon Tribal Historic Preservation Office.

- a. Maintain Deschutes County as a Certified Local Government, which includes the City of Sisters.

**Policy 6.1.3.** Encourage private property owners to coordinate with the State Historic Preservation Office and The Confederated Tribes of the Warm Springs Reservation of Oregon Tribal Historic Preservation Office. Coordinate with The Confederated Tribes of the Warm Springs Reservation of Oregon, Burns-Paiute Tribe, Klamath Tribes, Archaeological Society of Central Oregon, and SHPO to adopt a program to identify and protect archaeological and cultural resources, as appropriate, and prevent conflicting uses from disrupting the value of known sites.

# 7

## Natural Hazards







### Opportunities, Challenges, and Considerations

Central Oregon is a dynamic region formed and shaped by the powerful forces of nature. Deschutes County residents and visitors rely on the County and its partners to plan for hazardous events and limit harm to people and property.

Continued rapid population growth, development in wildfire-prone areas, and an increased frequency of natural hazard events make planning for and mitigating risks ever more important. As temperatures rise globally, Central Oregon will face challenges due to drought, wildfire, heat events, and storms. The impacts a major Cascadia Subduction Zone earthquake would have on Deschutes County would be substantial as well.

In order to plan for and address natural hazards, Deschutes County has partnered with local jurisdictions to create its Natural Hazards Mitigation Plan (NHMP). Additional opportunities exist to create greater defensible spaces, encourage fire hardening, utilize grant programs, and pursue education measures to reduce these impacts over time.

According to the NHMP, the hazards with greatest risk in Deschutes County are:

- **Winter Storm.** Destructive storms producing heavy snow, ice and cold temperatures occurred throughout the County's history. Increases in population and tourism make potential impacts to shelter, access to medical services, transportation, utilities, fuel sources, and telecommunication systems more acute. The relative frequency of these events combined with their widespread impacts make winter storms the highest-ranked hazard in the NHMP.

- **Wildfire.** Historically, wildland fires have shaped the forests and wildlands valued by residents and visitors. These landscapes, however, are now significantly altered due to increased rural development, warmer and dried conditions, and a general lack of large-scale treatments due to outdated forest management practices, resulting in increased event of wildfires that burn more intensely than in the past.

Statewide Planning Goal 7 requires local comprehensive plans to address Oregon's natural hazards. Protecting people and property from natural hazards requires knowledge, planning, coordination, and education. Good planning does not put buildings or people in harm's way. Planning, especially for the location of essential services like schools, hospitals, fire and police stations, is done with sensitivity to the potential impact of nearby hazards.

- **Windstorm.** A windstorm is generally a short duration event involving straight-line winds and/or gusts in excess of 50 mph. Although windstorms can affect the entirety of Deschutes County, they are especially dangerous in developed areas with significant tree stands and major infrastructure, especially above ground utility lines.
- **Drought.** Periods of drought can have significant impacts on public health, agriculture, and industry. Many counties in eastern Oregon are experiencing more frequent and severe droughts than is historically the norm, and many climate predictions see this trend continuing into the future.
- **Earthquake.** The Pacific Northwest is located at a convergent plate boundary, called the Cascadia Subduction Zone, where the Juan de Fuca and North American tectonic plates meet. This fault line is subject to rare but potentially very large

earthquakes. Such an event would impact Deschutes County communities both directly through damage to infrastructure and property, as well as economically and socially as the broader region recovers from the disaster.

## Context

Informed by an understanding of natural hazards, Deschutes County can reduce the risks to property, environmental quality, and human safety through land use planning and review of specific development proposals. The County's policies provide the framework for the County's natural hazards review program. This includes: identification of areas subject to natural hazards, regulations for evaluating land use actions for how they may result in exposure to potential harm from natural hazards, and programmatic elements including partnerships and funding opportunities to support natural hazard risk reduction.

Deschutes County has taken on a number of proactive projects, including:

- 2021 Natural Hazards Mitigation Plan (NHMP)
- 2019 Wildfire Mitigation Advisory Committee
- Project Wildfire, a County-led wildfire education and mitigation program has been in operation since 2012 and has been very successful in changing attitudes towards wildfire and prevention.
- Community Wildfire Protection Plans (CWPP) for many communities, including:
  - » Greater Bend CWPP (2016, expected revision 2021)
  - » Greater La Pine CWPP (2020, expected revision 2025)
  - » Greater Redmond CWPP (2018, expected revision 2023)
  - » Greater Sisters Country CWPP (2019, expected revision 2024)



- » Sunriver CWPP (2020, expected revision 2025)
- » East and West Deschutes County CWPP (2018, expected revision 2023)
- » Upper Deschutes River Coalition CWPP (2018, expected revision 2023)

In addition, dozens of neighborhoods are pursuing or have received FireWise certification through the National Fire Protection Association. The County also supports the Heart of Oregon and Youth Conservation Corps crews in fuels reduction work and other mitigation efforts, with financial assistance from other entities.

## Wildfire

According to the Natural Hazards Mitigation Plan, wildfire is the second most significant hazard to the county (after winter storms) and was the most discussed natural hazard discussed during outreach events. Throughout the 20<sup>th</sup> century, the years with warm and dry conditions corresponded with larger fires that have burned greater areas. Overall increases in heat will also lengthen growing seasons - building greater fuel loads and decreasing soil and fuel moisture, thereby increasing the likelihood of larger fires. By mid-century, the annual potential for very

large fires is projected to increase by at least 350% over the 20<sup>th</sup> century average.<sup>1</sup>

The annual frequency of very high and extreme fire danger days is expected to increase by 10-15 additional days per year by mid-century<sup>4</sup> (up from 36 currently). These trends are due to exacerbated conditions with a combination of high air temperatures and very low fuel moisture, which increases the likelihood of fire starts that can spread. As Deschutes County communities have experienced, increased fire activity - even at quite a distance - will impact air quality, increasing public health risks and impacting aspects of everyday life.

Research indicates that in regions where fire has moved through the landscape with increased severity, regrowth is changing the species composition of the forests, which are likely to be more resilient to future fires.<sup>2</sup> Other compounding factors, like drought and pest outbreaks, will continue to build fuel loads in the forests and change the forest's composition. Post-fire landscapes in Deschutes County will likely see increases in the prevalence of invasive and pioneer tree species, and a reduction in fire-susceptible species such as western hemlock, subalpine fir, and some spruce. Fire resistant species like mature Douglas fir and western larch will have greater survival capacity to fire,<sup>3</sup> but perhaps not to other stressors. Larger fires that occur over shorter intervals will negatively impact seed dispersion capacity, and reduced moisture available in ponderosa forest regions will be vulnerable to reforestation failures, leading to conversion to other ecosystem types. In the mountain forests, the average yearly area burned is expected to nearly double by mid-century, while the area burned in the grass/shrub plateau areas is likely to decrease slightly by mid-century. This is partly due to extended

<sup>1</sup> Halofsky, J. Peterson, D, Harvey, B. "Changing Wildfire, changing forests: the effects of climate change on fire regimes and vegetation in the Pacific Northwest, USA. Fire Ecology. 2020.

<sup>2</sup> Sebastian U. Busby, Kevan B. Moffett, Andrés Holz. High severity and short interval wildfires limit forest recovery in the Central Cascade Range. Ecosphere, 2020; 11 (9) DOI: 10.1002/ecs2.3247

<sup>3</sup> 6 Halofsky et al. 2020.





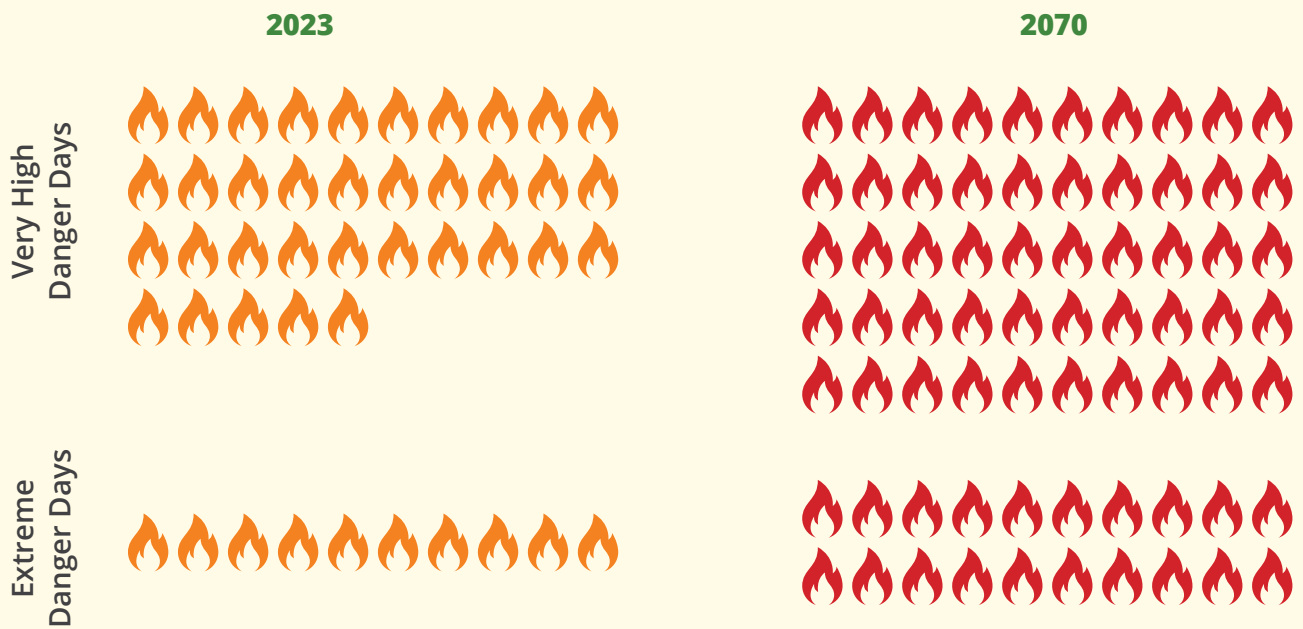
drought decreasing plant growth and therefore available fuel. The risk of unusually severe fires is expected to increase across large swaths of Oregon, including Deschutes County.<sup>4</sup>

**WILDFIRE AND HEAT**

By the middle of this century, increasing temperatures are expected to drive increasing wildfire risk, especially in the Cascades. The yearly percentage of area burned is likely to increase in the mountains and the interval of return (years between fires) is expected to decrease across the county. Both the highest and lowest summer temperatures will increase, leading to more extreme heat days and reducing the historical nighttime cooling effect of the high desert.

Under all change projections, there will be an increase in the number of days with a heat index above both 90° and 100°F by mid-century.<sup>8</sup> By 2100, Deschutes County can expect summer maximum temperatures to be 12°F hotter than current highs. Overall, extreme heat is not considered a human health risk in Deschutes County because of low night temperatures and the low humidity in the region. However, the Redmond airport, which sees the hottest temperatures in the county, will likely start to see occasional temperatures above 105° every few years by mid-century, and at least once a year by 2100. In addition, summer night lows are likely to increase by up to 5° degrees by mid-century, reducing the cooling effect of the high desert climate.

**Fire Danger near Mt. Bachelor Village**



4 Oregon Forest Resources Institute Fact Sheet

## Key Community Considerations

Community conversations related to natural hazards have centered around the following topics:

- **Impacts of Climate Change.** Throughout the community engagement process, community members spoke to the importance of recognizing and addressing the impacts of climate change in Deschutes County and its relationship with natural hazard events.
- **Education and Communication.** Providing information about potential risks to residents and visitors can help the community as a whole be more prepared for natural hazards.
- **Development Code Regulations and Incentives.** Some community members expressed a desire for stricter regulations and additional incentives about “fire-wise” construction and defensible space practices.
- **Limiting Development in hazard-prone areas.** Increased development in remote areas of the County, where life-saving services may be scarce and human impacts may exacerbate risks, was a concern for some.

## Vulnerable Populations

The socio-demographic qualities of the community population such as language, race and ethnicity, age, income, and educational attainment are significant factors that can influence the community's ability to cope, adapt to and recover from natural disasters. A disproportionate burden is placed upon special needs groups, particularly children, the elderly, the disabled, minorities, and low-income persons. Population vulnerabilities can be reduced or eliminated with proper outreach and community mitigation planning. For planning purposes, it is essential that Deschutes County and the cities of Bend, La Pine, Redmond, and Sisters consider both immediate and long-term socio-demographic implications of hazard resilience.



## Goals and Policies

**Goal 7.1:** Develop policies, partnerships, and programs to increase resilience and response capacity in order to protect people, property, infrastructure, the economy, natural resources, and the environment from natural hazards.

**Policy 7.1.1.** Partner with county, state, and regional partners to regularly update and implement the Deschutes County Natural Hazards Mitigation Plan.

**Policy 7.1.2.** Collaborate with federal, state, and local partners to maintain updated mapping of high wildfire risk areas, floodplains, and other natural hazard areas within the county.

**Policy 7.1.3.** Communicate and cooperate with federal, state, and local entities to clarify responsibilities regarding wildfire mitigation and suppression to improve fire protection services.

**Policy 7.1.4.** Use the development code to provide incentives and regulations to manage development in areas prone to natural hazards.

**Policy 7.1.5.** Work with agency partners to address and respond to increased episodes of poor air quality resulting from wildfires in the region.

**Policy 7.1.6.** Protect wildlife with wildland fire mitigation measures on private lands.

**Policy 7.1.7.** Address wildfire risk, particularly in the wildland urban interface.

**Policy 7.1.8.** Identify all areas not protected by structural fire protection agencies and promote discussions to address fire protection in unprotected lands in the County.

**Policy 7.1.9.** Support forest management practices that reduce wildfire risk.

**Policy 7.1.10.** Support local fire protection districts and departments in providing and improving fire protection services.

**Policy 7.1.11.** Continue to review and revise County Code as needed to:

- a. Ensure that land use activities do not aggravate, accelerate or increase the level of risk from natural hazards.
- b. Require development proposals to include an impact evaluation that reviews the ability of the affected fire agency to maintain an appropriate level of service to existing development and the proposed development.
- c. Minimize erosion from development and ensure disturbed or exposed areas are promptly restored to a stable, natural and/or vegetated condition using natural materials or native plants.
- d. Ensure drainage from development or alterations to historic drainage patterns do not increase erosion on-site or on adjacent properties.
- e. Reduce problems associated with administration of the Floodplain Zone.
- f. Require new subdivisions and destination resorts to achieve FireWise Standards or other currently accepted fire mitigation standards from the beginning of the projects and maintain those standards in perpetuity.

**Goal 7.2:** Ensure the County's built environment and infrastructure are adequately prepared for natural disasters.

**Policy 7.2.1.** Increase the quality, resiliency, diversity, and redundancy of utility and transportation infrastructure to increase chances of continued service following a natural disaster.



**Policy 7.2.2.** Prohibit the development of new essential public facilities and uses that serve vulnerable populations from being located within areas at high risk of flooding and wildfire, and aim to relocate existing uses in these areas.

**Policy 7.2.3.** Support siting of Central Oregon Ready, Responsive, Resilient (CORE3) regional coordinated emergency services training facility.

**Policy 7.2.4.** Coordinate with emergency service providers when new development is proposed to ensure that response capacity can meet the needs of the new development.

**Policy 7.2.5.** Require new development to follow home hardening, defensible space, and other resilient design strategies in areas prone to wildfires and other natural hazards.

**Policy 7.2.6.** Encourage and incentivize development that exceeds minimum building code standards and promote retrofitting of existing development for better natural disaster resiliency.

**Policy 7.2.7.** Require development to be designed to minimize alteration of the natural landform in areas subject to slope instability, drainage issues or erosion.

**Policy 7.2.8.** Regulate development in designated floodplains identified on the Deschutes County Zoning Map based on Federal Emergency Management Act regulations.

- a. Continue evaluation of participation in and implementation of the Community Rating System as part of the National Flood Insurance Program.
- b. Cooperate with other stakeholders to identify alternatives for acquiring and/or relocating existing structures prone to flooding.

- c. Continue to coordinate with stakeholders and agency staff to correct mapping errors.

**Goal 7.3:** Develop programs that inform the public about the increased risks from natural hazards.

**Policy 7.3.1.** Identify high risk, high need populations and ensure equitable access to emergency preparedness and recovery services.

**Policy 7.3.2.** Increase outreach and education for hazard awareness and natural disaster preparedness, especially for low-income, elderly, non-English speaking, and other vulnerable populations.

**Policy 7.3.3.** Expand partnerships with government agencies, utilities, and other groups that can help Deschutes County residents prepare for natural disasters.

**Policy 7.3.4.** Work with regional partners to establish and maintain adequate support for a Deschutes County Community Emergency Response Team (CERT) to aid in responding to natural hazard events.

**Policy 7.3.5.** Promote and support business resilience planning.



# 8

# Recreation







### Opportunities, Challenges, and Considerations

Recreation is an important quality of life issue for Deschutes County and recreational tourism is a key part of the local economy. Both residents and visitors are drawn by the County’s extensive public lands, seasonal climate, and wide variety of activities and settings. Recreational opportunities include places set aside for specific activities such as campgrounds or sports fields as well as passive spaces such as natural areas.

The primary focus of recreation in rural Deschutes County is outdoor recreation. Outdoor activities promote healthy communities by encouraging people to enjoy an active lifestyle and by providing opportunities to reconnect with the natural world.

Deschutes County does not have a parks department; instead, it coordinates with the federal and state agencies, local park districts, and private entities that provide park and recreational opportunities. Coordination assures that resources are used efficiently, and duplication is avoided. With a holistic view of recreation in Deschutes County, the County can also provide other agencies and jurisdictions with guidance for service gaps to fill.

Statewide Planning Goal 8, Recreation and Oregon Administrative Rule (OAR) 660-034 address recreation, but do not require local governments to provide park and recreation services. Several agencies and special districts already provide recreation services in Deschutes County. These include Bend Parks and Recreation District, La Pine Parks and Recreation District, Sunriver Parks and Recreation District, and Oregon Parks and Recreation Department.

The health of the County’s recreational assets and industry is inexorably tied to the health of the land, forests, and waterways of Central Oregon. The effects of human activity - from development pressures and overuse of recreational facilities to resource extraction and climate change – will have a significant impact on recreation in Deschutes County. Some of these impacts include:

- Changes in precipitation affecting the timing and conditions for winter sports
- Loss of habitat
- Wildfire and risk of wildfire limiting recreational access
- Increased number of dangerously warm days

### Future Challenges to Recreation

The health of the County’s recreational assets and industry is inexorably tied to the health of the land, forests, and waterways of Central Oregon. The effects of human activity - from development pressures and overuse of recreational facilities to resource extraction and



climate change – will have a significant impact on recreation in Deschutes County.

There are several environmental concerns that may affect parks and recreation in Deschutes County in the future. Activities such as hiking, hunting, fishing, swimming, and foraging are an important part of recreation in Deschutes County - these activities are likely to be impacted by future changes to the climate.

Fishing may be impacted by drought as water bodies warm and seasonally drop. Foraging animals, like deer and elk, may express changing behavior like earlier-season high elevation foraging and increased interactions with agricultural communities due to drought. Drought also severely reduces the prominence of fruiting fungi for annual mushroom hunters, and may increase pressure on the remaining harvest areas. Fungi are crucial to the health of the forest ecosystem, adapting and responding to changing conditions and disease.

These conditions may also lead to greater frequency and severity of algal and bacterial blooms in fresh water. Algal blooms in other parts of the state have led to drinking water concerns, but Deschutes County cities are supplied by groundwater and so the risk in algal blooms is mainly to recreation – boaters, swimmers, anglers, and campers may be less motivated to visit.

## Winter Sports

Snow sports are a significant component of recreation in Deschutes County. Overall decline in snow pack is expected in the coming decades, which will heavily impact winter sports that rely on snowpack in the Cascades. At the Mt. Bachelor Ski Resort, April Snowpack is expected to decline between 11% and 18% by the middle of the century and between 18% and 43% by the end of the century. Additionally, inconsistent snowpack buildup will increase due to more precipitation falling as rain instead of snow throughout the season, making winter sports seasons less predictable.

## Summer Recreation

The summer outdoor season has additional risks from degraded to severely degraded air quality due to wildfire throughout the west coast. With degraded air quality, outdoor recreators may avoid the region, impacting regional income and generally degrading the perception of the county as a retreat to the natural world. Additionally, an increase in the frequency of very high temperature days may impact the safety and desirability of outdoor recreation.



**Context**

Deschutes County does not directly provide parks and recreation services. The only public parks the County maintains are a section of the County Fairgrounds and the Worrell Wayside in downtown Bend. Although there is no County parks department, there are County-owned properties which are designated as park lands. Parks and recreation services are provided by the following entities.

**OREGON PARKS AND RECREATION DEPARTMENT**

OPRD owns and manages several key parks and scenic areas in the County. These include state parks such as line Falls State Scenic Viewpoint, La Pine State Park, Pilot Butte State Scenic Viewpoint, Smith Rock State Park, and Tumalo State Park. In addition, they also manage the Upper and Middle Deschutes River Scenic Waterway segments, and Cascade Lakes and McKenzie Pass-Santiam Pass Scenic Byways.

**THE BEND PARKS AND RECREATION SPECIAL DISTRICT (BPRD)**

BPRD owns and maintains approximately 3,035 acres of parkland including 81 parks and 70 miles of trails. The largest park district in the County, the taxing district follows the City of Bend Urban Growth Boundary closely, although extends past the UGB to the west and east to include several properties outside of city limits.

**THE LA PINE PARKS AND RECREATION SPECIAL DISTRICT**

This district operates in 85 square miles and 11 parks and recreation facilities in southern Deschutes County including the City of La Pine.

**THE REDMOND AREA PARKS AND RECREATION SPECIAL DISTRICT**

The District operates five recreational facilities including the Cascade Swim Center and extends beyond city limits to Tetherow Crossing. In 2022, the district received voter approval for a general obligation bond to build a new community center with a variety of recreational, fitness, and therapeutic activates.

**THE SISTERS PARK AND RECREATION SPECIAL DISTRICT**

Operates approximately 15 acres of land within City of Sisters city limits, including Bike Park 242, Hyzer Pines Disc Golf Course, a playground, a skatepark, and Coffield Community Center. The district boundary extends far past city limits, serving approximately 14,000 residents through programming and activities.

**THE U.S. FOREST SERVICE, BUREAU OF LAND MANAGEMENT**

Approximately 76% of the County's total land area is owned by the federal government, primarily these two agencies. Community members seek out extensive recreation activities in these areas, including skiing, mountain biking, hiking, backpacking, fishing, hunting, kayaking, and off-road vehicle riding.

**COUNTY-OWNED OPEN SPACE**

Starting in 1994 the County received donation of several properties along rivers, creeks, or streams or with wildlife, wetlands, or other value as park lands. The intent of this donation was not to develop these lands for park use but rather to preserve lands with valuable resources, which were protected through deed restrictions. The park designation means that the lands would be retained in public ownership unless



there was a public hearing and the Board of County Commissioners determined that selling was in the best interest of the public.

ORS 275.330 governs the disposal of these lands, stating that if they are sold the proceeds must be dedicated to park or recreation purposes. As of 2009, there were approximately 70 properties designated as park lands.

#### **COUNTY FAIRGROUND AND EXPO CENTER**

The 132-acre County Fairground and Expo Center site is located southwest of the Redmond airport, and it is placed strategically at the hub of the tri-county area (Deschutes, Jefferson, Crook Counties). The facility is used for a variety of public and private events. Each of its lawn areas can be rented exclusively by groups for different events, which range from weddings, picnics, reunions, car shows, RV / motorcycle rallies, animal shows, and outdoor trade shows, among others.

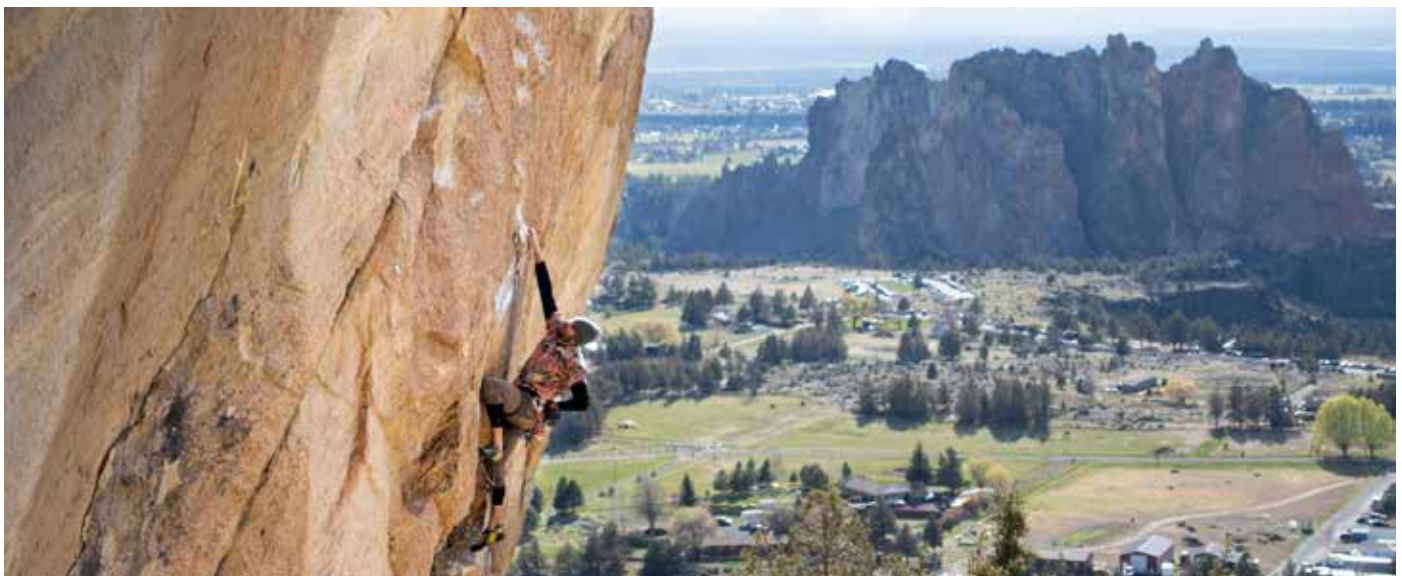
## **Key Community Considerations**

Recreation and access to nature is a key component of life in Deschutes County and a primary attraction for both residents and visitors. As part of this Comprehensive Plan update, community members noted concerns about increasing recreational use or overuse, conflicts among different users, and the need for permitting or other strategies to manage use, particularly in popular locations.

Because the county does not have a parks and recreation department, community members have identified service gaps and lack of continuity of trail networks, habitat and species preservation, and land access policies. Residents are concerned with private recreation development and use of natural resources such as land and water.

The tension between resource use of forest land and water, recreational use of these areas, and natural resource protection is evident among members of the community

Community members also noted that it is imperative for all special districts and agencies providing park services to coordinate on integrated services. These partnerships will be key to ensure sustainable recreation and land stewardship as the County continues to grow.





## Goals and Policies

**Goal 8.1:** Increase affordable, sustainable, and diverse recreation opportunities through partnerships with government and private entities.

**Policy 8.1.1.** Reduce barriers to regional parks and recreation projects in Deschutes County, including acknowledgement or adoption of federal, state and local parks district trail and facility plans.

**Policy 8.1.2.** Collaborate with partners to develop a regional system of trails and open spaces, balancing recommendations from local park districts, County, state, and federal recreation plans and studies and property owner considerations, particularly for projects adjacent to farm and forest lands.

**Policy 8.1.3.** Encourage coordination between the U.S. Forest Service, the Bureau of Land Management and recreational use interest groups to minimize environmental degradation, agricultural fragmentation and user conflicts on public and private land.

**Policy 8.1.4.** Support the creation and improvement of accessible park and recreation opportunities in compliance with the Americans with Disabilities Act.

**Policy 8.1.5.** Support efforts to coordinate recreation planning between the County, park and recreation districts, school districts, irrigation districts, unincorporated communities, and cities.

**Policy 8.1.6.** Support the development of parks and trails identified in locally-adopted plans.

**Policy 8.1.7.** Coordinate with unincorporated communities to identify opportunities for parks, trails, open spaces, and community centers.

**Policy 8.1.8.** Establish trail design standards and identify specific funding sources for trails as part of future transportation system planning efforts to ensure development of identified priority rural trail segments and bicycle routes.

**Policy 8.1.9.** Explore creation of a County Parks and Recreation Department to increase the County's role in recreation and natural resource management and implement if deemed appropriate.

**Policy 8.1.10.** Support community efforts for acquisition and management of Skyline Forest as a community amenity.

**Policy 8.1.11.** Work with stakeholders to promote new recreational and tourist initiatives that maintain the integrity of the natural environment.



# 9

## Economic Development



## Opportunities, Challenges, and Considerations

Statewide Planning Goal 9 provides guidance on economic development for Oregon jurisdictions. This goal is intended to “provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.” For Deschutes County, implementing Goal 9 is focused on ensuring opportunities for economic development, while protecting rural land uses.

In Deschutes County, several areas are designated for rural industrial and rural commercial activities to allow for activities such as manufacturing or resource processing. Additionally, unincorporated communities and rural service centers allow for limited commercial opportunities, including restaurants, services, and retail stores.

Economic development agencies in Central Oregon cite the tremendous natural resource access and amenities to be essential for drawing in new businesses and workers. As the County grows, childcare will continue to be challenge for rural residents along with access to high speed and reliable internet services.


A continued challenge for Deschutes County will be to balance adequate economic opportunity for rural residents, with protection of natural resource lands. Community members have expressed interest in providing for new and emerging economic opportunities through renewable energy development, including potential for biomass, solar, geothermal, and wind projects that may be compatible with rural uses.

### Context


Deschutes County's economy was initially built around farming and logging. As those sectors declined in the 20<sup>th</sup> century, recreation and tourism increased as people were drawn to the beauty and opportunities to recreate on public lands. Deschutes County's high quality of life became a draw for employers and employees alike. In the 2000's, the building sector boomed as new housing was built to meet both increased housing demand and the real estate speculation that followed. Housing prices rose so high that workforce housing became a limiting factor in economic growth. The period of strong growth ended with the national recession that began in late 2007, leading to falling housing prices and rising unemployment. The 2010's and early 2020's have proven to be another period of booming economic growth for Deschutes County, exacerbated by the COVID-19 pandemic and the dramatic increase in remote work.




Deschutes County's economy remains strong compared to Oregon as a whole, as shown in the statistics below.



**\$74,082**  
Median Household Income  
(\$70,084 in Oregon)

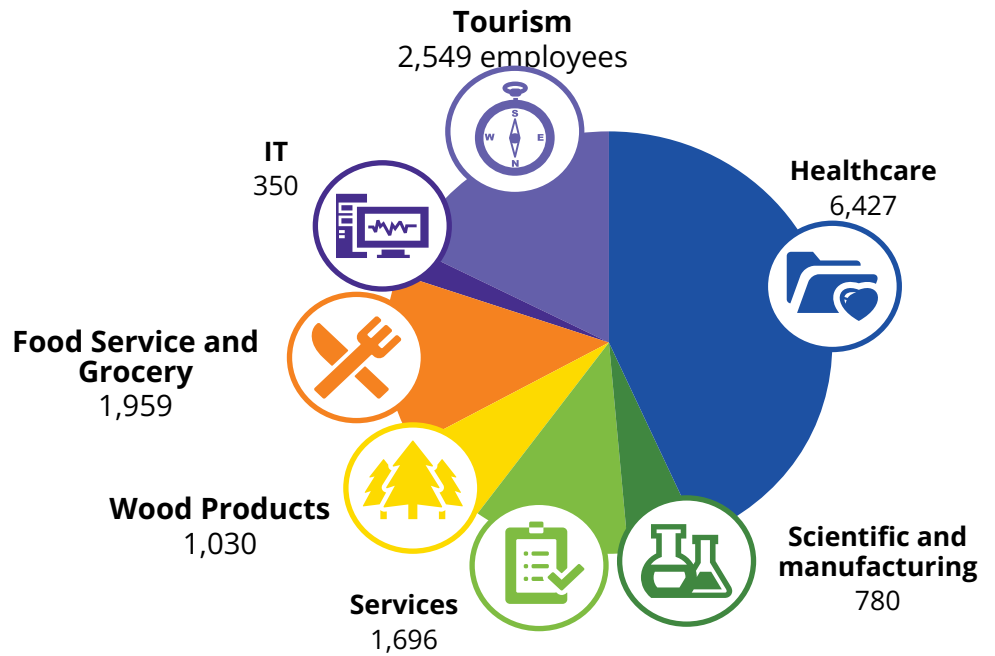


**9.4%**  
of county population experiencing poverty  
(12.1% in Oregon)



**63.3%**  
of population in civilian workforce  
(62.6% in Oregon)

## 2022 Central Oregon Largest Private Employers by Industry



## 2022 Central Oregon Largest Private Employers

Rank	Employees	Employer
1	4,509	St. Charles Health System regional
2	1,030	Bright Wood Corporation regional
3	1,000	Sunriver Resort 1,000 1,000 940
4	916	Les Schwab Headquarters & Tire Centers regional
5	894	Mt. Bachelor
6	714	Safeway regional
7	640	NC Fred Meyer regional
8	628	Summit Medical Group regional
9	605	McDonald's regional
10	440	Lonza, formerly Bend Research
11	415	Rosendin Electric
12	391	Mosaic Medical regional
13	375	Black Butte Ranch
14	365	ibex
15	350	Meta Platforms, Inc. - Facebook Data Center
16	340	BasX
17	336	PacificSource
18	296	High Lakes Health Care regional
19	280	Brasada Ranch
20	267	Medline ReNewal

### Primary Industries

Deschutes County is known for its abundant natural resources, though the County continues to balance its economy through a variety of industries. The top 10 industries overall in Deschutes County (including those within urban areas) are:

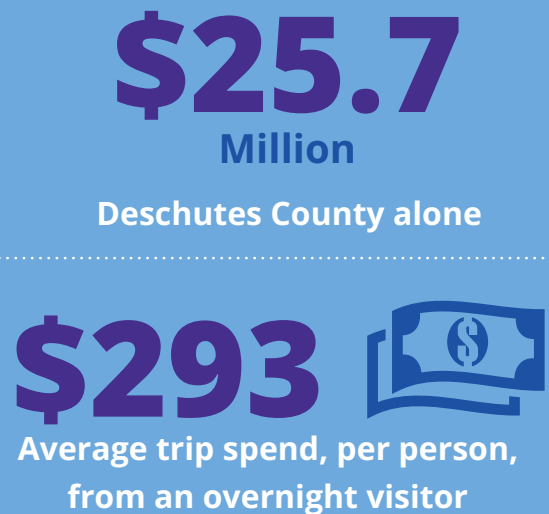
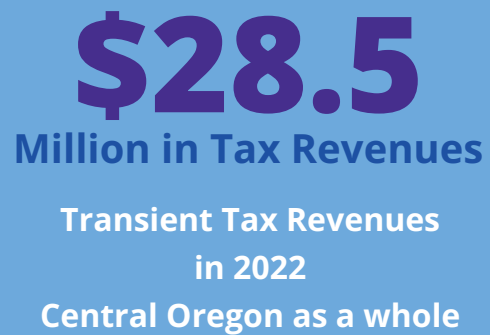
1. Trade, transportation, utilities (15,742 jobs)
2. Education/Health Services (13,479 jobs)
3. Goods-producing (13,169 jobs)
4. Leisure and hospitality (12,990 jobs)
5. Health care and social assistance (12,541 jobs)
6. Retail trade (11,714 jobs)
7. Accommodation and food services (10,718 jobs)
8. Professional/business services (10,067 jobs)
9. Food services/drinking places (8,304 jobs)
10. Local government (7,396 jobs)

## Tourism

Tourism continues to be a major facet of Central Oregon’s economy, with approximately 4.5 million visitors entering Central Oregon each year. The majority of those visitors travel to Bend and Deschutes County in particular but other communities in the County also are popular destinations, including Sisters, Redmond and Terrebonne, as well as destination resort such as Sunriver, Eagle Crest, Pronghorn and others. In addition, recreational opportunities throughout the County also attract a multitude of visitors, from skiing on Mt. Bachelor, hiking in the Three Sisters Wilderness, and rafting the Deschutes River, to fishing, hunting and camping at dispersed sites on National Forest and BLM land throughout the County.



## Tourism Impacts



Source: Oregon Travel Impacts, 2022 by Dean Runyan Associates for the Oregon Tourism Commission

## Construction and Development

While much of the County's economic activity occurs in urban areas, staff notes that agricultural, forestry, and construction industries also provide economic growth in Deschutes County. Construction of rural housing can support additional workforce in areas outside of city limits while also utilizing local trade industries. Construction of rural industrial or commercial projects provide economic opportunities that serve rural communities, without a trip into an adjacent city.

## Coordination

A key partner for the County in promoting a healthy economy is Economic Development for Central Oregon (EDCO). This private non-profit organization is dedicated to diversifying the tri-county regional economy by attracting new investment and jobs. This organization also tracks the local economy.

Between 2010 and 2013, Deschutes, Crook, and Jefferson counties, and their respective cities established a regional large lot industrial land need analysis, ultimately leading to changes to state law, OAR 660-024-0040 and 45. This rule provides that that the large lot industrial land need analysis agreed upon by all of the parties, once adopted by each of the participating governmental entities, would be sufficient to demonstrate a need for up to nine large industrial sites in Central Oregon. Six of the sites will be made available initially. Three more sites may be added under the rule as the original sites are occupied. Intergovernmental agreements were formed with the regions jurisdictions and Central Oregon Intergovernmental Council in 2013 to provide oversight of this new regional large lot industrial lands program. Participating local governments will review the program after all nine sites have been occupied, or after ten years, whichever comes first.

## Connections to Other Comprehensive Plan Chapters

Much of the County's economic development activity is directly related to farmland (Chapter 3), forest land (Chapter 3), mineral and aggregate resources (Chapter 4), and natural resources (Chapter 5). Additional information can be found in these sections.

## Key Community Considerations

As part of this comprehensive plan update, community members expressed the following:

- A recognition that tourism is an important industry in the County, but some concern that the interests of tourism-related activity play an outsized role in the County.
- Desire for a strong and diverse economy that benefits local residents.
- Strong interest in expanding access to childcare for rural residents, especially those who travel into incorporated cities for employment.
- Interest in exploring new economic opportunities including renewable energy development.
- Desire for additional educational and job training opportunities, including expansion of colleges and universities.





## Economic Development Goals and Policies

**Goal 9.1:** Maintain a stable, and sustainable, and thriving rural economy, compatible with rural lifestyles and a healthy environment.

**Policy 9.1.1.** Promote rural economic initiatives, including home-based businesses, that maintain the integrity of the rural character and natural environment.

**Policy 9.1.2.** Support a regional approach to economic development in concert with Economic Development for Central Oregon or and similar organizations.

**Policy 9.1.3.** Support growth and expansion of colleges and universities, regional educational facilities, and workforce training programs.

**Policy 9.1.4.** Support renewable energy generation as an important economic development initiative, while taking other community goals and concerns into consideration.

**Policy 9.1.5.** Support and participate in master planning for airports in Deschutes County, including expansion of noise impact boundaries and upgrades to facilities as airports continue to grow.

**Policy 9.1.6.** Within the parameters of State land use regulations, permit limited local-serving commercial uses in higher-density rural communities. Support limited and locally-serving commercial uses in appropriate locations.

**Policy 9.1.7.** Support expansion of high-speed internet in rural areas and integrate infrastructure such as fiber-optic cables into new development and road projects.

**Policy 9.1.8.** Support funding and development of childcare locations across the County to support families in the workforce.

**Policy 9.1.9.** Explore need for master planning for rural economic development lands, including Deschutes Junction.

**Policy 9.1.10.** Recognize the importance of maintaining a large-lot industrial land supply that is readily developable in Central Oregon, and support a multi-jurisdictional cooperative effort to designate these sites.

**Goal 9.2:** Support creation and continuation of rural commercial areas that support rural communities while not adversely affecting nearby agricultural and forest uses.

**Policy 9.2.1.** Allow for new Rural Commercial zoning designations if otherwise allowed by Oregon Revised Statute, Administrative Rule, and this Comprehensive Plan.

**Policy 9.2.2.** In Spring River there shall be a Limited Use Combining Zone.

**Policy 9.2.3.** Ensure new uses permitted on Rural Commercial lands do not adversely affect nearby agricultural and forest uses.

**Policy 9.2.4.** Ensure new commercial uses on Rural Commercial lands are limited to those intended to serve the surrounding rural area and/or the needs of the traveling public.

**Policy 9.2.5.** New commercial uses shall be limited in size to 2,500 square feet or if for an agricultural or forest-related use, 3,500 square feet.

**Policy 9.2.6.** A lawful use existing on or before November 5, 2002 that is not otherwise allowed in a Rural Commercial zone, may continue to exist subject to the county's nonconforming use regulations.

**Policy 9.2.7.**An existing lawful use may expand up to 25 percent of the total floor area existing on November 5, 2002.

**Policy 9.2.8.**The Rural Commercial zoning regulations shall allow a mixed use of residential or rural commercial uses.

**Policy 9.2.9.** Residential and commercial uses shall be served by DEQ approved on-site sewage disposal systems.

**Policy 9.2.10.** Residential and commercial uses shall be served by on-site wells or public water systems.

**Policy 9.2.11.** Community sewer systems, motels, hotels and industrial uses shall not be allowed.

**Policy 9.2.12.** Recreational vehicle or trailer parks and other uses catering to travelers shall be permitted.

**Goal 9.3:** Support the creation and continuation of rural industrial areas that support rural communities while not adversely affecting nearby agricultural and forest uses.

**Policy 9.3.1.** Update the policies for lands designated Rural Industrial as needed to limit and control industrial uses through the use of the Rural Industrial designation and development standards.

**Policy 9.3.2.**To assure that urban uses are not permitted on rural industrial lands, land use regulations in the Rural Industrial zones shall ensure that the uses allowed are less intensive than those allowed for unincorporated communities in OAR 660-22 or any successor.

**Policy 9.3.3.**Limited Use Combining zones shall be applied to the Redmond Military (Tax lot 1513000000116), Deschutes Junction (Tax lot 161226C000301, Tax lot 161226C000300,

Tax lot 161226C000111 and Tax lot 161226A000203) to ensure permitted uses are compatible with surrounding farm and forest lands.

**Policy 9.3.4.** To ensure that the uses in 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 that site shall be subject to a Limited Use Combining Zone which will limit the uses to storage, crushing, processing, sale and distribution of minerals.

**Policy 9.3.5.** To ensure that the uses in 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 that site shall be subject to a Limited Use Combining Zone which will limit the uses to storage, crushing, processing, sale and distribution of minerals

**Policy 9.3.6.** To ensure that the uses in the Rural Industrial Zone on Tax Lot 300 on Assessor's Map 16-12-26C-300 and Tax Lot 203 on Assessor's Map 16-12-26A-300 and portions of Tax Lot 111 on Assessor's Map 16-12-26C-111 as described in Exhibit 'D' and depicted in Exhibit 'E' attached to Ordinance 2010-030 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, subject to conditional use and site plan approval

**Policy 9.3.7.** Ensure new uses on Rural Industrial lands do not adversely affect nearby agricultural and forest uses.

**Policy 9.3.8.** A lawfully established use that existed on or before February 2, 2003 not otherwise allowed in a Rural Industrial zone may continue to exist subject to the county's non-conforming use regulations.

**Policy 9.3.9.** A lawfully established use that existed on or before February 2, 2003 may be expanded to occupy a maximum of 10,000 square feet of floor area or an additional 25 percent of the floor area currently occupied by the existing use, whichever is greater.

**Policy 9.3.10.** Ensure new uses on Rural Industrial lands are served by on-site sewage disposal systems approved by the Department of Environmental Quality (DEQ).

**Policy 9.3.11.** Residential and industrial uses shall be served by on-site wells or public water systems.

**Policy 9.3.12.** Community sewer systems shall not be allowed in Rural Industrial zones.

**Policy 9.3.13.** A 2009 exception (Ordinance 2009-007) included an irrevocably committed exception to Goal 3 and a reasons exception to Goal 14 to allow rural industrial use with a Limited Use Combining Zone for storage, crushing, processing, sale and distribution of minerals.

**Policy 9.3.14.** A 2010 exception (Ordinance 2010-030) took a reasons exception to Goal 14 with a Limited Use Combining Zone for storage, crushing, processing, sale and distribution of minerals.

**Policy 9.3.15.** Properties for which a property owner has demonstrated that Goals 3 and 4 do not apply may be considered for Rural Industrial designation as allowed by State Statute, Oregon Administrative rules and this Comprehensive Plan. Rural Industrial zoning shall be applied to a new property that is approved for the Rural Industrial Plan designation.

## Rural Service Center Policies

**Goal 9.4:** Support the creation and continuation of rural service centers that support rural communities while not adversely affecting nearby agricultural and forest uses.

**Policy 9.4.1.** Rural Service Centers in Alfalfa, Brothers, Hampton, Wilstlestop, and Wildhunt are identified on the Comprehensive Plan Map and shall have zoning consistent with Comprehensive Plan designations.

**Policy 9.4.2.** In Alfalfa, the remaining 20 acres of the Rural Service Center will continue to be zoned Rural Service Center – Residential District, with a 5-acre minimum lot size. A zone change to mixed use commercial can be considered only for a specific use and upon findings that the existing commercial area is fully developed.

**Policy 9.4.3.** Ensure that land uses at Rural Service Centers do not adversely affect agricultural and forest uses in the surrounding areas.

**Policy 9.4.4.** Zoning in rural service areas shall promote the maintenance of the area's rural character. New commercial uses shall be limited to small-scale, low impact uses that are intended to serve the community and surrounding rural area or the travel needs of people passing through the area. The commercial/mixed use zoning regulations shall allow a mixed use of residential or small-scale commercial uses such as health and retail services.

**Policy 9.4.5.** Residential and commercial uses shall be served by DEQ approved on-site sewage disposal systems.

**Policy 9.4.6.** Residential and commercial uses shall be served by onsite wells or public water systems.



**Policy 9.4.7.** Community water systems, motels, hotels and industrial uses shall not be allowed.

**Policy 9.4.8.** Recreational vehicle or trailer parks and other uses catering to travelers shall be permitted.





# 10

## Housing







### Opportunities, Challenges, and Considerations

Deschutes County faces a variety of housing demands, issues, and challenges. The County continues to be a desirable and attractive place to live, with access to jobs, recreation, beautiful natural landscapes, and a variety of other amenities. The County’s population is projected to continue to grow in the coming decades. At the same time, there are several challenges to the development of housing in the County. Some of the key issues the County faces today include increased demand for rural housing; housing affordability; state planning requirements related to Urban Growth Boundaries, farm and forest land, destination resorts, and others; water availability; and issues related to homelessness.

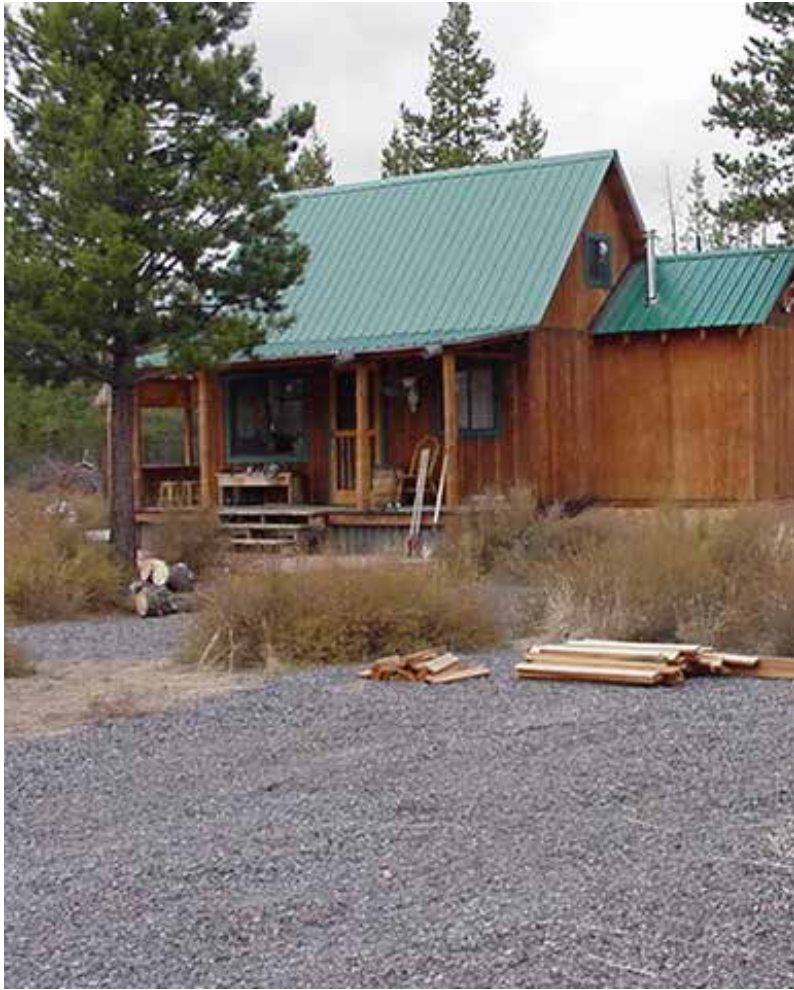
### Context

#### PROJECTED POPULATION GROWTH IN UNINCORPORATED DESCHUTES COUNTY

Deschutes County is one of the fastest growing counties in Oregon, and that trend is expected to continue. Significant growth is expected to occur in Deschutes County in the coming years (over 90,000 new residents in the next 25 years). However, the majority of this growth is forecasted to happen in urban areas with a more modest amount occurring in unincorporated parts of the County (about 5,000 additional people during the same period). (Source: Portland State University Population Research Center)

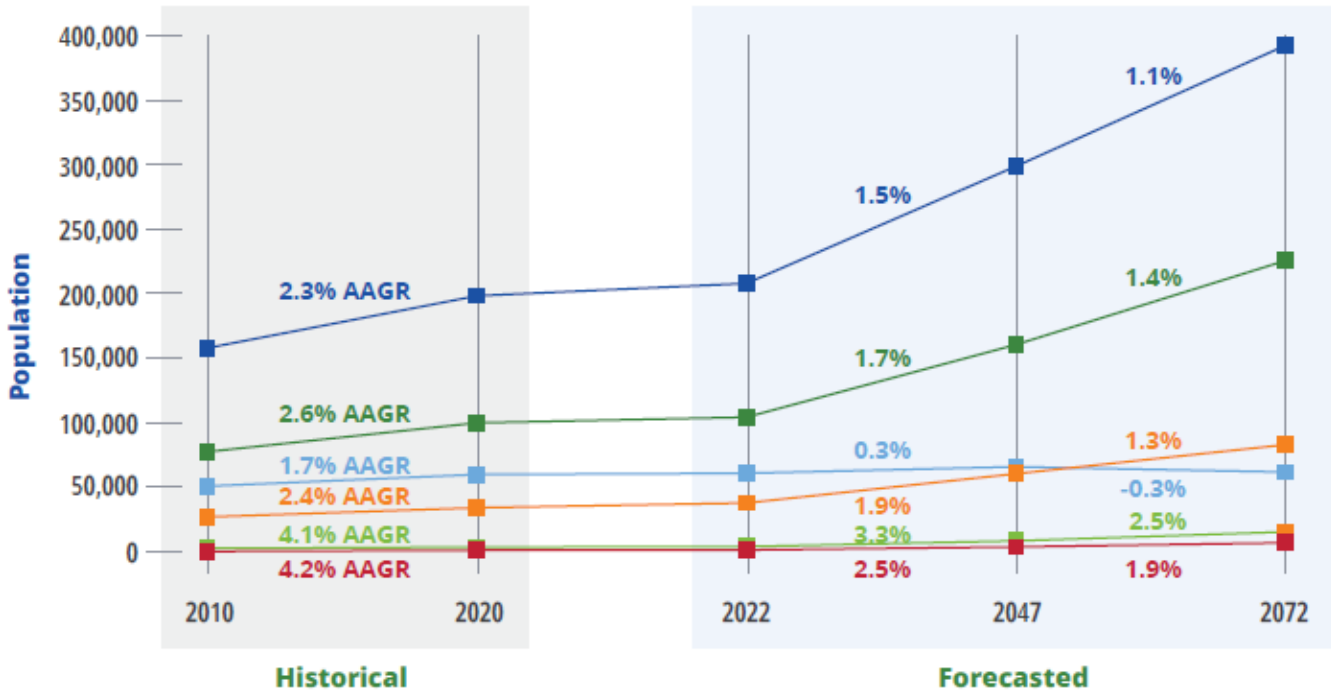
#### INCREASED DEMAND FOR RURAL HOUSING

Between 2010 and 2022, Deschutes County processed seven applications to rezone approximately 1,200 acres of property from a non-residential zone to a residential zone, with several more applications recently submitted and under review. Most of these applicants requested rezonings of farmland due to poor soil quality for farming. This trend is likely to continue.





# Historical and Forecasted Population and Average Annual Growth Rate in Deschutes County and its Sub-Areas



## HOUSING AFFORDABILITY

The median value of owner-occupied housing units in Deschutes County (including cities), is significantly higher than that of the State of Oregon (\$435,600 compared to \$362,200 according to 2017-2021 Census figures), and consistently increasing. In July 2023, Becon Appraisal Group reported an all-time high median home value for Bend area homes, in the amount of \$785,000. The same report estimated a median home price as \$694,000 for Sisters area homes, \$473,000 for Redmond area homes, and \$401,000 for La Pine area homes. Given that median income is generally on par with the state as a whole, high housing prices are likely an indicator of an inadequate supply of housing affordable to many residents of the Deschutes County, particularly those with low to moderate incomes.

## STATE PLANNING REQUIREMENTS

Although Deschutes County has numerous prospects to expand residential development, some of these opportunities face challenges with respect to state rules and regulations. The Oregon land use system is designed to concentrate most growth within Urban Growth Boundaries. A variety of statewide planning goals, laws, and administrative rules designed to protect farm and forest land, regulate destination resorts, and ensure cost-effective provision of infrastructure limit where and how housing can be built outside of urban areas.

## WATER AVAILABILITY AND CONSUMPTION

A growing demand for water for residential, business, recreation, and agricultural uses; changes in water table depth; allocation of water rights; and potential future changes in water supply related to climate change all may impact the availability of water to support new housing. Water resources are discussed in Chapter 5 in more detail.

*Vacant Lots in Resort Areas*

Resort Area	Number of Vacant Lots
<b>Destination Resorts</b>	
Caldera Springs	101
Eagle Crest	139
Pronghorn	285
Tetherow	200
<b>Resort Communities</b>	
Black Butte	27
In of the 7th Mountain/Widgi Creek	12
<b>Urban Unincorporated Area</b>	
Sunriver	118
Total Vacancies, Resort Areas	887

*Vacant Lots in Rural Residential Areas*

Rural Residential Areas	Number of Vacant Lots
<b>Rural Residential Zones</b>	
Rural Residential	2,139
Multiple use Agriculture	518
Suburban Low Density Rural Residential	32
Urban Area Reserve	292
<b>Rural Communities</b>	
Tumalo (TUR/TUR5)	32
Terrebonne (TER/TER5)	134
Total Vacancies, Rural Residential Areas	3,447

*Future Opportunities for Rural Residential Lots*

Rural Residential Areas	Count
Thornburgh Destination Resort	950
Caldera Springs Destination Resort Phase 2	340
West Side Transect	187
Tumalo Irrigation District Rezoned Parcel	72
Gopher Gulch (North of Bend)	10
Total Vacancies, Rural Residential Areas	1,559

**HOMELESSNESS**

The incidence and impacts of homelessness have been rising in Deschutes County, as well as across the state and nation in recent years. A variety of factors have contributed to this trend, including rising housing costs, increasing income disparities, and limited transitional housing and supportive resources. As a result, impacts on both urban areas and natural resources have increased, with elevated levels of community concern and support for more action by the County and its partners to address these issues.

**BALANCING DEVELOPMENT OPPORTUNITIES WITH VISITOR ACCOMMODATIONS**

Although population growth in unincorporated Deschutes County is forecasted to be relatively limited, rural parts of the County, including several destination resorts, include significant capacity for new residential development. Community members have expressed concern regarding the use of these homes as primary residences, second homes, or vacation rentals.

**RECENT CHANGES IN COUNTY HOUSING RULES**

The County has recently adopted and/or is currently considering new rules related to development and regulation of different types of housing. These include:

- Changes to where accessory dwelling units are allowed.
- Repeal of the County's "Conventional Housing Combining Zone" which prohibited manufactured homes in three large unincorporated areas east and west of Tumalo and east of Bend.

### What type of housing is allowed in unincorporated Deschutes County?

Residential development in Deschutes County is less dense than the Cities of Bend, La Pine, Redmond and Sisters due to state land use rules. Single family homes are most common type of housing throughout the county in all zones. Recreational vehicles are allowed to be placed on property for temporary living situations or as medical hardship dwellings for family members but are not intended to be permanent living situations. Accessory Dwelling Units or ADUs, also known as “granny flats” or “carriage houses” are smaller secondary residences on a property. In 2021, the Oregon legislature passed Senate Bill 391 which allows for rural ADUs with certain parameters, and Deschutes County is currently in the process of implementing this legislation.

### Key Community Considerations

Given the range of issues and conditions discussed related to this important topic, the Comprehensive Plan includes a variety of policies to guide future development of housing and address impacts to residents in rural areas. Additional related policies are found in Chapter 2 (Land Use) and Chapter 13 (Transportation). These strategies are underpinned by community sentiment, as described below.

- Some community members expressed support for allowing or encouraging growth in rural areas, particularly to alleviate housing pressure and provide larger-lot options. However, engagement showed greater opposition to residential development outside of Urban Growth Boundaries.
- Overall support for allowing a wider range of types of housing (e.g., accessory dwelling units, manufactured homes, recreational vehicles, etc.), but concerns about the quality of this housing and additional rural residential development in general.
- Concern about homelessness and its impacts, coupled with strong support for a proactive approach by the County to work with partner agencies and groups to address this issue.
- Relatively strong opposition for rezoning low productivity farmland with poor soil to allow greater opportunities for housing, due to negative impact on open space, habitat, transportation, and active farm practices.





## Goals and Policies

**Goal 10.1:** Support housing opportunities and choices for rural County residents in unincorporated Deschutes County, while meeting health and safety concerns, minimizing environmental and resource land impacts.

**Policy 10.1.1.** Incorporate annual farm and forest housing reports into a wider system for tracking the cumulative impacts of rural housing development.

**Policy 10.1.2.** Continue to update the County zoning ordinance and work with partnering organizations to address health and safety issues associated with housing.

**Policy 10.1.3.** Encourage and/or require, where consistent with County policies and requirements, new subdivisions to incorporate alternative development patterns, such as cluster development, that mitigate community and environmental impacts.

**Policy 10.1.4.** Implement legislation allowing accessory dwelling units in rural areas to expand housing choices.

**Policy 10.1.5.** Create and encourage opportunities for flexibility in rural housing including development of manufactured home parks, safe parking sites, and RV parking areas.

**Policy 10.1.6.** Reduce barriers to housing development and supporting services (such as locally serving medical offices or similar uses) in unincorporated communities.

**Policy 10.1.7.** Explore grants and funding opportunities for ongoing maintenance and rehabilitation of existing housing stock.

**Policy 10.1.8.** Evaluate the impacts of short-term rentals and consider regulations to mitigate impacts, as appropriate.

**Goal 10.2:** Support agencies and non-profits that provide affordable housing.

**Policy 10.2.1.** Support Central Oregon Regional Housing Authority and other stakeholders to meet the housing needs of all Deschutes County residents by assisting, as needed, in coordinating and implementing housing assistance programs.

**Policy 10.2.2.** Utilize block grants and other funding to assist in providing and maintaining low- and moderate-income housing in partnership with Housing Works and other housing agencies and providers in Deschutes County.

**Goal 10.3:** Regulate the location and density of housing in the area located between the Bend UGB and Shevlin Park through Westside Transect policies

**Policy 10.3.1.** Protect the sensitive ecosystems and interrelationships of the urban/rural interface on the west side of Bend between the urban area and Shevlin Park and the public and forestlands to the west.

**Policy 10.3.2.** Protect natural resources and environmentally sensitive areas and provide special setbacks between development and Shevlin Park, Tumalo Creek, and forestlands.

**Policy 10.3.3.** Development patterns shall reflect the protection of land with environmental significance and fire-wise and other fire prevention community design best practices.

**Policy 10.3.4.** Limit residential development to 200 single-family residential lots.

**Policy 10.3.5.** Manage all areas outside of the structural building envelopes on residential lots for wildfire mitigation and wildlife habitat in accordance with coordinated plans prepared by professionals, reviewed annually with reports submitted to the County every three years. The wildfire mitigation and

wildlife habitat plans shall be funded through homeowner assessments and administered and enforced by a homeowners association established at the time of creation of any residential lots.

**Policy 10.3.6.** Reduce the impact of construction by using best management practices to minimize site disturbance during construction and construction impacts (i.e., erosion) on Shevlin Park, Tumalo Creek, and forestlands.

**Policy 10.3.7.** Coordinate with the City of Bend for mitigation of impacts to City infrastructure from development within the Transect.

**Goal 10.4:** Participate in regional efforts to plan for housing.

**Policy 10.4.1.** Collaborate with cities and private sector partners on innovative housing developments to meet the region’s housing needs.

**Policy 10.4.2.** Partner with cities to incentivize development within urban growth boundaries and reduce infrastructure costs for workforce and affordable housing.

**Policy 10.4.3.** Partner with local, state, and federal agencies to address and limit nuisance and public health issues related to homelessness.

**Policy 10.4.4.** Utilize County owned land in city limits for affordable and workforce housing, where appropriate.

**Policy 10.4.5.** Promote regional housing planning, including urban reserve planning for cities, to allow for longer term and multi-jurisdictional housing strategies.

**Policy 10.4.6.** Limit parcelization and development adjacent to cities or in conflict with planned and/or known road/utility corridors to preserve land for future urban development.





# 11

## Unincorporated Communities and Destination Resorts







## Opportunities, Challenges, and Considerations

Deschutes County is home to numerous unincorporated communities, which contain urban levels of development outside of city limits. Many of these communities provide services and amenities to rural residents. As the county continues to grow, many residents are concerned about increasingly dense development in these unincorporated areas which may feel out of scale with the surrounding rural uses. However, many residents also see the need for more opportunities for small-scale rural services and retail opportunities to serve existing and future community members. Deschutes County will need to continue to refine the vision and guidelines for development in these areas while balancing infrastructure needs, protection of natural resources and rural land uses, and community desires.

In addition to these unincorporated communities, Destination Resorts are another form of development outside of urban areas. In recent years, community members have expressed concern about the creation of new resorts for a variety of reasons. While Destination Resorts are an opportunity for economic development and housing in the rural County, many residents have expressed opposition to additional development of this type.

### Context

#### Unincorporated Communities

Deschutes County's unincorporated communities generally pre-date Oregon's statewide land use system and have more urban-scale uses in outlying rural areas, within a defined geographic boundary.

In 1994, Oregon Administrative Rules (OARs) were amended to define unincorporated communities and the types of uses that could be allowed in these areas. The OARs established

four types of unincorporated communities, all of which were required to be in existence at the time of the change - the Rule did not allow for new rural communities to be established. These community types are described below.

#### URBAN UNINCORPORATED COMMUNITY

This is a community which contains at least 150 permanent dwelling units, a mixture of land uses, and contains a community water and sewer system. Sunriver is an Urban Unincorporated community. One parcel just outside of the City of La Pine was mistakenly left outside of the City's urban growth boundary, and is technically under this classification as well.

#### RURAL COMMUNITY

This is a community which consists of permanent residential dwellings and at least two other types of land uses – such as commercial, industrial, or public uses provided to the community or travelers. Terrebonne and Tumalo are Rural Communities.

**RESORT COMMUNITY**

This type of community was established for a recreation-related use on private land prior to 1989 when the state adopted its Destination Resort rules. Black Butte Ranch and Inn of the 7<sup>th</sup> Mountain/Widgi Creek are Resort Communities. It's important to note that there are several other resort style developments in the County on private lands called "Destination Resorts." See the next section for more information.

**RURAL SERVICE CENTER**

This is an unincorporated community that has primarily commercial or industrial uses that provide goods and services to the surrounding rural area and travelers. These are the most common type of unincorporated community in Deschutes County and include Alfalfa, Brothers, Hampton, Millican, Whistlestop, and Wildhunt.

**Destination Resorts**

Since 1979 destination resorts have increased in importance to the economy of Deschutes County. In 1989, recognizing the importance of tourism to the economy of the State of Oregon, the state legislature and the Land Conservation and Development Commission (LCDC) took steps to make it easier to establish destination resorts on rural lands in the state. Statewide Planning Goal 8, the recreation goal, was amended to specify a process for locating destination resorts on rural land without taking an exception to Goals 3, 4, 11 and 14, which govern development in rural resource lands. Under these changes, destination resorts may be sited in EFU zones where they weren't previously allowed. In 1990, LCDC amended the rule for siting destination resorts on forest lands as well.

Eagle Crest Resort, although it had existed prior to these changes, applied for legislative changes to comply with these new rules and expand onto adjacent lands.

In 2010, Deschutes County completed an amendment to its destination resort

mapping process, adding "clear and objective" requirements for eligible and ineligible sites, and the process for amending the destination resort map based on changes in state law. Since that time, Pronghorn, Caldera Springs, and Tetherow resorts have gone through the siting process. Resorts existing prior to the legislative change, such as Black Butte, Sunriver, and the Inn of the Seventh Mountain have also expanded and been rezoned to Urban Unincorporated Community and Resort Community, respectively. Thornburgh Resort has received preliminary approvals, but has not yet broken ground.

Destination resorts are a key economic development strategy for Deschutes County. Many community members and visitors enjoy the recreational amenities and accommodations that Destination Resorts provide.



## Key Community Considerations

Unincorporated Communities are limited in their development potential due to their specific geographic footprint. Protecting open space and natural resources while providing economic opportunities in these unincorporated areas continues to be a balancing act.

As additional rural development occurs, so does the demand for services and goods that can be reached without having to drive to an incorporated city. Aging residents have expressed a desire for additional medical care and offices in rural areas to support aging in place. On the other hand, many residents would prefer limiting development in unincorporated communities in order to preserve the rural of the area.

Destination Resort development continues to be a contentious issue. Community members have expressed concern regarding the water use of large-scale development – specifically the effects to groundwater for neighboring property owners. Other community members express support for the economic and amenity benefits of destination resorts, noting that the current requirements sufficiently address natural resource concerns. Additional community conversations will be valuable to understand the diversity of perspectives on this topic.



## Goals and Policies

### Resort Community Policies

#### General Resort Community Policies

**Policy 11.1.1.** Land use regulations shall conform to the requirements of OAR 660 Division 22 or any successor.

**Policy 11.1.2.** Designated open space and common area, unless otherwise zoned for development, shall remain undeveloped except for community amenities such as bike and pedestrian paths, park and picnic areas. Areas developed as golf courses shall remain available for that purpose or for open space/recreation uses.

**Policy 11.1.3.** The provisions of the Landscape Management Overlay Zone shall apply in Resort Communities where the zone exists along Century Drive, Highway 26 and the Deschutes River.

**Policy 11.1.4.** Residential minimum lot sizes and densities shall be determined by the capacity of the water and sewer facilities to accommodate existing and future development and growth.

**Policy 11.1.5.** The resort facility and resort recreation uses permitted in the zoning for Black Butte Ranch and the Inn of the Seventh Mountain/Widgi Creek shall serve the resort community.

#### Black Butte Ranch General Policies

**Policy 11.2.1.** County comprehensive plan policies and land use regulations shall ensure that new uses authorized within the Black Butte Ranch Resort Community do not adversely affect forest uses in the surrounding Forest Use Zones.

**Policy 11.2.2.** The County supports the design review standards administered by the Architectural Review Committee.



**Policy 11.2.3.** Residential, resort and utility uses shall continue to be developed in accordance with the Master Design for Black Butte Ranch and the respective Section Declarations.

**Policy 11.2.4.** Industrial activities, including surface mining, shall only occur in the area zoned Black Butte Ranch Surface Mining, Limited Use Combining District (Black Butte Ranch SM/LU) located in the northwest corner of Black Butte Ranch.

**Policy 11.2.5.** Employee housing shall be located in the area zoned Black Butte Ranch-Utility/Limited Use Combining District (Black Butte Ranch-U/LU).

**Policy 11.2.6.** Any amendment to the allowable use(s) in either the Resort Community District or the Limited Use Combining District shall require an exception in accordance with applicable statewide planning goal(s), OAR 660-04-018/022 and DCC 18.112 or any successor.

**Policy 11.2.7.** The westerly 38-acres zoned Black Butte Ranch Surface Mining, Limited Use Combining District (Black Butte Ranch SM/LU) shall be used for the mining and storage of aggregate resources. Uses that do not prevent the future mining of these resources, such as disposal of reclaimed effluent and woody debris disposal from thinning and other forest practices may be allowed concurrently. Other resort maintenance, operational and utility uses, such as a solid waste transfer station, maintenance facility or equipment storage may be allowed only after mining and reclamation have occurred.

**Policy 11.2.8.** The 18.5 acres zoned Black Butte Ranch-Utility/Limited Use Combining District (Black Butte Ranch-U/LU) may be used for the disposal of reclaimed sludge.

**Policy 11.2.9.** The area west of McCallister Road and east of the area zoned Black Butte Ranch may be used for large equipment storage, general storage, maintenance uses, RV storage, telephone communications, administration offices, housekeeping facilities and employee housing.

**Policy 11.2.10.** Employee housing shall be set back at least 250 feet from the eastern boundary of the area zoned Black Butte Ranch Surface Mining, Limited Use Combining District (Black Butte Ranch SM/LU).

**Policy 11.2.11.** Surface mining within the Black Butte Ranch community boundary shall adhere to the following Goal 5 ESEE "Program to Meet Goal" requirements:

- a. Only the western most 38 acres of the site shall continue to be mined.
- b. Setbacks shall be required for potential conflicting residential and other development. A minimum 50-foot setback shall be maintained from the perimeter of tax lot 202 for all surface mining activity.
- c. Noise impact shall be mitigated by buffering and screening.
- d. Hours of operation shall be limited to between 7:00 a.m. and 6:00 p.m. weekdays. No operations shall be allowed on weekends and holidays.
- e. Processing shall be limited to 45 days in any one year, to be negotiated with Deschutes County in the site plan process in consultation with the Oregon Department of Fish and Wildlife (ODFW).
- f. The conditions set forth in the August 10, 1989, letter of ODFW shall be adhered to.
- g. Extraction at the site shall be limited to five acres at a time with on-going incremental reclamation (subject to DOGAMI review and approval).

- h. Mining operations, siting of equipment, and trucking of product shall be conducted in such a manner that applicable DEQ standards are met and minimizes noise and dust.
- i. DOGAMI requirements for a permit once mining affects more than five acres outside the 8.6-acre exemption area shall be met.
- j. A conditional use permit shall be obtained from Deschutes County, under the provisions of section 18.128.280. Surface mining of resources exclusively for on-site personal, farm or forest use or maintenance of irrigation canals, before mining activity affects more than five acres outside the 8.6-acre exempt area.

**Black Butte Ranch Public Facility Policies**

**Policy 11.3.1.** Police protection services shall be provided by the Black Butte Ranch Police Services District.

**Policy 11.3.2.** The Black Butte Ranch Water Distribution Company and the Black Butte Ranch Corporation shall confirm the water and sewer service, respectively, can be provided for new uses or expansion of existing uses that require land use approval.

**Policy 11.3.3.** The Black Butte Ranch Water Distribution Company shall provide water service for the Black Butte Ranch Resort Community.

**Policy 11.3.4.** The Black Butte Ranch Corporation shall provide sewer service for Black Butte Ranch.

**Policy 11.3.5.** The Black Butte Ranch Fire Protection District shall provide fire protection services for Black Butte Ranch.

**Policy 11.3.6.** The roads and the bicycle/ pedestrian path system within the Black Butte Ranch Resort Community boundary shall be maintained by the Black Butte Ranch Owners Association.

**Inn of the 7th Mountain Widgi Creek General Policies**

**Policy 11.4.1.** Any amendment to the allowable uses in either the Resort Community District or the Widgi Creek Residential District shall require an exception in accordance with applicable statewide planning goal(s), OAR 660-04-018/022 or any successor, and DCC 18.112 or any successor.

**Policy 11.4.2.** The County shall encourage and support land exchanges efforts by and between private property owners, public agencies, and public trusts for the purpose of fostering public access to and protection of natural resources, such as rivers, streams, caves, areas/features of historical importance and other natural features.

**Inn of the 7th Mountain/Widgi Creek Public Facility Policies**

**Policy 11.5.1.** Police protection services shall be provided under contract with the Deschutes County Sheriff.

**Policy 11.5.2.** Water service shall be supplied by on-site wells for the Inn/Widgi Resort Community.

**Policy 11.5.3.** New uses or expansion of existing uses that require land use approval shall be approved only upon confirmation from the City of Bend that sewer service can be provided.

**Policy 11.5.4.** Fire protection services for the Inn/Widgi shall be provided through a contract with the City of Bend until such time as Inn/Widgi develops another plan to provide adequate fire protection.

**Policy 11.5.5.** The Resort Community, not Deschutes County, shall maintain roads in the community.

**Policy 11.5.6.** The bicycle/pedestrian path system shall be maintained by the Inn/Widgi Owners Association.

**Policy 11.5.7.** Emergency access between Widgi Creek and the Inn of the Seventh Mountain shall be provided in accordance with the approved development plan for the Elkai Woods town homes. The respective resort property owners shall maintain emergency access between the Inn and Widgi Creek

**Policy 11.7.2.** Ensure protection of water quality, recreational resources, and other County resources and values.

**Policy 11.7.3.** Ensure that destination resort developments support and implement strategies to provide workers with affordable housing options within or in close proximity to the resorts.

**Policy 11.7.4.** Mapping for destination resort siting.

a. To assure that resort development does not conflict with the objectives of other Statewide Planning Goals, destination resorts shall pursuant to Goal 8 not be sited in Deschutes County in the following areas:

- 1) Within 24 air miles of an urban growth boundary with an existing population of 100,000 or more unless residential uses are limited to those necessary for the staff and management of the resort;
- 2) On a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service or within three miles of farm land within a High-Value Crop Area;
- 3) On predominantly Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved Goal exception;
- 4) On areas protected as Goal 5 resources in an acknowledged comprehensive plan where all conflicting uses have been prohibited to protect the Goal 5 resource;

### Destination Resorts Policies

**Goal 11.6:** Provide for development of destination resorts in the County in a manner that will be compatible with farm and forest uses, existing rural development, and in a manner that will maintain important natural features including habitat of threatened or endangered species, streams, rivers, and significant wetlands.

**Policy 11.6.1.** Provide a process for the siting of destination resorts facilities that enhance and diversify the recreational opportunities and economy of Deschutes County, on lands that have been mapped by Deschutes County as eligible for this purpose.

**Goal 11.7:** Provide for development of destination resorts consistent with Statewide Planning Goal 12 in a manner that will ensure the resorts are supported by adequate transportation facilities.

**Policy 11.7.1.** Destination resorts shall only be allowed within areas shown on the “Deschutes County Destination Resort Map” and when the resort complies with the requirements of Goal 8, ORS 197.435 to 197.467, and Deschutes County Code 18.113.



- 5) Especially sensitive big game habitat, and as listed below, as generally mapped by the Oregon Department of Fish and Wildlife in July 1984 and as further refined through development of comprehensive plan provisions implementing this requirement.
  - i. Tumalo deer winter range;
  - ii. Portion of the Metolius deer winter range;
  - iii. Antelope winter range east of Bend near Horse Ridge and Millican;
- 6) Sites less than 160 acres.
- b. To assure that resort development does not conflict with Oregon Revised Statute, destination resorts shall not be sited in Deschutes County in Areas of Critical State Concern.
- c. To assure that resort development does not conflict with the objectives of Deschutes County, destination resorts shall also not be located in the following areas:
  - 1) Sites listed below that are inventoried Goal 5 resources, shown on the Wildlife Combining Zone, that the County has chosen to protect:
    - i. Antelope Range near Horse Ridge and Millican;
    - ii. Elk Habitat Area; and
    - iii. Deer Winter Range;
  - 2) Wildlife Priority Area, identified on the 1999 ODFW map submitted to the South County Regional Problem Solving Group;
  - 3) Lands zoned Open Space and Conservation (OS&C);
  - 4) Lands zoned Forest Use 1 (F-1);
  - 5) Irrigated lands zoned Exclusive Farm Use (EFU) having 40 or greater contiguous acres in irrigation;
  - 6) 6. Non-contiguous EFU acres in the same ownership having 60 or greater irrigated acres;
  - 7) Farm or forest land within one mile outside of urban growth boundaries;
  - 8) Lands designated Urban Reserve Area under ORS 195.145;
  - 9) Platted subdivisions;
- d. For those lands not located in any of the areas designated in Policy 3.9.5(a) through (c), destination resorts may, pursuant to Goal 8, Oregon Revised Statute and Deschutes County zoning code, be sited in the following areas:
  - 1) Forest Use 2 (F-2), Multiple Use Agriculture (MUA-10), and Rural Residential (RR-10) zones;
  - 2) Unirrigated Exclusive Farm Use (EFU) land;
  - 3) Irrigated lands zoned EFU having less than 40 contiguous acres in irrigation;
  - 4) Non-contiguous irrigated EFU acres in the same ownership having less than 60 irrigated acres;
  - 5) All property within a subdivision for which cluster development approval was obtained prior to 1990, for which the original cluster development approval designated at least 50 percent of the development as open space and which was within the destination resort zone prior to the effective date of Ordinance 2010-024 shall remain on the eligibility map;
  - 6) Minimum site of 160 contiguous acres or greater under one or multiple ownerships;

- e. The County shall adopt a map showing where destination resorts can be located in the County. Such map shall become part of the Comprehensive Plan and Zoning Ordinance and shall be an overlay zone designated Destination Resort (DR).

**Policy 11.7.5. Ordinance Provisions**

- a. The County shall ensure that destination resorts are compatible with the site and adjacent land uses through enactment of land use regulations that, at a minimum, provide for the following:
  - 1) Maintenance of important natural features, including habitat of threatened or endangered species, streams, rivers, and significant wetlands; maintenance of riparian vegetation within 100 feet of streams, rivers and significant wetlands; and
  - 2) Location and design of improvements and activities in a manner that will avoid or minimize adverse effects of the resort on uses on surrounding lands, particularly effects on intensive farming operations in the area and on the rural transportation system. In order to adequately assess the effect on the transportation system, notice and the opportunity for comment shall be provided to the relevant road authority.
  - 3) Such regulations may allow for alterations to important natural features, including placement of structures, provided that the overall values of the feature are maintained.
- b. Minimum measures to assure that design and placement of improvements and activities will avoid or minimize the adverse effects noted in Policy 3.9.4(a) shall include:

- 1) The establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and where appropriate, fenced, berms, landscaped areas, and other similar types of buffers.
- 2) Setbacks of structures and other improvements from adjacent land uses.
- c. The County may adopt additional land use restrictions to ensure that proposed destination resorts are compatible with the environmental capabilities of the site and surrounding land uses.
- d. Uses in destination resorts shall be limited to visitor- oriented accommodations, overnight lodgings, developed recreational facilities, commercial uses limited to types and levels necessary to meet the needs of visitors to the resort, and uses consistent with preservation and maintenance of open space.
- e. The zoning ordinance shall include measures that assure that developed recreational facilities, visitor-oriented accommodations and key facilities intended to serve the entire development are physically provided or are guaranteed through surety bonding or substantially equivalent financial assurances prior to closure of sale of individual lots or units. In phased developments, developed recreational facilities and other key facilitated intended to serve a particular phase shall be constructed prior to sales in that phase or guaranteed through surety bonding.

**SUNRIVER POLICIES**

**General Sunriver Policies**

**Policy 11.8.1.** Land use regulations shall conform to the requirements of OAR 660 Division 22 or any successor.

**Policy 11.8.2.** County comprehensive plan policies and land use regulations shall ensure that new uses authorized within the Sunriver Urban Unincorporated Community do not adversely affect forest uses in the surrounding Forest Use Zones.

**Policy 11.8.3.** To protect scenic views and riparian habitat within the community, appropriate setbacks shall be required for all structures built on properties with frontage along the Deschutes River.

**Policy 11.8.4.** Open space and common area, unless otherwise zoned for development, shall remain undeveloped except for community amenities such as bike and pedestrian paths, and parks and picnic areas.

**Policy 11.8.5.** Public access to the Deschutes River shall be preserved.

**Policy 11.8.6.** The County supports the design review standards administered by the Sunriver Owners Association.

**Sunriver Residential District Policies**

**Policy 11.9.1.** Areas designated residential on the comprehensive plan map shall be developed with single family or multiple family residential housing.

**Sunriver Commercial District Policies**

**Policy 11.10.1.** Small-scale, low-impact commercial uses shall be developed in conformance with the requirements of OAR Chapter 660, Division 22. Larger, more intense commercial uses shall be permitted if they are intended to serve the community, the surrounding rural area and the travel needs of people passing through the area.

**Policy 11.10.2.** No additional land shall be designated Commercial until the next periodic review.

**Policy 11.10.3.** Multiple-family residences and residential units in commercial buildings shall be permitted in the commercial area for the purpose of providing housing which is adjacent to places of employment. Single-family residences shall not be permitted in commercial areas.

**Policy 11.10.4.** Approval standards for conditional uses in the commercial district shall take into consideration the impact of the proposed use on the nearby residential and commercial uses and the capacity of the transportation system and public facilities and services to serve the proposed use.

**Sunriver Town Center District Policies**

**Policy 11.11.1.** Small-scale, low-impact commercial uses shall be developed in conformance with the requirements of OAR Chapter 660, Division 22. Larger, more intense commercial uses shall be permitted if they are intended to serve the community, the surrounding rural area or the travel needs of people passing through the area.

**Policy 11.11.2.** Development standards in the town center district should encourage new development that is compatible with a town center style of development that serves as the commercial core of the Sunriver Urban Unincorporated Community. The following policies should guide development in the Town Center District in Sunriver:

- a. Combine a mixture of land uses that may include retail, offices, commercial services, residential housing and civic uses to create economic and social vitality and encourage pedestrian use through mixed use and stand alone residential buildings.
- b. Develop a commercial mixed-use area that is safe, comfortable and attractive to pedestrians.



- c. Encourage efficient land use by facilitating compact, high-density development that minimizes the amount of land that is needed for development.
- d. Provide both formal and informal community gathering places.
- e. Provide visitor accommodations and tourism amenities appropriate to Sunriver.
- f. Provide design flexibility to anticipate changes in the marketplace.
- g. Provide access and public places that encourage pedestrian and bicycle travel.
- h. Provide road and pedestrian connections to residential areas.
- i. Facilitate development (land use mix, density and design) that supports public transit where applicable.
- j. Develop a distinct character and quality design appropriate to Sunriver that will identify the Town Center as the centerpiece/focal point of the community.

**Policy 11.11.3.** Development within the Town Center (TC) District will be substantially more dense than development elsewhere in Sunriver. This increased density will require changes to existing topography and vegetation in the TC District to allow for screened, underground parking. The requirements of the County’s site plan ordinance shall be interpreted to reflect this fact.

**Sunriver Resort District Policies**

**Policy 11.12.1.** Areas designated resort on the comprehensive plan map shall be designated resort, resort marina, resort golf course, resort equestrian or resort nature center district on the zoning map to reflect a development pattern which is consistent with resort uses and activities.

**Sunriver Business Park District Policies**

**Policy 11.13.1.** A variety of commercial uses which support the needs of the community and surrounding rural area, and not uses solely intended to attract resort visitors, should be encouraged.

**Policy 11.13.2.** Allow small-scale, low-impact commercial uses in conformance with the requirements of OAR Chapter 660, Division 22. Larger more intense commercial uses shall be permitted if they are intended to serve the community, the surrounding rural area and the travel needs of people passing through the area.

**Policy 11.13.3.** Small-scale, low-impact industrial uses should be allowed in conformance with the requirements of OAR Chapter 660, Division 22.



### Sunriver Community District Policies

**Policy 11.14.1.** Areas designated community on the comprehensive plan map shall be designated community general, community recreation, community limited or community neighborhood district on the zoning map to reflect a development pattern which is consistent community uses and activities.

**Policy 11.14.2.Policy 11.9.2.** Lands designated community shall be developed with uses which support all facets of community needs, be they those of year-round residents or part-time residents and tourists.

**Policy 11.14.3.Policy 11.9.3.** Development shall take into consideration the unique physical features of the community and be sensitive to the residential development within which the community areas are interspersed.

### Sunriver Airport District Policies

**Policy 11.15.1.** Future development shall not result in structures or uses which, due to extreme height or attraction of birds, would pose a hazard to the operation of aircraft.

**Policy 11.15.2.** Future development should not allow uses which would result in large concentrations or gatherings of people in a single location.

### Sunriver Utility District Policies

**Policy 11.15.3.** Lands designated utility shall allow for development of administrative offices, substations, storage/repair yards, distribution lines and similar amenities for services such as water, sewer, telephone, cable television and wireless telecommunications.

### Sunriver Forest District Policies

**Policy 11.16.1.** Uses and development on property designated forest that are within the Sunriver Urban Unincorporated Community boundary shall be consistent with uses and development of other lands outside of the community boundary which are also designated forest on the Deschutes County comprehensive plan map.

**Policy 11.16.2.** Forest district property shall be used primarily for effluent storage ponds, spray irrigation of effluent, biosolids application and ancillary facilities necessary to meet Oregon Department of Environmental Quality sewage disposal regulations.

**Policy 11.16.3.** The development of resort, residential or non-forest commercial activities on Forest district lands shall be prohibited unless an exception to Goal 14 is taken.

### Sunriver General Public Facility Policies

**Policy 11.17.1.** Residential minimum lot sizes and densities shall be determined by the capacity of the water and sewer facilities to accommodate existing and future development and growth.

**Policy 11.17.2.** New uses or expansion of existing uses within the Sunriver Urban Unincorporated Community which require land use approval shall be approved only upon confirmation from the Sunriver Utility Company that water and sewer service for such uses can be provided.

**Policy 11.17.3.** Expansion of the Sunriver Water LLC/Environmental/LLC Water and Sewer District outside of the historic Sunriver boundaries shall adequately address the impacts to services provided to existing property owners.

### Sunriver Water Facility Policies

**Policy 11.18.1.** Water service shall continue to be provided by the Sunriver Utilities Company.

### Sunriver Sewer Facility Policies

**Policy 11.19.1.** Sewer service shall continue to be provided by the Sunriver Utilities Company.

### Sunriver Transportation System Maintenance Policies

**Policy 11.20.1.** Privately-maintained roads within the Sunriver Urban Unincorporated Community boundary shall continue to be maintained by the Sunriver Owners Association.

**Policy 11.20.2.** The bicycle/pedestrian path system in Sunriver shall continue to be maintained by the Sunriver Owners Association or as otherwise provided by a maintenance agreement.

**Policy 11.20.3.** The County will encourage the future expansion of bicycle/pedestrian paths within the Sunriver Urban Unincorporated Community boundary in an effort to provide an alternative to vehicular travel.

**Policy 11.20.4.** All public roads maintained by the County shall continue to be maintained by the County. Improvements to County maintained public roads shall occur as described the County Transportation System Plan.



# 12

## Public Facilities

**DESCHUTES  
COUNTY**



### **Opportunities, Challenges, and Considerations**

Public facilities and services provide the basic infrastructure for urban and rural development. These systems include water and sewer systems, police and fire protection, health and social services, schools, and libraries. The transportation system is also a public facility – the County has developed and maintains a Transportation System Plan that is included as Appendix B.

These public services are provided by a variety of entities, each with their own jurisdiction, funding sources, and regulatory requirements. Overall, the provision of facilities and services is more efficient and cost-effective in urban areas than in rural development, where ratepayers may be few and far between. In some areas of the County, particularly east County, available services are limited due to lower population density and distance from urban centers. Many of the people who choose to reside there consider the limited availability of services and facilities as an acceptable tradeoff for a rural lifestyle.

Statewide Planning Goal 11, Public Facilities and Services and the associated Oregon Administrative Rule 660-011 specify that facilities and services should be appropriate for, but limited to, the needs and requirements of rural areas to be served. Public facility plans are not required (with some exceptions); in fact, Goal 11 and the associated rule set limits to the provision of sewers and water systems in rural areas, in order to limit rural growth.

There are several important issues relating to the provision of public facilities and services that this Comprehensive Plan addresses, including:

- Meeting the needs of county residents while supporting the protection of resource lands;
- Maintaining health, safety, and security throughout the county; and
- Cooperation among the various providers of public services.

## Context

Deschutes County plays a role in ensuring that public facilities and services are planned for, however the facilities and services are often not provided by county government directly. The discussion below highlights who provides the services listed and how the County will manage development impacts on existing facilities and services.

## County Facilities and Services

### LAW ENFORCEMENT

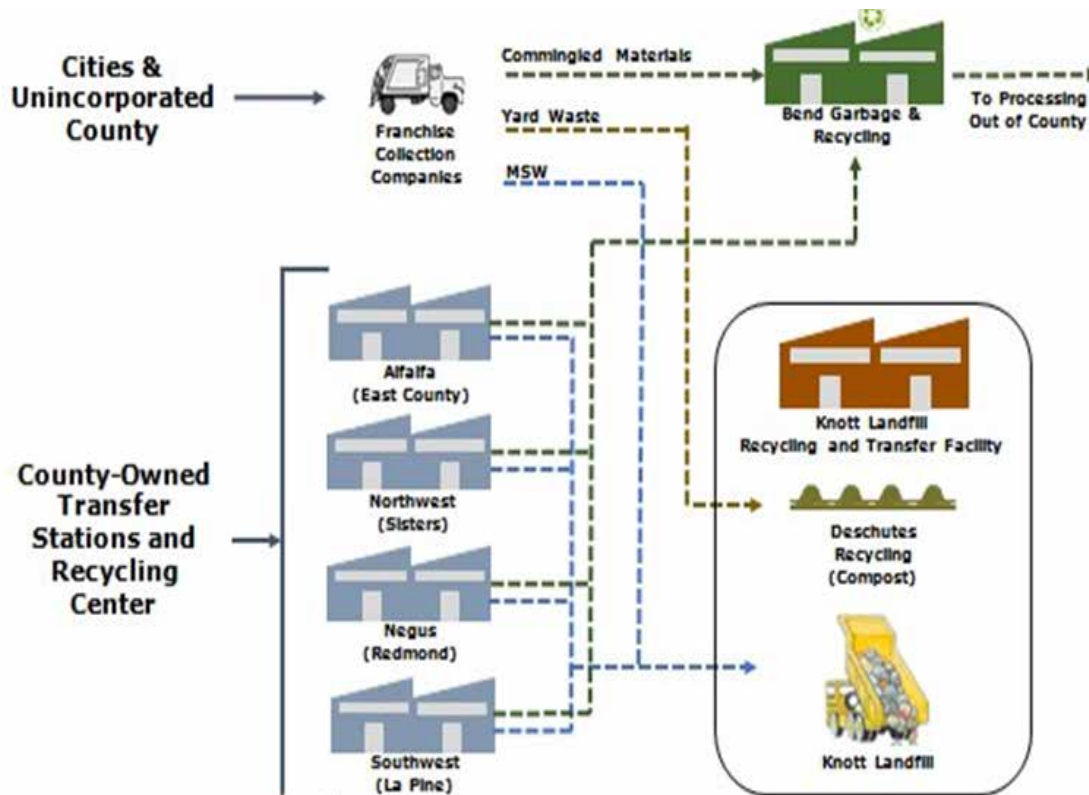
The Deschutes County Sheriff's Office is a full service organization providing patrol, traffic team, criminal investigations, corrections, civil and search and rescue. Special operations include a Marine Patrol, K-9 units, and Forest Patrol. The Sheriff is an elected public official who serves a four-year term. Housed within the Sheriff's office is the County's Emergency Management Unit, which coordinates the countywide response to natural hazards events.

## SOLID WASTE

The County manages Knott Landfill Recycling and Transfer Station, which is the only landfill in Deschutes County. In addition to this, the department manages four additional transfer stations throughout the County which gather waste in convenient locations, before transferring to the Knott Landfill facility. Operations at the landfill include recycling, hazardous waste disposal, and composting. This landfill site is anticipated to remain open until 2029 at which time it is projected to reach maximum capacity.

The Deschutes County Solid Waste Department is currently undertaking a new landfill siting process, which is anticipated to be completed in 2024. In the future, the County will likely need to site additional facilities to support composting, recycling, and waste stream diversion facilities.

## Deschutes County Solid Waste System, Source: Solid Waste Management Plan, 2019





## COUNTY HEALTH DEPARTMENT

Deschutes County Health Services has a primary responsibility to help address the basic health and wellness of Deschutes County residents. The department offers services at more than 40 locations in Deschutes County including public schools; health clinics in Bend, La Pine, Redmond and Sisters; five school-based health clinics; agencies such as the KIDS Center and the State of Oregon Department of Human Services; area hospitals; care facilities and homes.

## FAIRGROUNDS

The County maintains the County Fairgrounds and Expo Center. With panoramic views of the snow-capped Cascade range, the Deschutes County Fair and Expo Center is situated on the outskirts of Redmond just off of Hwy 97 and adjacent to the Redmond Municipal Airport. Due to its central location, the fairgrounds also serves as an emergency center. The fairgrounds hosts the annual County Fair and numerous other events throughout the year.

## Other Agency Facilities and Services

Where other agencies provide facilities and services, the County coordinates with numerous other providers of facilities and services for the benefit of County residents. Where there are gaps in the coverage for specific areas, the County can work with providers to fill them. A selection of other agencies and entities are noted below.

## CENTRAL OREGON INTERGOVERNMENTAL COUNCIL (COIC)

COIC began serving the residents and communities of Central Oregon in 1972 as a Council of Governments organized under ORS 190 by Crook, Deschutes and Jefferson Counties and Bend, Culver, Madras, Metolius, Prineville, Redmond and Sisters. COIC provides a wide variety of educational and economic development services such as workforce training, alternative high school education, business loans

and public transportation. COIC continues to evolve to meet the needs of Central Oregon.

COIC is governed by a 15-member board made up of elected officials who are appointed by each of the member governments as well as appointed representatives of key economic sectors – business and industry, tourism and recreation, agribusiness and agriculture, timber and wood products, and the unemployed/underemployed.

## SCHOOL DISTRICTS

There are three school districts in Deschutes County:

- Bend-La Pine (SD 1),
- Redmond (SD 2J) and
- Sisters (SD 6).

Additionally, the Brothers Community School is owned and operated by Crook County School District (SD 15). The High Desert Education Service District (ESD) partners with the districts to provide support services such as special education, school improvement, administrative and legal services.

## FIRE DISTRICTS

The following fire districts support rural residents: Bend Fire Department, Black Butte Ranch Rural Fire Protection District, Cloverdale Rural Fire Protection District, Crooked River Ranch Rural Fire Protection District, Deschutes County Rural Fire Protection District #1 and #2, La Pine Rural Fire Protection District, Sisters-Camp Sherman Rural Fire Protection District, and Sunriver Service District. Public lands are protected by federal agencies. There are some areas in Deschutes County that are not covered by a fire district. (See Chapter 7 for more on fire protection.)

## IRRIGATION DISTRICTS

Irrigation districts in Oregon are organized as Special Districts under ORS Chapter 545. Six irrigation districts operate in Deschutes County: Arnold, Central Oregon, North Unit, Swalley, Tumalo, the Three Sisters Irrigation Districts. They are quasi-municipal corporations under Oregon Law, with prescribed rules for purpose, boards, elections, staffing, charges, etc. The districts operate as political subdivisions of the State of Oregon created for the purpose of delivering water to their patrons. In addition to irrigation uses, these districts also supply a number of other services, including municipal, industrial, and pond maintenance, warranting coordination with municipalities.

## LIBRARIES

Deschutes Public Library has branches in Bend, Redmond, Sisters, La Pine and Sunriver. They also operate a bookmobile program that focuses on children and parenting books and a program for supplying books to homebound residents.

## HIGHER EDUCATION

Deschutes County is home to Oregon State University Cascades Campus (Bend) and Central Oregon Community College (Bend and Redmond). These campuses are expected to grow significantly in the future.

## SOIL AND WATER CONSERVATION DISTRICT

Soil and Water Conservation Districts are authorized by the State of Oregon to provide for the conservation of its soil and water resources. Working in cooperation with stakeholders, the districts address issues such as control and prevention of soil erosion, conservation and development of water resources, water quality, and wildlife preservation. The Deschutes Soil and Water Conservation District is a legally defined subdivision of the state government, but, like all soil and conservation districts, functions as a local unity led by a locally elected board of directors who serve without pay.

## PUBLIC WATER SYSTEMS

Public Water Systems are defined as those that have more than three connections, supply water at least 60 days/year and are used by at least 10 persons/day. All water systems are regulated under the federal 1974 Safe Drinking Water Act and 1981 Oregon Drinking Water Quality Act. Public Water Systems serving over 3,300 people are overseen by the Oregon Department of Human Services Drinking Water Program. The County acts as a contractor for the Department of Human Services to monitor approximately 180 Public Water Systems. Some privately owned systems are, for various reasons, regulated by the Public Utility Commission, which sets rates and rules for public utilities.

## Privately Owned Facilities and Services

### UTILITIES

#### Electric

Electricity is provided by Pacific Power around Bend and Redmond. Central Electric Cooperative and Midstate Electric provide service in the rest of the County. Phone service is provided by Qwest and numerous cell phone providers. Cable is provided by Bend Cable and satellite providers. Internet access is provided by a variety of entities.

#### Hospitals

Cascade Healthcare Community manages two hospitals: St. Charles Bend and St. Charles Redmond. Additionally there are numerous health providers and clinics in the County.

#### Sewer Districts

Creating or expanding existing sewer systems outside an urban growth boundary or unincorporated community is governed by Statewide Goal 11 and OAR 660-011-0060. In order to protect rural areas from urban-style development, the rules regulate where and when rural sewers are appropriate. Some sewer districts, such as Oregon Water Wonderland Unit

2, have used the Statewide Goal 2 exception process to create or expand a sewer system.

## INDIVIDUAL FACILITIES AND SERVICES

### Private wells

Most rural properties are served by private wells that are approved and managed by the Oregon Water Resources Department. The County currently does not track the number of wells.

### Individual septic systems

Most rural properties are served by septic systems that are approved by the Onsite Wastewater Division.

## Key Community Considerations

The role that Deschutes County plays in the provision of public facilities and services was part of the community discussion during the update of this Comprehensive Plan. Highlights included:

- City governments currently own property outside of urban growth boundaries and within County jurisdiction. In some instances, these lands are used for water and wastewater treatment facilities. As the County continues to grow, additional facilities are likely to be needed, and coordination among jurisdictions regarding placement of these facilities will be key.
- Significant population growth will lead to an increase in solid waste, requiring at minimum the siting of a new landfill. Community members expressed a desire for consideration of livability among other factors when considering the placement of key public facilities.





## Goals and Policies

**Goal 12.1:** Support the orderly, efficient, and cost-effective siting of rural public facilities and services.

**Policy 12.1.1.** Encourage and support the formation of special service districts to serve the need for public facilities in rural areas.

**Policy 12.1.2.** Encourage and support planning for and acquisition of sites needed for public facilities, such as transportation, water, and wastewater facilities.

**Policy 12.1.3.** Support the siting of community health clinics, hospitals, and private medical practices to serve rural residents throughout the County.

**Policy 12.1.4.** Continue to support the County Fairgrounds as a community gathering place, event facility and home to the annual County Fair.

**Policy 12.1.5.** Maintain the County Fairgrounds as an emergency readiness location and staging area in the event of a Cascadia Subduction Zone earthquake or other large disaster.

**Policy 12.1.6.** Prior to disposing of County-owned property, consider whether the land is appropriate for needed public projects such as schools, health clinics, fire stations, senior centers, or affordable housing.

**Policy 12.1.7.** Coordinate with rural service districts and providers to review development proposals.

**Policy 12.1.8.** Use the land use entitlement process to ensure new development addresses and mitigates impacts on existing and planned public facilities.

**Policy 12.1.9.** Support education districts, library districts and recreation districts in meeting community needs, such as meeting spaces.

**Policy 12.1.10.** Where practicable, locate utility lines and facilities within or adjacent to existing rights-of-way to avoid dividing farm or forest lands.

**Policy 12.1.11.** Use the development code to mitigate visual and other impacts of public facilities and cell towers.

**Policy 12.1.12.** Use the Comprehensive Plan and Development Code to guide rural development in a manner that supports the orderly and cost-efficient provision of public facilities and services.

**Policy 12.1.13.** Support siting and development of city owned water and wastewater facilities on rural lands, including innovative facilities that include additional community amenities.

**Goal 12.2:** Pursue sustainable, innovative, and cost-effective waste management practices.

**Policy 12.2.1.** Allow for siting of waste management facilities on rural lands, including but not limited to landfill facilities, transfer stations, organics management facilities, material recovery facilities, and recycling modernization facilities, in a manner that is sensitive to environmental and community concerns.

**Policy 12.2.2.** Provide incentives, education, and resources to promote reuse and recycling of construction waste.

**Policy 12.2.3.** Encourage waste reduction through community education and partnerships with community groups such as the Environmental Center

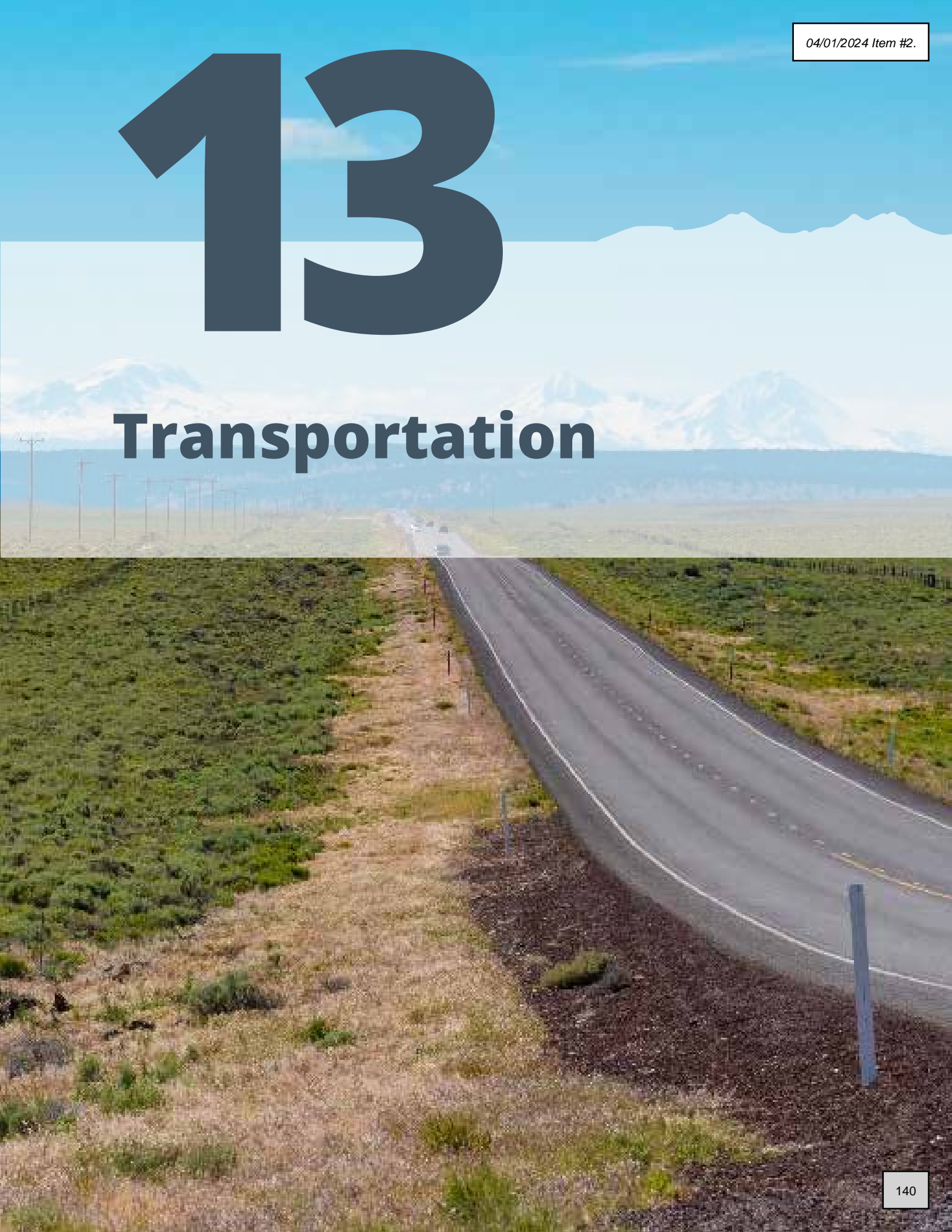
**Policy 12.2.4.** Support the creation of a landfill overlay zone.

**Goal 12.3:** Serve as a conduit for countywide resources.

**Policy 12.3.1.** Provide resources to connect community members with a variety of housing and health related issues in Deschutes County

# 13

## Transportation





The Deschutes County transportation system includes roadways, bicycle facilities, pedestrian facilities, and transit facilities, as well as rail, air, marine, and pipeline systems. In general, the County only owns, manages, and maintains facilities in the unincorporated portions of the County. Facilities within the Urban Growth Boundaries of the incorporated cities of Bend, Redmond, Sisters, and La Pine are managed and maintained by those cities. In addition, the Oregon Department of Transportation (ODOT) owns and maintains a number of state highways throughout the County.

Information about existing conditions, planned investments, and policies related to transportation are contained in the Deschutes County Transportation System Plan (TSP), which is adopted as Appendix B of this Comprehensive Plan.



# 14

## Energy





## Opportunities, Challenges, and Considerations

The amount, source, and distribution of energy used in Deschutes County is a fundamental component of how we live our lives, and it is influenced by land use and other decisions made at the County level. The State of Oregon requires land uses to be managed with an eye to their energy impacts.

**Statewide Planning Goal 13**

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.



In Deschutes County, the key energy issues include:

- Community design in more urban areas to limit the need for large vehicles (generally powered with fossil fuel) for everyday tasks.
- Generating, transporting, and storing energy locally from a variety of sources, and managing the impacts of these facilities.
- Conservation of energy through building design and orientation, the use of energy-efficient technologies, and incentives/regulations/education to encourage others to do so.

Deschutes County coordinates with utility providers that serve the area, including:

- Central Electric Cooperative
- Midstate Electric Cooperative
- Pacific Power (PacifiCorps)
- Cascades Natural Gas

## Context

The role of Deschutes County in planning for energy is addressed in more detail below.

### SOLAR ORIENTATION

The solar orientation of structures can create significant energy savings and allows for photovoltaic energy generation. The County has long promoted energy conservation through a passive solar code that requires new structures to be sited so that they do not block the sun from falling on adjacent properties.

### SITING LARGE-SCALE ENERGY FACILITIES

In general, cities and counties have siting authority over energy projects below a certain size or generating capacity. This includes individual projects powering or supplementing homes and businesses or small commercial projects which produce energy for sale. Larger facilities are regulated by the Oregon Energy Facility Siting Council. The thresholds for Siting Council jurisdiction are determined by the Legislature and are defined in Oregon Revised Statutes (ORS) 469.300. The Siting Council does not regulate hydroelectric development. Instead, the Oregon Water Resources Commission has the authority to issue licenses for hydroelectric development.

Deschutes County currently has five developed large-scale energy facilities, primarily located on the eastern side of the County, approved between 2015-2017. In 2018, the Department of Land Conservation and Development altered statewide rules related to these types of large-scale energy facilities on high value farmland, limiting development opportunities in parts of the County. Community members have expressed concern regarding impacts of these facilities on wildlife habitat and aesthetics.

In addition to solar, several irrigation districts have developed in conduit hydroelectric facilities in which existing canals are upgraded with equipment for power generation. Three of these facilities currently exist, two of which are owned

and operated by Central Oregon Irrigation District, and the third owned and operated by Three Sisters Irrigation District.

### SMALL-SCALE RESIDENTIAL, BUSINESS, AND COMMERCIAL ENERGY GENERATION

The State oversees construction and approval of large commercial energy facilities, as noted above. However, there is a role for local governments to oversee smaller commercial projects. Commercial energy generation is considerably more complex than permitting small projects for homes and businesses. From a land use perspective, the scale, extended time frame, investment required and required off-site components all complicate the approval process. For example, to move the electricity generated at an alternative energy facility to market there is often a need for approval of roads, transmission lines or substations. The accessory facilities may or may not be in place at the same site as the main facility, but are an integral part of the project and are currently reviewed separately, based on State regulations.

### Wind Energy Generation

As shown in the following figure, wind energy is most abundant in the eastern portion of Deschutes County.

Potential impacts of this type of facility include temporary construction impacts, habitat loss and animal fatalities due to collision with turbines, visual impacts from towers and accessory structures, and noise. Deschutes County regulates small scale wind energy development generating less than 100 kilowatts of power. This allowance was added to the Deschutes County Code in 2010, although since that time no applications have been received to establish this type of facility.



### Solar Energy Generation

The following figure gives a broad sense of where in the US solar irradiance is highest, and therefore where solar generation will be most efficient. Deschutes County is generally favorable to solar generation.

Potential impacts of this type of facility include temporary construction impacts, habitat loss, animal fatalities due to reflected sunlight (for some solar facilities), and visual impacts. As noted previously, the Department of Land Conservation and Development amended its rules in 2018 to limit solar development on high value farmland. Typically, solar developments require large acreage and relatively flat terrain for their operations. This requirement is a limiting factor in Deschutes County, as many of the properties that would meet large acreage and terrain requirements are actively used for farming purposes. The Bureau of Land Management is exploring an amendment to its rules to allow for greater opportunity for solar development in the western United States. The County anticipates limited solar development on private land going forward and an increase of leased BLM land for this type of development in the future.

### Commercial Biomass

Commercial biomass uses organic material such as wood, agricultural waste or crop residues to power boilers to generate heat. According to the Oregon Forest Resources Institute an estimated 4.25 million acres (about 15% of Oregon’s forestland) have the potential to provide useful woody biomass through thinning to reduce the risk of uncharacteristic forest fires.

Potential impacts include temporary construction impacts, transportation impacts (as materials need to be transported to a central location), visual impacts, and air quality and climate impacts due to combustion of biofuels.

The County’s first biomass facility is under construction through a partnership with the Deschutes National Forest and Mt. Bachelor Ski Resort. The project is located on federal land and outside of the purview of Deschutes County regulations.

### Geothermal Energy Generation

Geothermal energy is a form of renewable energy derived from heat in the earth. This heat is transferred to water through various means and the steam produced is used to produce electricity. Geothermal energy is dependent on the location of geothermal resources; central Oregon may contain some of the best prospects for geothermal exploration in the continental United States.

Potential impacts include construction and visual impacts of geothermal facilities.

Deschutes County regulates geothermal energy in accordance with state law, although no geothermal development projects have been proposed to date.

### Hydroelectric Energy Generation

Currently, Deschutes County has three approved “in conduit” hydroelectric facilities that are owned and operated by irrigation districts within existing irrigation district canals. Approval of these facilities have previously been contentious, with community members expressing concern about wildlife and impacts to other basin users. Irrigation districts have noted challenges in utilizing the existing county code for these projects, which were drafted to address “in channel” hydroelectric facilities. To promote renewable energy development using man-made waterways, irrigation districts have expressed interest in helping the County update the Deschutes County Code to more appropriately address “in conduit” hydroelectric facilities separate and apart from “in-channel” hydroelectric facilities”.

## Key Community Considerations

Community discussions related to energy have revolved around the following topics:

- Interest in planning for and adapting to climate change, including using more renewable energy sources.
- Concern about the design and location of energy facilities and their impacts on environmental resources and scenic views.
- Preparation for more use of electric vehicles in the future, which often require specialized charging infrastructure.

## Goals and Policies

### Goal 14.1: Promote Energy Conservation and Alternative Energy Production

**Policy 14.1.1.** Continue to incorporate energy conservation into the building and management of all County operations and capital projects using regular energy audits to refine the results.

**Policy 14.1.2.** Reduce energy demand by supporting energy efficiency in all sectors of the economy.

**Policy 14.1.3.** Encourage energy suppliers to explore innovative alternative energy conservation technologies and provide energy audits and incentives to patrons.

**Policy 14.1.4.** Provide flexibility and exemptions for small properties and anomalous sites in the development code to promote energy conservation. Promote affordable, efficient, reliable, and environmentally sound commercial energy systems for individual homes, and business consumers.

**Policy 14.1.5.** Promote development of solar, hydropower, wind, geothermal, biomass and other alternative energy systems while mitigating impacts on neighboring properties and the natural environment.

**Policy 14.1.6.** Provide incentives for homes and businesses to install small-scale on-site alternative energy systems consistent with adopted County financing programs.

**Policy 14.1.7.** Support development of electric vehicle charging stations and facilities to help promote use of electric vehicles.

**Policy 14.1.8.** Use the development code to promote commercial renewable energy projects while addressing and mitigating impacts on the community and natural environment.

**Policy 14.1.9.** Use Oregon’s Rural Renewable Energy Development Zones to support the creation of renewable energy projects.

**Policy 14.1.10.** Identify, protect, and support the development of significant renewable energy sites and resources.

**Policy 14.1.11.** Include evaluation of adverse impacts to natural resources as part of renewable energy siting processes.



# Appendix A - Terrebonne Community Plan



# Appendix B - Tumalo Community Plan

# Appendix C - Transportation System Plan

# Appendix D - Newberry Country Plan



# Appendix E - Goal 5 Supplemental Sections

## Section 5.1 Introduction

### Background

This chapter provides material that supplements the other chapters of the Plan. There are no goals or policies in these sections.

### Purpose

The purpose of this chapter is to provide a glossary, list all acknowledged Goal 5 resources in one location (see Section 2.4) and list all Goal Exceptions and Goal 5 inventories. The final section in this Chapter is a table to track all amendments to this Plan. This table will ensure a clear legislative history is maintained.

The following information is covered in this chapter:

- Glossary and Acronyms
- Goal 5 Water Resources
- Goal 5 Wildlife Resources
- Goal 5 Open Space and Scenic Views and Sites Resources
- Goal 5 Energy Resources
- Goal 5 Wilderness, Natural Areas and Recreation Trails
- Goal 5 Surface Mining Resources
- Goal 5 Cultural and Historic Resources
- Goal Exception Statements
- Goal 5 Adopted Ordinances
- Ordinance History

## Section 5.2 Glossary and Acronyms

### Glossary

*Note: Terms defined in Deschutes County Code 18.04 (Zoning Code) are not repeated here, but have the same meaning as DCC 18.04.*

“Agricultural-tourism” or “Agri-tourism” means a commercial enterprise at a working farm or ranch, operated in conjunction with the primary farm or ranch use, conducted for the enjoyment and/or education of visitors, that promotes successful agriculture, generates supplemental income for the owner and complies with Oregon Statute and Rule.

“Aquifer” means a water-bearing rock, rock formation or a group of formations.

“Common Area” means ‘common property’ as defined in the Oregon Planned Communities Act at ORS 94.550(7).

“Comprehensive Plan” means a generalized, coordinated land use map and policy statement of the governing body of a state agency, city, county or special district that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water, transportation, educational and recreational systems and natural resources and air and water quality management programs. “Comprehensive” means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. “Generalized” means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is “coordinated” when the needs of all levels of governments, semi-public and private agencies and the citizens have been considered and accommodated as much as possible. “Land” includes water, both surface and subsurface, and the air.

“Conservation” means limiting or minimizing the use or depletion of natural resources, including such things as land, energy, water or wildlife habitat.

“Ecosystem” means the physical and biological components and processes occurring in a given area, which interact to create a dynamic equilibrium.

“Findings” means a fact, determination or reason, based on existing information, which, by itself or in conjunction with other findings, leads to a particular conclusion or course of action.

“Goal Exception” means a land use process through which a local jurisdiction justifies, based on factual evidence, that a policy embodied in a particular statewide planning goal should not apply to a particular property or set of properties.

“Green infrastructure” means design and construction practices that significantly reduce the negative impacts of buildings on the environment and occupants.

“Groundwater” means water beneath the earth's surface between saturated soil and rock that supplies wells and springs.

“Habitat” means a place that provides seasonal or year-round food, water, shelter and other necessities for an organism, community or population of plants and animals.



"In-stream" as defined in ORS 537.332, means within the natural stream channel or lake bed or place where water naturally flows or occurs.

"Instream flow" means the minimum quantity of water necessary to support the public use requested by an agency.

"Post-acknowledgement plan amendment" means an amendment to an adopted and acknowledged Comprehensive Plan.

"Regional" is used in the context of projects and collaborative efforts with impacts beyond Deschutes County.

"Riparian (zone, habitat, or vegetation)" means of, or pertaining to, the bank of a river, or of a pond or small lake. Riparian habitat is riverbank vegetative cover and food for many wildlife species.

"Rural lands" means those lands outside recognized urban growth boundaries which are necessary and suitable for such uses as:

- A. Exclusive farm use;
- B. General agriculture;
- C. Forest;
- D. Rural residential;
- E. Rural service center;
- F. Destination resort, dude ranch, planned community;
- G. Landscape management;
- H. Special interest;
- I. Open space;
- J. Fish and wildlife protective area;
- K. Recreation;
- L. Surface mining.

"Special District" means any unit of local government, other than a city or county, authorized and regulated by statute, which includes but is not limited to water control, irrigation, port districts, fire, hospital, mass transit and sanitary districts, as well as regional air quality control authorities.

"Statewide Planning Goals" means the 19 statewide planning standards adopted by the Land Conservation and Development Commission pursuant to OAR 660-015 to express Statewide policies on land use and related topics. Local comprehensive plans must be consistent with the statewide planning goals.

"Surface mining" means all or any part of the process of mining by removal of the overburden and extraction of natural mineral deposits.

“Urban Growth Boundary” (UGB) means a boundary established to identify for each city, the land area needed to accommodate 20 years of growth for the city, which is determined to be necessary and suitable for future urban uses capable of being served by urban facilities and services.

“Urbanized lands” means those lands within the urban growth boundaries which can be served by urban services and facilities and are necessary and suitable for future expansion of an urban area.

“Urban Reserve Area” means a boundary established to identify for each city, the land area needed to accommodate from 20-50 years of growth for the city.

### Frequently Used Acronyms

“BLM” stands for Bureau of Land Management

“CCI” stands for Committee for Community Involvement “DCC” stands for Deschutes County Code

“DLCD” stands for Oregon Department of Land Conservation and Development. “DEQ” stands for Oregon Department of Environmental Quality

“DOGAMI” stands for Oregon Department of Geology and Mineral Industries “ESA” stands for the federal Endangered Species Act

“ESEE” stands for Economic, Social, Environmental and Energy in regards to required Goal 5 analyses

“FEMA” stands for Federal Emergency Management Agency

“LCDC” stands for Oregon Land Conservation and Development Commission “NOAA” stands for National Oceanic Atmospheric Administration

“OAR” stands for Oregon Administrative Rules

“ODFW” stands for Oregon Department of Fish and Wildlife “ORS” stands for Oregon Revised Statute

“OWRD” stands for Oregon Water Resources Department “RPS” stands for Regional Problem Solving

“TSP” stands for Transportation System Plan “UGB” stands for Urban Growth Boundary “URA” stands for Urban Reserve Area

“USFS” stands for United States Forest Service

“USFWS” stands for United States Fish and Wildlife Service “USGS” stands for United States Geological Survey

## Section 5.3 Goal 5 Inventory - Water Resources

### Background

This section contains information from the 1979 Deschutes County Comprehensive Plan as revised and the 1986 Deschutes County/City of Bend River Study. It lists the water resources in Deschutes County. These inventories have been acknowledged by the Department of Land Conservation and Development as complying with Goal 5. No changes have been proposed for the 2010 Comprehensive Plan update.

Goal 5 requires the following water resources be inventoried and the inventories are listed below.

- Riparian corridors, including water and riparian areas and fish habitat
- Wetlands
- Federal Wild and Scenic Rivers
- State Scenic Waterways
- Groundwater Resources

Also included in these inventories are Significant Lakes and Reservoirs.

### Riparian Corridors

#### INVENTORIES

**Table 5.3.1 Deschutes County River Miles**

Waterway	Miles
Deschutes River	97
Little Deschutes River	42
Whychus Creek (lower 6 miles in Jefferson County)	39
Tumalo Creek	16
Paulina Creek	10
Fall River	8
Crooked River	7

Source: Deschutes County/City of Bend River Study 1986

**Table 5.3.2 Deschutes County Goal 5 Riparian Inventory**

Streams	Riparian Acres
---------	----------------

**Table 5.3.3 Deschutes County Goal 5 Floodplains Adjacent to Rivers and Streams**

Deschutes River	Little Deschutes River
Crooked River	Spring River
Dry River	Paulina Creek
Indian Ford Creek	Long Prairie
Whychus Creek	

Source: 1979 Deschutes County Comprehensive Plan as revised and Federal Emergency Management Agency maps



## Wetlands

Inventory: In 1992 Deschutes County Ordinance 92-045 adopted all wetlands identified on the U.S. Fish and Wildlife Service National Wetland Inventory Maps as the Deschutes County wetland inventory. Additionally, Deschutes County Ordinance 2011-008 adopted a Local Wetland Inventory (LWI) covering 18,937 acres in South Deschutes County.

**Table 5.3.4 Deschutes County Goal 5 Perennial Streams**

Bottle Creek	Full Creek	Spring Creek
Bridge Creek	Goose Creek	Three Creek
Brush Draw	Indian Ford Creek	SF Tumalo Creek
Bull Creek	Jack Creek	NF Whychus Creek
Cache Creek	Kaleetan Creek	Soda Crater Creek
Charlton Creek	Metolius Creek	NF Trout Creek
Cultus Creek	Park Creek EF	NF Tumalo Creek
Cultus River	Park Creek WF	MF Tumalo Creek
Deer Creek	Pole Creek	First Creek
Dry Creek	Rock Creek	Soap Creek
Fall Creek	Snow Creek	Todd Lake Creek

Note: All of these streams, except portions of Indian Ford Creek, Cache Creek and Dry Creek, are located on federal land and are subject to either the Deschutes National Forest or the Bureau of Land Management Resource Management Plans.

Source: 1979 Deschutes County Comprehensive Plan as revised

**Table 5.3.5 Deschutes County Riparian Ownership**

<i>River or Stream</i>	<i>Ownership</i>
Deschutes River	Private/Federal
Little Deschutes River	Private/Federal
Fall River	Private/Federal
Tumalo Creek	Private/Federal
Three Creek	Private/Federal
Whychus Creek	Private/Federal
Trout Creek	Private/Federal
Dry Creek	Private/Federal
Cache Creek	Private/Federal
Indian Ford Creek	Private/Federal
Cultus River	Federal
Charlton Creek	Federal
Deer Creek	Federal
Cultus Creek	Federal
Quinn Creek	Federal
Fall Creek	Federal
Moore Creek	Federal

Source: 1979 Deschutes County Comprehensive Plan as revised

## FEDERAL WILD AND SCENIC RIVERS

Inventory: The following segments of the Deschutes River have been designated as Federal Recreation and Scenic rivers by the passage of the 1988 Omnibus Oregon Wild and Scenic Rivers Act of 1988. Congress mandates the US Forest Service to prepare a management plan for these segments of the Deschutes River.

**Table 5.3.6 Deschutes County Wild and Scenic River Segments**

<i>Waterway</i>	<i>Description</i>
Deschutes River	From Wickiup Dam to Fall River (22 miles)
Deschutes River	Fall River to N boundary Sun River (20 miles)
Deschutes River	N boundary Sun River to Bend UGB (13 miles)
Whychus Creek (formerly Squaw Creek)	Includes all tributaries within the Three Sisters Wilderness, Soap Creek and the main stem from the wilderness boundary to the stream flow gauge station

Source: County Ordinance 92-052

**Table 5.3.8 Deschutes County Significant Lakes and Reservoirs**

<i>River or Stream</i>	<i>Township</i>	<i>Range</i>	<i>Section</i>
Bobby Lake	T 22S	R 06E	14
Charlton Lake	T 21S	R 06E	14
Crane Prairie Reservoir	T 21	R 08E	16
Cultus Lake	T 20S	R 07E	24
Deer Lake	T 20S	R 07E	
Devils Lake	T 18 S	R 08E	NW1/2 SEC. 10
Davis Lake	T 22S	R 07E	
East Lake	T 21S	R 13E	31
Elk Lake	T 18S/19S	R 07E	5
Hosmer Lake	T 19S	R 08E	4
Lava Lake	T 19S	R 08E	22
Little Cultus Lake	T 20S	R 07E	
Little Lava Lak	T 19S	R 08E	22
North Twin Lake	T 21S	R 08E	28
Paulina Lake	T 21S	R 12E	84
South Twin Lake	T 21S	R 08E	28
Sparks Lake	T 18S	R 08E	23
Three Creeks Lake	T 17S	R 09E	14
Todd Lake	T 18S	R 09E	8
Upper Tumalo Reservoir	T 16S	R 11E	33
Winopee Lake	T 19S	R 11E	33
Wickiup Reservoir	T 22S	R 09E	7

Source: Deschutes County Ordinance 92-052

scenic

surface

and

adjacent to  
ed lakes and  
nt.

## Section 5.4 Goal 5 Inventory - Wildlife Habitat

### Background

This section contains wildlife resource information from the 1979 Deschutes County Comprehensive Plan as revised. These inventories have been acknowledged by the Department of Land Conservation and Development as complying with Goal 5. No changes have been proposed for the 2010 Comprehensive Plan update. However, an updated inventory has been provided as described in Section 2.6 of this Plan and will be incorporated at a later date.



## Bird Sites

(source: 1979 Deschutes County Comprehensive Plan as revised)

### Bald Eagle Habitat Sites on Non-Federal Land or with Non-Federal Sensitive Habitat Areas.

Site #	Taxlot	Quarter Section	Site Name
DE0035-00	15-10-00-1400	23NWNE	Cloverdale NW
DE0035-01	15-10-00-1400	23NENE	Cloverdale NE

**Table 5.4.1 – Bird Inventory**

<b>Birds</b> Selected List 1992	<b>Use Period</b> S = Summer W = Winter X = Year round	<b>Relative Abundance</b> A = Abundant C = Common F = Few R = Rare U = Unknown
American Avocet	S	F
American Bittern	S	F
American Coot	X	C
American Goldfinch	S	C
American Osprey	X	C
American Widgeon	X	C
Anna's Hummingbird	S	F
Ash-throated Flycatcher	S	F
Bald Eagle	X	F
Bank Swallow	S	F
Barn Owl	X	C
Barn Swallow	S	C
Barred Owl	X	U
Belted Kingfisher	X	F
Bewick's Wren	X	F
Black-backed Woodpecker	X	F
Black-billed Magpie	X	C
Black-capped Chickadee	W	F
Black-chinned Hummingbird	S	F
Black-crowned Night Heron	S	F
Black-headed Grosbeak	S	F
Black-throated Grey Warbler	S	F
Blue Grouse	X	F
Blue-winged Teal	S	F
Bohemian Waxwing	W	F
Boreal Owl	X	F
Brewer's Blackbird	X	C
Brewer's Sparrow	S	F
Brown Creeper	X	F

<b>Birds</b> Selected List 1992	<b>Use Period</b> S = Summer W = Winter X = Year round	<b>Relative Abundance</b> A = Abundant C = Common F = Few R = Rare U = Unknown
Brown-headed Cowbird	S	C
Bufflehead	X	C
Burrowing Owl	S	R
California Valley Quail	X	C
Calliope Hummingbird	S	F
Canada Goose	X	C
Canyon Wren	X	C
Caspian Tern	S	F
Cassin's Finch	X	C
Cedar Waxwing	X	C
Chipping Sparrow	S	C
Chukar Partridge	X	R
California Gull	X	C
Clark's Nutcracker	X	C
Cliff Swallow	S	C
Common Bushitit	X	C
Common Crow	X	R
Common Loon	S	R
Common Merganser	X	C
Common Nighthawk	S	C
Common Raven	X	C
Common Snipe	S	F
Coopers Hawk	X	C
Dark-eyed Junco	X	A
Dipper	X	F
Double-crested Cormorant	S	C
Downy Woodpecker	X	C
Dusky Flycatcher	S	F
Eared Grebe	W	F
Eastern Kingbird	S	F
Evening Grosbeak	X	C
Ferruginous Hawk	S	F
Flammulated Owl	S	F
Fox Sparrow	S	C
Franklin's Gull	S	F
Gadwall	W	F
Golden Eagle	X	F
Golden-crowned Kinglet	X	F
Goldeneye	X	C
Goshawk	X	F
Gray Jay	X	C
Gray Partridge	X	R
House Sparrow	X	C

<b>Birds</b> Selected List 1992	<b>Use Period</b> S = Summer W = Winter X = Year round	<b>Relative Abundance</b> A = Abundant C = Common F = Few R = Rare U = Unknown
House Wren	S	F
Killdeer	X	C
Lark Sparrow	S	F
Lazuli Benging	S	F
Least Sandpiper	S	F
Lesser Goldfinch	X	R
Lesser Scaup	W	C
Lewis' Woodpecker	S	F
Lincoln's Sparrow	X	F
Loggerhead Shrike	X	F
Long-billed Curlew	S	R
Long-billed Marsh Wren	S	F
Long-eared Owl	X	F
MacGillivray's Warbler	S	F
Mallard	X	C
Merlin	W	R
Mountain Bluebird	X	C
Mountain Chickadee	X	C
Mourning Dove	X	C
Nashville Warbler	X	F
Northern Harrier	X	F
Northern Oriole	S	F
Northern Phalarope	S	F
Three-toed Woodpecker	X	F
Olive-sided Flycatcher	S	C
Orange-crowned Warbler	S	F
Osprey	S	C
Peregrine Falcon	X	R
Pileated Woodpecker	X	F
Pine Grosbeak	X	R
Pine Siskin	X	C
Pinon Jay	X	C
Pintail	W	C
Prairie Falcon	X	C
Purple Finch	X	F
Pygmy Nuthatch	X	C
Pygmy Owl	X	F
Red Crossbill	X	F
Red-breasted Nuthatch	X	C
Redhead	W	F
Red-shafted Flicker	X	C
Red-tailed Hawk	X	C
Red-winged Blackbird	X	C



<b>Birds</b> Selected List 1992	<b>Use Period</b> S = Summer W = Winter X = Year round	<b>Relative Abundance</b> A = Abundant C = Common F = Few R = Rare U = Unknown
Ring-billed Gull	X	C
Ring-neck Duck	W	F
Ring-necked Pheasant	X	F
Robin	X	C
Rock Dove	X	C
Rock Wren	S	C
Rosy Finch	X	R
Rough-legged Hawk	W	C
Rough-winged Swallow	S	F
Ruby-crowned Kinglet	X	F
Ruffed Grouse	X	F
Rufous Hummingbird	S	F
Rufous-sided Towhee	X	F
Sage Grouse	X	F
Sage Sparrow	S	R
Sage Trasher	S	C
Sandhill Crane	S	F
Song Sparrow	X	F
Sora	S	F
Spotted Owl	X	F
Spotted Sandpiper	S	F
Starling	X	C
Steller's Jay	X	F
Swainson's Hawk	S	R
Swainson's Thrush	S	F
Townsend's Solitaire	X	C
Tree Swallow	S	C
Turkey	X	C
Turkey Vulture	S	C
Varied Thrush	X	F
Vaux's Swift	S	F
Vesper Sparrow	S	F
Violet-green Swallow	S	C
Virginia Rail	S	F
Warbling Vireo	S	F
Water Pipit	X	F
Western Bluebird	S	F
Western Flycatcher	S	F
Western Grebe	S	C
Western Kingbird	S	F
Western Meadowlark	S	C
Western Sandpiper	S	F
Western Taager	S	F

<b>Birds</b> Selected List 1992	<b>Use Period</b> S = Summer W = Winter X = Year round	<b>Relative Abundance</b> A = Abundant C = Common F = Few R = Rare U = Unknown
Western Wood Pewee	S	F
White-breasted Nuthatch	X	F
White-crowned Sparrow	S	F
White-headed Woodpecker	X	F
Wigeon	X	F
Williamson's Sapsucker	X	F
Willow Flycatcher	S	R
Wilson's Phalarope	S	R
Wilson's Warbler	S	F
Winter Wren	X	F
Wood Duck	S	F
Yellow Warbler	S	F
Yellow-bellied Sapsucker	X	F
Yellow-headed blackbird	S	F
Yellowthroat	S	F

Source: 1979 Deschutes County Comprehensive Plan as revised

The Oregon Department of Fish and Wildlife (ODFW) has identified two bald eagle nests in Township

**Table 5.4.2 – Amphibian and Reptile Inventory**

<b>Amphibians and Reptiles</b> Selected List 1992	<b>Use Period</b> S = Summer W = Winter X = Year round	<b>Relative Abundance</b> A = Abundant C = Common F = Few R = Rare U = Unknown
Bullfrog	X	F
Cascades Frog	X	F
N. Grasshopper Mouse	X	F
Northern Water Shrew	X	F
Norway Rat	X	F
N. Pocket Gopher	X	U
Ord's Kangaroo Rat	X	C
Pacific Mole	X	U
Pallid Bat	S	U
Pine Marten	X	C
Pinon Mouse	X	F
Porcupine	X	C
Pronghorn Antelope	X	C
Raccoon	X	C
Red Fox	X	F
River Otter	X	C
Rocky Mtn Elk	X	C
Roosevelt Elk	X	C
Sagebrush Vole	X	C

<b>Amphibians and Reptiles Selected List 1992</b>	<b>Use Period</b> S = Summer W = Winter X = Year round	<b>Relative Abundance</b> A = Abundant C = Common F = Few R = Rare U = Unknown
Shorttail Weasel	X	F
Silver-haired Bat	S	U
Small-footed Myotis	S	U
Snowshoe Hare	X	F
Striped Skunk	X	C
Townsend Ground Squirrel	X	C
Townsend's Big-eared Bat	X	F
Trowbridge Shrew	X	F
Vagrant Shrew	X	U
Water Vole	X	C
Western Gray Squirrel	X	C
Western Harvest Mouse	X	C
Western Jumping Mouse	X	F
Western Pipitrel	S	U
Whitetail Jackrabbit	X	R
Wolverine	X	R
Yellow Pine Chipmunk	X	C
Yellow-bellied Marmot	X	F
Yama Myotis	X	F
Common Garter Snake	X	F
Ensatina	X	R
Gopher Snake	X	C
Great Basin Spadefoot Toad	X	F
Long-toed Salamander	X	F
Night Snake	X	U
Northern alligator Lizard	X	F
Pacific Tree Frog	X	C
Racer	X	F
Red-legged Frog	X	F
Roughskin Newt	X	R
Rubber Boa	X	F
Sagebrush Lizard	X	F
Sharp-tailed Snake	X	U
Short-horned Lizard	X	R
Side-blotched Lizard	X	U
Spotted Frog	X	F
Striped Whipsnake	X	U
Tailed Frog	X	F
Western Fence Lizard	X	C
Western Rattlesnake	X	F
Western Skink	X	F
Western Toad	X	F

Source: 1979 Deschutes County Comprehensive Plan as revised



Table 5.4.3 – Goal 5 Fish Distribution Inventory

	Pacific Salmon	Coho Salmon	Rainbow Trout	Brown Trout	Cutthroat Trout	Brook Trout	Lake Trout	Dolly Varden Trout	Kokanee	Mountain Whitefish	Largemouth Bass	Bluegill	Brown Bullhead	Bridglist Sucker	Tui Chub	Gayling	Crayfish
Tyee Creek					2												
Hell Creek					2												
Spring River				2	2			1							2		1
Tumalo Creek			1		2												
Bridge Creek					2												
Fall Creek					2												
Satan Creek					2												
Soda Creek					2												
Crater Creek					2												
Goose Creek					2												
Indian Ford Creek			1		2								2				
Trout Creek			1														
Alder Creek			1														
Whychus Creek			1		2												
Pole Creek					2												
Snow Creek			1		2												
Deschutes River		3	*	2	2			3	1						2		1
Little Deschutes River			1	2	2				1			2			2		1
Park Creek					2												
Three Creeks Creek			3		3												
Sink Creek					2												
Deer Creek			1		2												
Quinn River			*		2			2	1						2		1
Quinn Creek	3				2												
Cultus Creek			*		2												
Cultus Lake, Big			3		2	2			1						2		1
Cultus Lake, Little			2		3												
Cultus River					2			2	1								
Moore Creek					2												
Charlton Creek					2												
Long Prairie Slough												2					2
Browns Creek			2	2	2			#	1								1
Fall River			*	2	2				1						2		1
Paulina Creek			3												2		1
Cache Creek			1														
Crane Prairie Res.			*		#			2	1	2					2		1
Wickiup Reservoir		3	3	#				#	1						2		1
Three Creeks Lake			3		3												
Devil's Lake			3		2												
Hosmer Lake	3				3												1
Irish Lake					3												

- 1 - Native, naturally reproducing
- 2 - Introduced, naturally reproducing
- 3 - Introduced, periodic stocking required to maintain population
- \* - 1 and 3
- # - 2 and 3

Source: 1979 Deschutes County Comprehensive Plan as revised

**Table 5.4.4 Recommended Minimum Flows for Fish Life**

Stream	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Deschutes River (1)	200	200	200	200	200	200	200	200	200	200	200	200
Deschutes River (2)	400	400	400	400	400	400	400	400	400	400	400	400
Deschutes River (3)	660	660	660	660	660	660	660	660	660	660	660	660
Deschutes River (4)	300	300	300	300	300	300	300	300	300	300	300	300
Deschutes River (5)	80	80	80	80	80	80	80	80	80	80	80	80
Deschutes River (6)	40	40	60	60	60	40	40	40	60	60	60	60
Whychus Creek (7)	20	10	10	10	10	10	10	10	10/20	30	20	20
Whychus Creek (8)	10	10/20	30	30	30	20	10	10	10	10	10	10
Indian Ford Creek	4	3	3	3	3	3	3	3	3/4	6	4	4
Tumalo Creek	35	35	47	47	47	5	10	10	10/35	47	35	35
Spring River	300	300	300	300	300	300	300	300	300	300	300	300
Little Deschutes River	80	80	80	200	200	150	100	100	100	100	200	200
Fall River	70	70	100	100	100	70	50	50	50	100	100	100
Browns Creek	15	15	25	25	25	15	15	15	25	25	25	25
Quinn River	20	20	20	20	20	20	20	20	20	20	20	20
Cultus Creek	20	20	32	32	32	20	5	5	5/20	32	20	20
Cultus River	50	50	50	50	50	50	50	50	70	70	70	70
Snow Creek	15	15	30	30	30	20	15	15	15	30	30	20
Quinn Creek	20	20	20	12	12	12	12	12	12/20	35	35	35
Soda Creek	20	20	20	6	6	6	6	6	6/20	31	31	31
Fall Creek	35	35	35	20	20	20	20	20	20/35	46	46	46
Goose Creek	7	7	7	4	4	4	4	4	4/7	10	10	10
Three Creek	7	7	10	10	10	7	2	2	2/7	10	7	7

<sup>1</sup> Flows are expressed in cubic feet per second. The recommended flows should arrive at the point of recommendation and continue to the mouth of the stream or to the next point for which a different flow is recommended. Stream flows recommended in Appendix I are designed for game fish production and are not necessarily adequate for wildlife, especially waterfowl and furbearers. Neither would they necessarily be recommended below future impoundments.

- (1) Bend to Round Butte Reservoir
- (2) L. Deschutes R. to Spring River
- (3) Spring River to Bend
- (4) Wickiup Dam to Little Deschutes River
- (5) Crane Prairie Dam to Wickiup Reservoir
- (6) At USGS Gate 14-0500
- (7) Below USGS Gage 14-0750
- (8) Below Camp Polk

Source: 1979 Deschutes County Comprehensive Plan as revised

15S, Range 10E, Section 23, Tax Lot 1400. The ODFW identifiers for these sites are DE0035-00 and DE0035-01. The sites are also known as Cloverdale. The sites are described in the Oregon Department of Fish and Wildlife Central Region Administrative Report No. 93-1. The sensitive habitat area is identified as the area east of Highway 20 that is within a 1/4-mile radius of each nest site.

Site #	Taxlot	Site Name
DE0036-00	17S-11E-26-5900	Shevlin Park

The Oregon Department of Fish and Wildlife (ODFW) has inventoried a former bald eagle nest site in Township 17S, Range 11E, Section 26, Tax Lot 5900. The ODFW identifier for this site is DE0036-00. The site is also known as Shevlin Park. The site is described in the Oregon Department of Fish and Wildlife Central Region Administrative Report No. 93-1.

Site #	Taxlot	Site Name
DE0037-00	22S-09E-04-4500	Wickiup Reservoir

**Table 5.4.5 – Instream Water Right Program (3/1/92) Database Summary Report**

BASIN 05	STREAM > PARENT STREAM	UPSTREAM LIMIT	DOWNSTREAM LIMIT	SPECIES	APP NO.	CERT #	DATE
05	Deschutes R > Columbia R	Crn Prairie Res	Wickiup Res	RB, BT, BR, CO, K	070764		10/11/90
05	Deschutes R > Columbia R	Little Lava Lk	Crn Prairie Res	RB, BT, K, WF	070763		10/11/90
05	Deschutes R > Columbia R	193.0	190.0		MPS	59777	11/03/83
05	Deschutes R > Columbia R	227.0	193.0		MPS	59776	11/03/83
05	Deschutes R > Columbia R	190.0	165.0		MPS	59778	11/03/83
05	Fall R > Deschutes R	Gage 14057500	Mouth	RB, BT, BR, WF	070762		10/11/90
05	Indian Ford Cr > Whychus Cr	Headwaters	Mouth	RB	070760		10/11/90
05	Little Deschutes R > Deschutes R	Crescent Cr	Mouth	RB, BT, BR, WF	070757		10/11/90
05	Metolius R > Deschutes R	Metolius Spring	Canyon Cr	BUT, K	070699		09/24/90
05	Snow Cr > Deschutes R	Headwaters	Mouth	RB, BT	070756		10/11/90
05	Whychus Cr > Deschutes R	S Fk Whychus Cr	Indian Ford Cr	RB, BT	070754		10/11/90
05	Tumalo Cr > Deschutes R	S Fk Tumalo Cr	Mouth	RB, BT, BR	070752		10/11/90

Source: 1979 Deschutes County Comprehensive Plan as revised

The Oregon Department of Fish and Wildlife (ODFW) has identified a bald eagle nest in Township 22S, Range 09E, Section 04, Tax Lot 500. The ODFW identifier for this site is DE0037-00, Wickiup Reservoir. The site is described in the Oregon Department of Fish and Wildlife Central Region Administrative Report No. 93-1.

<i>Site #</i>	<i>Taxlot</i>	<i>Site Name</i>
DE0038-00	22S-09E-34-500	Haner Park

The Oregon Department of Fish and Wildlife (ODFW) has identified a bald eagle nest in Township 22S, Range 09E, Section 34, Tax Lot 500. The ODFW identifier for this site is DE0038-00, Haner Park. The site is described in the Oregon Department of Fish and Wildlife Central Region Administrative Report No. 93-1. The sensitive habitat area includes the area within one-quarter mile of the nest site.

<i>Site #</i>	<i>Taxlot</i>	<i>Site Name</i>
DE0039-00	22S-09E-06-500	Wickiup Dam

The Oregon Department of Fish and Wildlife (ODFW) has identified a bald eagle nest in Township 22S, Range 09E, Section 06, Tax Lot 500. The ODFW identifier for this site is DE0039-00, Wickiup Dam. The site is described in the Oregon Department of Fish and Wildlife Central Region Administrative Report No. 93-1.

<i>Site #</i>	<i>Taxlot</i>	<i>Quarter Section</i>	<i>Site Name</i>
DE0046-00	20-10-34-3401	34NWSE	Bates Butte



The Oregon Department of Fish and Wildlife (ODFW) has identified a bald eagle nest in Township 20S, Range 10E, Section 34, Tax Lot 3401. The ODFW identifier for this site is DE0046-00, Bates Butte. The site is described in the Oregon Department of Fish and Wildlife Central Region Administrative Report No. 93-1. The sensitive habitat area includes the area within one-quarter mile of the nest site.

**Great Blue Heron Rookery – Black Butte Ranch**

The Oregon Department of Fish and Wildlife (ODFW) identified a great blue heron rookery in Township 14S, Range 9E, Section 10 SENE. The County inventoried and adopted this site as a Goal 5 resources in Ordinance 92-041.

## Golden Eagle Sites

**Table 5.4.6 – Golden Eagle Nest Site Inventory on Non-Federal Land or with Non-Federal Sensitive Habitat Area**

<i>ODFW Site #</i>	<i>Taxlot</i>	<i>Quarter Section</i>	<i>General Location</i>
DE-0002-00	14-13-11-100	11/SENW	Smith Rock State Park
DE-0002-01	14-13-11-100	11/SENW	Smith Rock State Park
DE-0002-02	14-13-11-100	11/SENW	Smith Rock State Park
DE-0002-03	14-13-11-100	11/NWNE	Smith Rock State Park
DE-0002-04	14-13-11-100	11/NWNE	Smith Rock State Park
DE-0002-05	14-13-11-100	11/NWNE	Smith Rock State Park
DE-0002-06	14-13-11-100	11/NWNE	Smith Rock State Park
DE-0006-00	15-12-00-1502	35/SENE	Mid Deschutes
DE-0006-01	15-12-00-1502	35/SENE	Mid Deschutes
DE-0006-02	15-12-00-1502	35/SENE	Mid Deschutes
DE-0006-04	15-12-00-1502	35/SENE	Mid Deschutes
DE-0006-05	15-12-00-1503	35/NESE	Mid Deschutes
DE-0009-00	14-12-22D-300	23/NWSW	N. Odin Falls
DE-0011-00	15-12-00-100	1/NWSE	Radio Tower/Deschutes
DE-0011-01	15-12-00-100	1/NESE	Radio Tower/Deschutes
DE-0012-00	15-11-00-800	3/NENE	Upper Deep Canyon
DE-0014-00	16-11-00-7800	29/NWSE	Tumalo Dam
DE-0015-01	14-11-00-400	3/NENW	Whychus Creek
DE-0015-00	14-11-00-400	3/SESW	Rimrock Ranch
DE-0029-00	20-17-00-3801	36/NWSE	Twin Pines
DE-0034-00	15-10-00-1400	15/SENW	Lazy Z/USFS
DE-0034-01	15-10-00-1400	15/SENW	Lazy Z/USFS

Source: 1979 Deschutes County Comprehensive Plan as revised

**Table 5.4.7 – Prairie Falcon Nest Site Inventory on Non-Federal Land or with Non-Federal Sensitive Habitat Area**

<i>ODFW Site #</i>	<i>Taxlot</i>	<i>Quarter Section</i>	<i>General Location</i>
DE-0016-00	22-16-00-100	12/SWSE	Dickerson Flat
DE-0031-00	16-11-00-5600	20/NESE	Tumalo Dam
DE-0031-01	16-11-20-400	20/SESW	Tumalo Dam
DE-0794-01	14-13-11-100	11/NWSW	Smith Rock State Park

Source: 1979 Deschutes County Comprehensive Plan as revised

**Table 5.4.8– Osprey Nest Site Inventory on Non-Federal Land or with Non-Federal Sensitive Habitat Area**

<i>ODFW Site #</i>	<i>Taxlot</i>	<i>Quarter Section</i>	<i>General Location</i>
DE-0080-00	20-11-00-1300	07/NWNE	Sunriver/ Meadowland

Source: 1979 Deschutes County Comprehensive Plan as revised

**Table 5.4.9 – Upland Game Bird Habitat**

Ring-necked Pheasant	200
Valley Quail	10,000
Mountain Quail	50
Chukar Partridge	300
Turkey	50
Blue Grouse	900
Sage Grouse	1,800
Ruffed Grouse	100
Mourning Dove	8,000

Source: 1979 Deschutes County Comprehensive Plan as revised

**Table 5.4.10 – Sage Grouse Lek Inventory on Non-Federal Lands or with Non-Federal Sensitive Habitat Areas**

<i>ODFW Site #</i>	<i>Taxlot</i>	<i>Quarter Section</i>	<i>General Location</i>
DE 0994-01	20-18-00-700	05/SWSE	Circle F Reservoir
DE 0995-01	20-19-00-800	06/NWSE	Merril Rd
DE 0996-01	22-17-00-600	06/SWSW	Dickerson Well
DE 0997-01	20-16-00-2400	25/SESW	Moffit Ranch
DE 0997-02	20-16-00-2400	26/NENE	Moffit Ranch Satellite
DE 0998-01	20-14-00-400	10/NWNW	Evans Well
DE 0998-02	20-14-00-400	10/SWNW	Evans Well Satellite
DE 0999-01	19-14-00-2200	26/SESE	Millican Pit

Source: 1979 Deschutes County Comprehensive Plan as revised



## Section 5.5 Goal 5 Inventory - Open Spaces, Scenic Views and Sites

### Background

This section contains information from the 1979 Deschutes County Comprehensive Plan as revised. It lists the open spaces, scenic views and sites resources in Deschutes County. These inventories have been acknowledged by the Department of Land Conservation and Development as complying with Goal 5. No changes have been proposed for the 2010 Comprehensive Plan update.

To protect scenic views, landscape management areas have been defined and a combining zone created. On lands outside urban growth boundaries and rural service centers along the portions of roadways listed below, landscape management zoning applies and a case-by-case site plan review is required. The area extends  $\frac{1}{4}$  mile on either side from the centerline of the roadways and includes all areas designated as State and Federal Wild, Scenic or recreational waterways and within 660 feet from either side of designated rivers and streams as measured from the ordinary high water level.

### Landscape Management Roads, Rivers and Streams

Inventory: All land within one-quarter of a mile, as measured at right angles from the centerline, of any of the following designated Landscape Management Roadways. All land within the boundaries of a state scenic waterway or a federal wild and scenic river corridor; and all land within 660 feet of the ordinary high water mark of portions the following designated rivers and streams which are not designated as state scenic waterways or federal wild and scenic rivers.

**Table 5.5.1 – Deschutes County Landscape Management Areas**

<i>Landscape Management Roads</i>	<i>Miles</i>
U.S. Highway 97 North County line to Redmond UGB	7.5
U.S. Highway 97 Redmond UGB to Bend UGB	12
U.S. Highway 97 Bend UGB to South County line	35
U.S. Highway 20-126 North County line to Sisters UGB	11
U.S. Highway 126 Sisters UGB to Redmond UGB	21.5
U.S. Highway 20 Sisters UGB to Bend UGB	23
Smith Rock Road Highway 97 to Smith Rock	3.5
Sisemore Road Cloverdale to Bend UGB	19
Skyliner Road	15.5
Century Drive Bend to Mt Bachelor	25
South Century Drive	27
Cascade Lakes Highway	46
Waldo Lake Road	10
Cultus Lake Road	2
Little Cultus Lake Road	6

<i>Landscape Management Roads</i>	<i>Miles</i>
Twin Lakes Road	6
Keefer Road (East Crane Prairie Road)	16.5
East Deschutes Road	14
Deschutes Road	9
Wickiup Road	4
Pringle Falls Loop	8
La Pine Recreation Area Access Road	10
Paulina-East Lake Road	22.5
Lava Cast Forest Road	20.5
Highway 20 east to the County Line	25
Pine Mountain Road	7.5
Ford Road	6.5
Three Creeks Lake Road	16
Three Trappers Road	20.5
Dillon Falls Road	60
Matsen Road	2
State Highway 31	2.5
Road to Benham Falls	4.5
State Highway 242 McKenzie Highway	
<i>Landscape Management Rivers and Streams</i>	<i>Miles</i>
Deschutes River	
Little Deschutes River	43
Paulina Creek	19
Fall River	8
Spring River	1.2
Tumalo Creek	16.3
Whychus Creek (formerly Squaw Creek)	
Crooked River	10

Source: Deschutes County Ordinance 92-052

### Areas of Special Concern Inventory

Inventory: The Resource Element of the Deschutes County Year 2000 Comprehensive Plan (1979) identified sites as Open Spaces and Areas of Special Concern. Table 5.5.2, lists the inventory of sites identified as Areas of Special Concern located on federal land.

**Table 5.5.2 "2A" Areas of Special Concern**

<b>ID #</b>	<b>Name</b>	<b>Location</b>
9	Bachelor Butte	T18S R09E SEC 29-32
11	Pine Mt. Observatory	T20S R15E SEC 33
13	Dry River	T19S R15E SEC 19 & 30 T19S R14E SEC 2, 11, 13, 14 & 24
14	Arnold Ice Caves	T19S R13 E SEC 22
15	Charcoal Cave	T19S R13 E SEC 22
16	Skeleton Cave	T19S R13E SESE SEC 4
17	Wind Cave	T19S R13E NW ¼ SEC 23; SW ¼ SEC 14
31	Tumalo Falls	T18S R10E NW ¼ SEC 08
33	Lava River Caves	T19S R11E SE ¼ SEC 26

ID #	Name	Location
34	Pringle Falls Experimental Forest	T21S R09E SEC 21-23, 27 & 28
39	Benham Falls	T19S R11E SW ¼ SEC 9
45	Paulina Mountain	T22S R12E SEC 1-3 & 10-12
49	Lavacicle Cave	T22S R16E SENE SEC 05
50	Lava Cast Forest	T20S R12E SEC 15, 16, 21, 22, 27-35
51	Lava Butte Geologic Area	T19S R11E SEC 18
52	Pine Mountain North Slope	T20S R15E SEC 28, 29 & 33
54	McKenzie Summit	T15S R07E SEC 17
55	Newberry Crater	T21 R12E SEC 34-36
65	Bend Watershed	T17S R09E SEC 35 & 26 T18S R09E SEC 1, 2, 3, 10, 11, & 12
66	Bat Cave	T19S R13E SE ¼ SEC 14
68	Boyd Cave	T19S R13E SENW SEC 8
69	Frederick Butte	T22S R19E SEC 32

Source: Deschutes County Ordinance 92-052

### Land Needed and Desirable for Open Space and Scenic Resources

Inventory: The following list shows land needed and desirable for open space and scenic resources:

**Table 5.5.3 Land Needed and Desirable for Open Spaces and Scenic Resources**

State Parks	Location	Size
Smith Rock State Park	T14S, R13 E, SEC 10, 11, 14 & 15	600 acres
Cline Falls State Park	T15S, R12E, SEC 14	9.04 acres
Tumalo State Park	T17S, R12E, SEC 6	320.14 acres
Pilot Butte State Park	T17S, R12E, SEC 33 & 34	100.74 acres
La Pine State Recreation Area	T20S, R10E, SEC 33 & 34 T21S, R10E, SEC 3, 4, 8, 9, 10, 11, 12 T21S, R11E, SEC 7	2,333.12 acres

Source: Deschutes County Ordinance 92-052



## Section 5.6 Goal 5 Inventory - Energy Resources

### Background

This section contains information from the 1979 Deschutes County Comprehensive Plan as revised. It lists the energy resources in Deschutes County. These inventories have been acknowledged by the Department of Land Conservation and Development as complying with Goal 5. No changes have been proposed for the 2010 Comprehensive Plan update.

### Hydroelectric Resources of the Upper Deschutes River Basin

Inventory: Available information is adequate to indicate that the resource is significant. The City of Bend/Deschutes County River Study inventoried 16 proposed hydroelectric project sites in Deschutes County. Twelve were located on the Deschutes River; two on Tumalo Creek; two on Whychus Creek; and one on the Crooked River in Deschutes County. For a more detailed discussion of the hydroelectric resources in Deschutes County see the Deschutes County/City of Bend River Study, April 1986 (River Study), Chapters 2, 3, and 4. Also refer to the River Study staff report. The River Study and River Study staff report are incorporated herein by reference.

**Table 5.6.1 Hydroelectric Resources of the Upper Deschutes Basin\***

<i>Deschutes River</i>	<i>River Mile</i>	<i>Capacity (megawatts)</i>
Crane Prairie	239	0.6
Wickiup Dam	226.8	7.0
Pringle Falls	217	1.6
Lava Diversion	182.4	11.5
Dillon Falls	177.6	7.2
Aspen Diversion	175.2	3.2
Island Diversion	174.6	7.5
Arnold Flume	174.5	4.2
COI Siphon	170.0	6.5
North Canal Dam	164.8	2.0
Bend Canal Diversion	162.4	3.0
<i>Tumalo Creek</i>	<i>River Mile</i>	<i>Capacity (megawatts)</i>
Columbia Southern	9.5	9.3
<i>Whychus Creek</i>	<i>River Mile</i>	<i>Capacity (megawatts)</i>
Whychus Creek	25	0.6
Whychus Creek	30.5	3.5
<i>Crooked River</i>	<i>River Mile</i>	<i>Capacity (megawatts)</i>
Crooked River Drop	164.8	10.7

Source: Deschutes County Ordinance 92-052

\* Note that the conflicting use analysis from the River Study and subsequent amendments prohibit new hydroelectric facilities that are not physically connected to an existing dam, diversion or conduit. (Ord.86-017, 86-018, 86-019, 92-052)

\* Note that the conflicting use analysis from the River Study and subsequent amendments prohibit new hydroelectric facilities that are not physically connected to an existing dam, diversion or conduit. (Ord.86-017, 86-018, 86-019, 92-052)

The prohibition refers to the following:

1. Deschutes River, from its headwaters to River Mile 227, above but not including Wickiup Dam, and from Wickiup Dam to River Mile 171 below Lava Island Falls;
2. Crooked River;
3. Fall River;
4. Little Deschutes River;
5. Spring River;
6. Paulina Creek;
7. Whychus Creek (was Squaw Creek);
8. Tumalo Creek.

### Geothermal Resources

Inventory: The County adopted Ordinance 85-001 which complies with Goal 5 (OAR 660-016). The ordinance amended the Comprehensive Plan and adopted a Geothermal Resource Element including a resource inventory and ESEE analysis.

## Section 5.7 Goal 5 Inventory - Wilderness, Natural Areas, and Recreation

### Background

This section lists wilderness areas, natural areas and recreation trail resources in Deschutes County.

### Wilderness Areas

Inventory: Wilderness areas are represented by all lands within the existing Mt. Washington and Three Sisters Wilderness Areas as shown on the Deschutes National forest Land and Resource Management Plan Map, and all lands included in the Bureau of Land Management's (BLM) State of Oregon Wilderness Status Map for Deschutes County and BLM Wilderness Study Areas (WSA) as shown on the Brothers / La Pine Resource Management Plan.

### Ecologically and Scientifically Significant Natural Areas

Inventory: The following sites are the inventories ecologically significant natural areas in Deschutes

**Table 5.7.1 Wilderness Areas**

Name	Acres
Mt. Washington Wilderness Area	13,563
Three Sisters Wilderness Area	92,706
Badlands	32,261
Hampton Butte	10,600
Steelhead Falls	920

Source: Deschutes County Ordinance 92-052

County by the Oregon Natural Heritage Program and there is sufficient information based on site reports from the Heritage Program to complete the Goal 5 review process.

### Approved Oregon Recreation Trails

None listed

**Table 5.7.2 Ecologically and Scientifically Significant Natural Areas**

Name	Location	Quality	Quantity
Pringle Falls Research Natural Area	T21S, R9E, SEC 3, 34 & 35	Excellent	1,160 acres
Horse Ridge Research Natural Area	T19S, R14S, SEC 15 & 22	Excellent	600 acres
West Hampton Butte	T22S, R20E, SEC 31 & 32	Good	1,280 acres
Little Deschutes River / Deschutes River Confluence	T20S, R11E, SEC 7	Excellent	400 acres
Davis Lake	T22S, R7 E, SEC 25 & 26 T22S, R8E, SEC 31	Good	4,000 acres

Source: Deschutes County Ordinance 92-052



## Section 5.8 Goal 5 Inventory - Mineral and Aggregate Resources

### Background

This section contains information from the 1979 Deschutes County Comprehensive Plan as revised. It lists the surface mining resources in Deschutes County. These inventories have been acknowledged by the Department of Land Conservation and Development as complying with Goal 5. No changes have been proposed for the 2010 Comprehensive Plan update.

**Table 5.8.1 – Deschutes County Surface Mining Mineral and Aggregate Inventory**

#	Taxlot	Name	Type	Quantity*	Quality	Access/Location
246	151010-00-00205, 207, 300, 302, 303	Tewalt	S & G	10,000	Good	Hwy 20
248	151012-00-00100	Cyrus	Cinders	30.2 M	Excellent	Cloverdale Road
251	151211-D0-01400, 151214-A0-00800	Cherry	S & G	125,000	Good	
252	151200-00-04700, 04701	Thornburgh	Rock	2.5 M	Good	
271	151036-00-00800	Deschutes County	S & G	2 M	Mixed	Harrington Loop Road
273	151117-00-00100	Deschutes County	S & G	75,000	Excellent	Fryrear Rd/Redmond-Sisters
274	151117-00-00700	Deschutes County	S & G		Excellent	Fryrear Road
275	151100-00-02400	Deschutes County	S & G	175,000	Good	Fryrear Landfill
277	151011-00-01100	Oregon State Hwy	S & G	100,000	ODOT Specs	
278	151140-A0-00901, 151211-D0-01200	State of Oregon	S & G	18,000	ODOT Specs	
282	171000-00-00100	Crown Pacific	Cinders	100,000	Fair	
283	171000-00-00100	Crown Pacific	Cinders	50,000	Fair	
288	171111-00-00700	Tumalo Irrigation	S & G	250,000	Good	
292	171112-00-00900	RL Coats	S & G	326,000	ODOT Specs	
293	17112-00-00500, 600, 700, 800	RL Coats	S & G	3 M	ODOT Specs	

#	Taxlot	Name	Type	Quantity*	Quality	Access/Location
296	171100-00-02702	Crown Pacific	Cinders	100,000	Excellent	Shevlin Park/Johnson Rd
297	171123-00-00100	Crown Pacific	Cinders	60,000		Johnson Rd/Tumalo
303	171207-00-00300	Cascade Pumice	Pumice	750,000	Good	
303	171207-00-00300	Cascade Pumice	S & G	10,000	Good	
313	171433-00-00600	Deschutes County	S & G	100,000	Good	
313	171433-00-00600, 120	Deschutes County	Storage			Dodds Road/Alfalpa
314	171332-00-01100	Deschutes County	Dirt	150,000	Good	
315	140900-00-02100	Stott	Rock	93,454 tons	ODOT Specs	Highway 20
316	140900-00-00202	Black Butte Ranch	S & G	7 M	Good	
317	140900-00-01300	Willamette Ind	Cinders	1.2 M	Good	
322	141200-00-01801	Fred Gunzner	S & G	1.5 M	Mixed	Lower Bridge/Terrebonne
322	141200-00-01801	Gunzner	Diatomite	500,000	Good	Lower Bridge/Terrebonne
324	141200-00-00702	ODVA	S & G	490,000	Good	Lower Bridge/Terrebonne
326	141236-00-00300, 301	US Bank Trust	S & G	1.5 M	Good	
330	141328-00-00702, 703	Larry Davis	Cinders	50,000	Good	
331	141329-00-00100, 103	EA Moore	Cinders	100,000	Good	
332	141329-00-00102	RL Coats	Cinders	2 M	Good	Northwest Way/Terrebonne
333	141329-00-00104	Robinson	Cinders	2.7 M	Good	
335	141333-00-00890	Erwin	Cinders	100,000	Excellent	Pershall Way/Redmond
336	141333-00-00400, 500	US Bank Trust	Cinders	4.5 M	Good	Cinder Butte/Redmond
339	141132-00-01500	Deschutes County	Dirt	200,000	Fill	Goodard Loop/Bend
341	161000-00-00106	Young & Morgan	S & G	1 M	Good	

#	Taxlot	Name	Type	Quantity*	Quality	Access/Location
342	220900-00-00203	Crown Pacific	Cinders	200,000	Good	
345	161000-00-01000	Crown Pacific	Cinders	50,000	Good	
346	161000-00-01000	Crown Pacific	Cinders	50,000	Good	
347	161101-00-00300	Deschutes County	Dirt	10,000	Good	
351	161112-00-01401, 1700, 2000	Gisler/Russell	Cinders	150,000	Good	Innes Mkt/Innes Butte
357	161136-D0-00100, 161100-00-10400, 10300	Tumalo Irrigation	Cinders	1 M		Johnson Road/Tumalo
357	161136-D0-00100, 161100-00-10400, 10300	Tumalo Irrigation	S & G	500,000	Good	
357	161136-D0-00100, 161100-00-10400, 10300	Tumalo Irrigation	Pumice	500,000	Good	
358	161231-D0-01100	Gisler	S & G	100,000	ODOT Specs	Hwy 20/Tumalo
361	161222-C0-02800	Oregon State Hwy	Cinders	700,000	Good	
366	161230-00-00000	Oregon State Hwy	S & G	40,000	ODOT Specs	
368	161220-00-00200	Bend Aggregate	S & G	570,000	Excellent	Twin Bridges/Tumalo
370	161231-D0-00400	Bend Aggregate Plant Site	Storage			
379	181100-00-01600	Oregon State Hwy	S & G	500,000	ODOT Specs	
381	181125-C0-12600, 181126-00-01600	Pieratt Bros	Cinders	50,000	Good	
390	181214-00-00500, 100	Deschutes County	Dirt	2 M		Landfill
392	181223-00-00300	Rose	Rock	10 M Est	Mixed	
392	181223-00-00300	Rose	Dirt	7.5 M	Good	



#	Taxlot	Name	Type	Quantity*	Quality	Access/Location
393	181225-00-01400	LT Contractors	Cinders	12.5 M	Good	Arnold Mkt Rd/SE of Bend
394	181200-00-04400, 04411	Windlinx	Cinders	270,000	Coarse	Hwy 97/South of Bend
395	181200-00-04300	Oregon State Hwy	Cinders		100,000	Good
400	181300-00-04501, 04502	Eric Coats	S & G	2.5 M	ODOT Specs	
404	191400-00-00200	Moon	S & G	1.3 M	Good	
404	191400-00-00200	Moon	Rock	800,000 - 2 M	Good	Hwy 20/East of Bend
405	191400-00-00600	Oregon State Hwy	Aggregate	50,000	ODOT Specs	
408	191600-00-01500	RL Coats	S & G	3 M	Good	
413	201500-00-01400	Deschutes County	S & G	30,000	Good/Excellent	Hwy 20/East of Bend
414	201500-00-01500	Deschutes County	S & G	30,000	Good/Excellent	Hwy 20/East of Bend
415	201716-00-00700	Deschutes County	S & G	30,000	Good/Excellent	Hwy 20/East of Bend
416	201716-00-00200	Deschutes County	S & G	30,000	Good/Excellent	Hwy 20/East of Bend
417	201716-00-00900	Deschutes County	S & G	30,000	Good/Excellent	Hwy 20/East of Bend
418	201716-00-01000	Deschutes County	S & G	30,000	Good/Excellent	Hwy 20/East of Bend
419	201716-00-01300	Deschutes County	S & G	30,000	Good/Excellent	Hwy 20/East of Bend
421	212000-00-00900	RL Coats	S & G	500,000	Excellent	Hwy 20/Tumalo
423	211106-C0-00700	Ray Rothbard	S & G	100,000	Good	
426	211100-00-00702	La Pine Redi-Mix	S & G	1 M	Good	
427	211100-00-00701	Bill Bagley	S & G	40,000	Good	
431	221100-00-00600	Russell	Cinders/Rock	12 M/1.2 M	Good	Finley Butte
432	221100-00-00500	State of Oregon	Cinders	160,000	Good	
433	211300-00-00101	La Pine Pumice	Lump Pumice	10 M	Excellent	
441	150903-00-00300	Willamette Ind	S & G	11 M	Good	
442	150909-00-00400	Willamette Ind	S & G	6 M	Good	

#	Taxlot	Name	Type	Quantity*	Quality	Access/Location
443	150917-00-00600	Willamette Ind	Rock	150,000	Fair	
453	161209, 10-00-00600, 301	Robert Fullhart	S & G	704,000	ODOT Specs	
459	141131-00-05200	Deschutes County	Cinders	50,000	Good	
465	141333-00-00900	Oregon State Hwy	Cinders	100,000	Good	
466	141333-00-00600	Fred Elliott	Cinders	5.5 M	Good	
467	141333-00-00601	Knorr Rock Co	Cinders	5 M	Good	
469	141131-00-00100	Deschutes County	Cinders	2 M	Fair	
475	151012-00-00600	Deschutes County	Cinders	200,000	Good	Cloverdale Road
482	151300-00-00103	Deschutes County	Dirt	2 M	Good	Negus Landfill
488	161230-00-00100, 600, 2000, 2100	Bend Aggregate	S & G	400,000	ODOT Specs	
496	191400-00-00500	Taylor	S & G	1.8 M	Mixed	Hwy 20
498	191400-00-02200	Oregon State Hwy	S & G	200,000	ODOT Specs	
499	191533-00-00200	Oregon State Hwy	S & G	50,000	ODOT Specs	
500	191500-00-00099	Oregon State Hwy	S & G	130,000	ODOT Specs	
501	191500-00-01600	Oregon State Hwy	S & G	50,000	ODOT Specs	
503	191600-00-01300	Oregon State Hwy	S & G	200,000	ODOT Specs	
505	201600-00-00400	Oregon State Hwy	S & G	275,000	ODOT Specs	
506	201600-00-00600, 700, 800	Oregon State Hwy	S & G	36,000	ODOT Specs	
508	201700-00-01000	State of Oregon	S & G	100,000	ODOT Specs	
515	201801-00-00100	Oregon State Hwy	S & G	100,000	ODOT Specs	
522	211900-00-01000	Oregon State Hwy	S & G	300,000	ODOT Specs	
524	212000-00-01900	Oregon State Hwy	S & G	300,000	ODOT Specs	
528	222110-00-00600	Oregon State Hwy	S & G	45,000	ODOT Specs	

#	Taxlot	Name	Type	Quantity*	Quality	Access/Location
529	221100-00-00300	Oregon State Hwy	S & G	31,000	ODOT Specs	
533	222100-00-00800	Oregon State Hwy	S & G	1 M	ODOT Specs	
541	141035-00-02000, 2100, 2200, 2300, 2400, 2500, 2600	Cyrus	Aggregate	528,000	Good	Inc Portions of TL 1800/1900
542	151001-00-02700	Swarens	Aggregate	80,000	Good	
543	151013-00-00100	Cyrus	Aggregate	1.1 M	Good	
600	191400-00-00700	Robinson	S & G	3.8 M	Good	Hwy 20/East of Bend
601	211100-00-00700	La Pine Redi Mix	S & G	479,000	DEQ Specs	Paulina Lake Road

\* Quantity in cubic yards unless otherwise noted

Source: 1979 Deschutes County Comprehensive Plan as revised

**Table 5.8.2 – Deschutes County Non-Significant Mining Mineral and Aggregate Inventory**

Site #	Taxlot	Name	Type	Quantity*	Comments
100	15-10-14-700	Whychus Creek Irrigation District—Watson Reservoir I.	Silt, sand, & dirt	200,000 cy	Reservoir Size is 80 acres.
101	15-10-14-700	Whychus Creek Irrigation District—Watson Reservoir II.	sand & dirt	600,000 cy	Reservoir size is 40 acres.
102	14-11-33-500	Whychus Creek Irrigation District—McKenzie Reservoir	Silt, sand, & dirt	100,000 cy	Reservoir size is 12 acres
103	14-11-33-500	Whychus Creek Irrigation District—McKenzie Reservoir	Sand & dirt	250,000 to 300,000 cy	Reservoir expansion size is 20 acres



Site #	Taxlot	Name	Type	Quantity*	Comments
		Expansion			

\* Quantity in cubic yards unless otherwise noted

Source: 1979 Deschutes County Comprehensive Plan as revised

## Section 5.9 Goal 5 Inventory - Cultural and Historic Resources

### Background

This section lists Locally Significant Historic Resources and National Register Resources in rural Deschutes County. These inventories are acknowledged by the Department of Land Conservation and Development. In 2020, Deschutes County's inventories were updated to comply with Oregon Administrative Rule (OAR) 660-023-0200, Historic Resources. OAR 660-023-0200 was amended in 2017.

### Locally Significant Historic Resources

1. Alfalfa Grange: Grange building and community center, built in 1930, located on Willard Road, Alfalfa. 17-14-26 TL 400.
2. Allen Ranch Cemetery: Oldest cemetery in Deschutes County. 30' by 40' fenced cemetery plot. Situated 100 yards west of South Century Drive, one-half mile south of Road 42. Two marble gravestones, two wooden markers. 20-11-7 TL 1700.
3. Fall River Fish Hatchery "Ice House": The hatchery "Ice House" dates from the beginning of fishery management in Oregon, circa 1920. It is an 18 foot by 18 foot improvement, the only original building remaining on the property, and the only significant building or structure on the site. Located at 15055 S. Century Drive, E½; NE¼; Section 32, Township 20S, Range 10 E, Tax Lot 100. (Ordinance 94-006 §1, 1994).
4. Long Hollow Ranch – Black Butte: Headquarters complex of historic ranch, located on Holmes Road in Lower Bridge area, including headquarters house, ranch commissary, equipment shed, barn and bunkhouse. 14-11-1 TL 101.
5. Swamp Ranch – Black Butte: The present day site of the Black Butte Ranch was part of the vast holdings of the Black Butte Land and Livestock Company in 1904. No buildings from the period exist. 14-9-10A, 10B, 15B, 15C, 16A, 21A, 21B, 21C, 22A, 22B.
6. Brothers School: Only one-room schoolhouse currently in use in Deschutes County, located on Highway 20 in Brothers. 20-18-00 TL 3200.
7. Bull Creek Dam: The Bull Creek Dam, a component of the Tumalo Irrigation Project was constructed in 1914 to form a water storage reservoir to increase the amount of irrigated acreage at Tumalo. It is a gravity type of overflow dam. Two cut off walls are extended into solid formation, one at the upper toe and the other at the lower toes of the concrete dam. The dam proper is about 17 feet high from the foundation, although the completed structure is about 25 feet. Located on Tumalo Reservoir-Market Road. 16-11-33 TL 2700 SW-¼; SW-¼.
8. Bull Creek Dam Bridge (Tumalo Irrigation Ditch Bridge): Built in 1914, the bridge, which spans the dam, consists of five continuous filled spandrel, barrel-type concrete deck arch spans, each 25 feet long. The concrete piers are keyed into notches in the arch structure. The structure is the oldest bridge in Deschutes County. On Tumalo Reserve-market Road. 16-11-33 TL 2700/ SW-¼; SW-¼.

9. Camp Abbot Site, Officers' Club: Officers' Club for former military camp, currently identified as Great Hall in Sunriver and used as a meeting hall. 20-11-5B TL 112.
10. Camp Polk Cemetery: One of the last remaining pioneer cemeteries, located off Camp Polk Road near Sisters. The site is composed of a tract of land, including gravestones and memorials, containing 2.112 acres in the Southwest Quarter of the Southeast Quarter of Section 27, Township 14 South, Range 10 E.W.M., TL 2100, described as follows: Beginning at a point North 20 degrees 06' 20" West 751 feet from the corner common to Sections 26, 27, 34 and 35 in Township 14 South Range 10 E.W.M. and running thence  
South 88 degrees 30' West 460 feet; thence North 1 degree 30' East 460 feet; thence South 1 degree 30' 200 feet to the point of beginning.
11. Camp Polk Military Post Site: One of the oldest military sites in Deschutes County. Located on Camp Polk Cemetery Road. Site includes entire tax lots, listed as follows 14- 10-00 TL 2805 & 14-10-34 TL 100, 300.
12. Cloverdale School: School building in Cloverdale, located near 68515 George Cyrus Road. First building built in Cloverdale. 15-11-7 TL 600.
13. Eastern Star Grange: Grange hall for earliest grange organized in Deschutes County, located at 62850 Powell Butte Road. 17-13-19 TL 1900.
14. Enoch Cyrus Homestead Hay Station and Blacksmith Shop: The Enoch Cyrus Homestead was the original homestead of Oscar Maxwell, built in 1892 and purchased in 1900 by Enoch Cyrus. Important stage/store stop for early travelers. The homestead house, including a back porch and cistern, and the Blacksmith Shop are designated. 15-11-10 TL 700.
15. Fremont Meadow: A small natural meadow on Tumalo Creek in Section 34, Township 17 South, Range 11 East, lying within Shevlin Park. TL 5900. Campsite for 1843 Fremont expedition. 17-11-34 TL 5900.
16. Harper School: One-room schoolhouse, located west of South Century Drive, south of Sunriver, moved halfway between the Allen Ranch and the Vandever Ranch from the former townsite of Harper. 20-11-17 TL 1200.
17. Improved Order of Redmond Cemetery: Historic cemetery used by residents of La Pine/Rosland area. Located on Forest Road 4270, east of Highway 97. A 40-acre parcel described as: The Southwest one-quarter of the Southeast one-quarter (SW-¼; SE-¼) Section 7, Township 22 south, Range 11, East of the Willamette Meridian, Deschutes County, Oregon.
18. Laidlaw Bank and Trust: One of the few remaining commercial buildings from the community of Laidlaw, located at 64697 Cook Avenue, Tumalo. 16-12-31A TL 2900.
19. La Pine Commercial Club: Building was built in 1912 as a community center, serving as a regular meeting place for civic organizations and occasionally served as a church. One of the oldest and continuously used buildings in La Pine. Located at 51518 Morrison Street, La Pine. 22-10-15AA TL 4600.



20. Lynch and Roberts Store Advertisement: Ad advertising sign painted on a soft volcanic ash surface. Only area example of early advertising on natural material. Lynch and Roberts established mercantile in Redmond in 1913. Roberts Field near Redmond was named for J.R. Roberts. Site includes the bluff. 14-12-00 TL 1501.
21. Maston Cemetery: One of the oldest cemeteries in County. Oldest grave marker is 1901. About one-half mile from site of Maston Sawmill and Homestead. Site includes the gravestones and memorials and the entire tax lot, identified as 22-09-00 TL 1800.
22. George Millican Ranch and Mill Site: Ranch established in 1886. Well dug at or near that date. Remains of vast cattle ranching empire. 19-15-33 Tls 100, 300.
23. George Millican Townsite: Town established 1913. Site includes store and garage buildings, which retain none of the architectural integrity from era. 19-15-33 TL 500.
24. Petersen Rock Gardens: The Petersen Rock Gardens consist of stone replicas and structures erected by Rasmus Petersen. A residence house and museum are part of the site. The site has been a tourist attraction for over 60 years. Located at 7930 SW 77th, Redmond. Site includes entire tax lot. 16-12-11 TL 400.
25. Pickett's Island: After originally settling in Crook County, Marsh Awbrey moved to Bend and then homesteaded on this island in the Deschutes River south of Tumalo. The site was an early ford for pioneers. Located in Deschutes River near Tumalo State Park. 17- 12-6 NE-¼ TL 100. Portion between Deschutes River and Old Bend Road is designated.
26. Rease (Paulina Prairie) Cemetery: Historic cemetery on Elizabeth Victoria Castle Rease and Denison Rease's homestead. Earliest known grave is of their son, George Guy Rease, born in 1879, who was also a homesteader on Paulina Prairie. George Guy Rease died of smallpox on the Caldwell Ranch on May 2, 1903. Other known burials are William Henry Caldwell, 1841-October 15, 1910, died on the Caldwell Ranch of injuries sustained on a cattle drive; Melvin Raper, 1892-1914, died in a tent of tuberculosis; Addie Laura Caldwell, 1909-November 16, 1918, died of the Spanish influenza epidemic; and Emma Nimitz Deedon, 1886-April 15, 1915, died of complications from a pregnancy. There are several unmarked graves. The cemetery is a county-owned one-acre parcel on the north edge of Paulina Prairie, two miles east of Highway 97. 210-11-29, SE-¼; NW-¼ TL 99.
27. Terrebonne Ladies Pioneer Club: The Club was organized in 1910. The building has been a community-meeting place since 1911. Located at 8334 11th Street, Terrebonne. 14-13- 16DC TL 700.
28. Tetherow House and Crossing: Site is an excellent example of an early Deschutes River crossing. Major route from Santiam Wagon Road to Prineville. Tetherow House was built in 1878. The Tetherows operated a toll bridge, store and livery stable for travelers. Oldest house in County. Site includes house and entire tax lot. 14-12-36A TL 4500.
29. Tumalo Creek – Diversion Dam The original headgate and diversion dam for the feed canal was constructed in 1914. The feed canal's purpose was to convey water from Tumalo Creek to the reservoir. The original headworks were replaced and the original 94.2 ft low overflow weir dam was partially removed in 2009/2010 to accommodate a new fish screen and fish ladder. The

remaining original structure is a 90 foot (crest length) section of dam of reinforced concrete. Tax Map 17-11-23, Tax Lot 800 & 1600.

30. Tumalo Community Church: The building is the oldest church in the County, built in 1905. It stands in the former town of Laidlaw, laid out in 1904. Located at 64671 Bruce Avenue, Tumalo. 16-12-31A TL 3900.
31. Tumalo Project Dam: Concrete core, earth-filled dam 75 feet high. First project by State of Oregon to use State monies for reclamation project. On Tumalo Creek. 16-11-29.
32. William P. Vandever Ranch Homestead House: The Vandever Ranch House stands on the east bank of the Little Deschutes River at 17600 Vandever Road near Sunriver. The homestead was established in 1892, and has been recently relocated and renovated. Vandever family history in the area spans 100 years. 20-11-18D TL 13800.
33. Kathryn Grace Clark Vandever Grave: Kathryn Grace Vandever, daughter of William P. Vandever, died of influenza during the epidemic of 1918. Her grave is located across a pasture due south of the Vandever House, 50 feet east of the Little Deschutes River. Site includes gravestone and fenced gravesite measuring is approximately 15 feet by 25 feet. 20-11-00 TL 1900.
34. Young School: Built in 1928, it is an excellent example of a rural "one-room" school which served homesteaders of the 1920s. Located on Butler Market Road. 17-13-19 TL 400.
35. Agnes Mae Allen Sottong and Henry J. Sottong House and Barn: House and barn are constructed with lumber milled on the property in a portable sawmill run by the Pine Forest Lumber Company in 1911. Henry was awarded homestead patent 7364 issued at The Dalles on Dec 1, 1904. Henry was president of the Mountain States Fox Farm. A flume on the Arnold Irrigation District is named the Sottong Flume. The structures are also associated with William Kuhn, a president of the Arnold Irrigation District; Edward and Margaret Uffelman, who were part of the group that privatized and developed the Hoo Doo Ski Resort; and Frank Rust Gilchrist, son of the founder of the town of Gilchrist and Gilchrist Mill and president of the Gilchrist Timber Company from the time of his father's death in 1956 to 1988. Frank R. Gilchrist served on the Oregon Board of Forestry under four governors and was appointed by the governors to serve as a member of the Oregon Parks and Recreation Advisory Committee. He served on the Oregon State University's Forest Products Research Lab and was a director and president of the National Forest Products Association. T18 R12 Section 22, 00 Tax lot 01600.

*Inventory note: Unless otherwise indicated the inventoried site includes only the designated structure. No impact areas have been designated for any inventoried site or structure.*

### **National Register Resources listed before February 23, 2017**

36. Pilot Butte Canal: A gravity-flow irrigation canal constructed in 1904 that diverts 400 cubic feet of Deschutes River water per second. The canal conveys water through a 225- miles-long distribution system of successively narrower and shallower laterals and ditches on its way to those who hold water rights, serving about 20,711 acres by 1922. The canal was built in an area that had a population of 81 people when it was constructed. The historic district measures 7,435 feet long and encompasses 50 feet on either side of the canal centerline to create a 100-foot corridor. The district has a character-defining rocky, uneven bed, and highly irregular slopes, angles, cuts, and embankments.

37. Elk Lake Guard Station: A wagon road built in 1920 between Elk Lake and Bend sparked a wave of tourism around the scenic waterfront. To protect natural resources of the Deschutes National Forest and provide visitor information to guests, the Elk Lake Guard Station was constructed in 1929 to house a forest guard.
38. Deedon (Ed and Genvieve) Homestead: The homestead is located between the Deschutes River and the Little Deschutes River. All of the buildings were constructed between 1914 and 1915.
39. Gerking, Jonathan N.B. Homestead: Jonathan N.8. Gerking, "Father of the Tumalo Irrigation Project," played a crucial role in getting the project recognized and funded.
40. McKenzie Highway: The McKenzie Salt Springs and Deschutes Wagon Road, a predecessor to the modern McKenzie Highway, was constructed in the 1860s and 1870s.
41. Paulina Lake Guard Station: The station typifies the construction projects undertaken by the Civilian Conservation Corps and signifies the aid to the local community provided by the emergency work-relief program through employment of youth and experienced craftsmen, purchase of building materials and camp supplies, and personal expenditures of enrollees.
42. Paulina Lake I.O.O.F Organization Camp: The Paulina Lake I.O.O.F. Organization camp was constructed during the depression era and are the result of cooperative efforts by nonprofessional builders. Such camp buildings are important in Oregon's recreational history as an unusual expression of both its rustic style and its vernacular traditions.
43. Petersen Rock Gardens: The Petersen Rock Gardens consist of stone replicas and structures erected by Rasmus Petersen. The site has been a tourist attraction for over 60 years.
44. Rock O' the Range Bridge: Rock O' The Range is the only covered span east of the Cascades in Oregon. To gain access to his property, William Bowen instructed Maurice Olson – a local contractor – to build a bridge inspired by Lane County's Goodpasture Bridge.
45. Skyliners Lodge: The Skyliners are a Bend-based mountaineering club organized in 1927. In 1935, the group started building the Skyliners Lodge with help from the Deschutes National Forest, the Economic Recovery Act and the City of Bend.
46. Santiam Wagon Road: The Santiam Wagon Road went from Sweet Home to Cache Creek Toll Station. The road was conceived of in 1859 to create a route across the Cascades. By the 1890s, the road had become a major trade route.
47. Wilson, William T.E. Homestead: This homestead house was built in 1903 and has an "American Foursquare" architectural style.

#### **National Register Resources listed on / after February 23, 2017**

48. Central Oregon Canal: A gravity-flow irrigation canal constructed in 1905 and enlarged in 1907 and 1913. The canal retains its impressive historic open, trapezoidal shape, dimensions and characteristics. It is characterized by the volcanic rock flows, native materials, rocky bed and sides, and its hurried hand-hewn workmanship. The historic district is 3.4 miles long, crossing rural land between the Ward Road Bridge on the western edge and the Gosney Road Bridge on the eastern edge. In the historic district, the canal ranges in width from 34' to 78', averaging around 50', and



its depth varies from 1' to 9', averaging around 4' deep, depending on the amount of volcanic lava flows encountered, the terrain, and slope. The canal through the historic district carries nearly the full amount of water diverted from the Deschutes River, 530 cubic feet per second during the irrigation season, April through October. The historic district encompasses 50' on either side of the canal centerline to create a 100' corridor that includes the whole of the easement held by COID, and all the contributing resources. (Date listed: 03/18/2019)

## Section 5.10 Goal Exception Statements

### Background

The purpose of this section is to identify the lands where Deschutes County demonstrated an exception to meeting the requirements of the Statewide Planning Goals. The intent of goal exceptions is to allow some flexibility in rural areas under strictly defined circumstances. Goal exceptions are defined and regulated by Statewide Planning Goal 2 and Oregon Administrative Rule 660-004 (excerpt below).

*660-004-0000(2) An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals in accordance with the process specified in Goal 2, Part II, Exceptions. The documentation for an exception must be set forth in a local government's comprehensive plan. Such documentation must support a conclusion that the standards for an exception have been met.*

### Statewide Planning Goals with Deschutes County Exceptions

- Goal 3 Agricultural Lands
- Goal 4 Forest Lands
- Goal 11 Public Facilities and Services
- Goal 14 Urbanization

Three types of exceptions are permitted by Oregon Administrative Rule 660-004

- Irrevocably committed
- Physically developed
- Reasons

The summary below identifies approved goal exceptions and identifies the adopting ordinance for those interested in further information. The ordinances listed are incorporated by reference into this Plan.

### 1979 Exceptions

*Comprehensive Plan entire County – PL 20 - 1979*

During the preparation of the 1979 Comprehensive Plan it was apparent that many rural lands had already received substantial development and were committed to non-resource uses. Areas were examined and identified where Goal 3 and 4 exceptions were taken. At this time exceptions to Goals 11 and 14 were not required.

The total area excepted was 41,556 acres. These lands were residentially developed, committed to development or needed for rural service centers.

### Additional Exceptions

*Bend Municipal Airport – Ordinances 80-203, 1980 and 80-222, 1980*

The Bend Municipal Airport received an exception to Goal 3 to allow for the necessary and expected use of airport property.

*La Pine UUC Boundary – Ordinance 98-001, 1998*

Exceptions to Goals 3, 11 and 14 were taken to allow lands to be included in the La Pine UUC boundary and planned and zoned for commercial use.

*Spring River Rural Service Center – Ordinances 90-009, 1990; 90-010, 1990; 96-022, 1996; 96-045, 1996*

A reasons exception was taken to Goal 14 to allow the establishment of the Spring River Rural Service Center on residentially designated lands.

*Burgess Road and Highway 97 – Ordinance 97-060, 1997*

An exception was taken to Goal 4 to allow for road improvements.

*Rural Industrial Zone – Ordinances 2010-030, 2010; 2009-007, 2009*

Two separate ordinances for rural industrial uses. The 2009 exception included an irrevocably committed exception to Goal 3 and a reasons exception to Goal 14 with a Limited Use Combining Zone for storage, crushing, processing, sale and distribution of minerals. The 2010 exception took a reasons exception to Goal 14 with a Limited Use Combining Zone for storage, crushing, processing, sale and distribution of minerals.

*Prineville Railway – Ordinance 98-017*

An exception was taken to Goal 3 to accommodate the relocation of the Redmond Railway Depot and the use of the site for an historic structure to be utilized in conjunction with the Crooked River Dinner Train operations.

*Resort Communities – Ordinance 2001-047, 2001*

An exception was taken to Goal 4 for Black Butte Ranch and Inn of the 7th Mountain/Widgi Creek during the designation of those communities as Resort Communities under OAR 660- 22.

*Barclay Meadows Business Park – Ordinance 2003-11, 2003*

A reasons exception was taken to Goal 3 to include certain property within the Sisters Urban Growth Boundary.

*Sisters School District # 6 – Ordinance 2003-11, 2003*

A reasons exception was taken to Goal 3 to include certain property within the Sisters Urban Growth Boundary.

*Sisters Organization of Activities and Recreation and Sisters School District #6 – Ordinance 2003-017, 2003*

A reasons exception was taken to Goal 4 to include certain property within the Sisters Urban Growth Boundary.

*Oregon Water Wonderland Unit 2 Sewer District – Ordinances 2010-015, 2010; 2003-015, 2003*

A reasons exception was taken to Goals 4 and 11 to allow uses approved by the Board of County Commissioners in PA-02-5 and ZC-02-3 as amended by PA-09-4.

*City of Bend Urban Growth Boundary Amendment (Juniper Ridge) – Ordinance 97-060. 1997*

An exception was taken to Goal 3 to allow an amendment of the Bend Urban Growth Boundary to incorporate 513 acres for industrial uses.



*Joyce Coats Revocable Trust Johnson Road and Tumalo Reservoir Road Properties – Ordinance 2005- 015, 2005*

An irrevocably committed exception was taken to Goal 3 to allow a change of comprehensive plan designation from Surface Mining to Rural Residential Exception Area and zoning from Surface Mining to Multiple Use Agriculture for Surface Mine Sites 306 and 307.

*Watson/Generation Development inc – Ordinance 2005-015*

An exception was taken to Goal 3 to include a portion of agricultural property.

*Oregon Department of Transportation – Ordinance 2005-019, 2005*

An exception was taken to Goal 3 to include a portion of agricultural property.

*Conklin/Eady Property – Ordinance 2005-035, 2005*

An exception was taken to Goal 3 to include a portion of agricultural property.

*City of Sisters Property – Ordinance 2005-037, 2005*

An exception was taken to Goal 4 to include a portion of forest property.

*McKenzie Meadows Property – Ordinance 2005-039, 2005*

An exception was taken to Goal 4 to include a portion of forest property.

*Bend Metro Park and Recreation District Properties – Ordinance 2006-025*

A reasons exception was taken to Goal 3 to include a portion of agricultural property.

*Harris and Nancy Kimble Property and Portion of CLR, Inc Property A.K.A. the Klippel Pit Property – Ordinance 2008-001, 2008*

An irrevocably committed exception was taken to Goal 3 to allow reclassification and zoning from Surface Mine to Rural Residential Exception Area and Rural Residential 10 acre for Surface Mine Site 294.

*Sunriver Service District, Sunriver Fire Department – Ordinance 2014-021, 2014*

A reasons exception was taken to Goal 4 to include a portion of forest property. To ensure that the uses in the Sunriver Utility District Zone on the approximate 4.28 acre site of Tax Lot 102 on Deschutes County Assessor's Map 19-11-00 are limited in nature and scope to those justifying the exception to Goal 4 for the site, the Sunriver Forest (SUF) zoning on the subject site shall be subject to a Limited Use Combining Zone, which will limit the uses on the subject site to a fire training facility and access road for the Sunriver Service District and Sunriver Fire Department.

*Frances Ramsey Trust Property – Ordinance 2014-027, 2014*

An "irrevocably committed" exception was taken to Goal 14 to allow for reclassification and rezoning from agricultural property to Rural Industrial for a 2.65 acre portion of a parcel zoned EFU/RI.

## Section 5.11 - Goal 5 Adopted Ordinances

As noted in Chapter 5 of this Plan, adopted and acknowledged Goal 5 inventories, ESEEs and programs are retained in this Plan. Generally the Goal 5 inventories and ESEEs were adopted into the previous Comprehensive Plan or Resource Element and the Goal 5 programs were adopted into the Zoning Code. The County does not have a complete listing of Goal 5 inventory and ESEE ordinances, but will continue to research those ordinances. The following list is a start in listing all Goal 5 ordinances that are retained in this Plan.

- 80-203 Misc. Goal 5
- 85-001 Geothermal Resources
- 86-019 Deschutes River Corridor
- 90-025 Mining
- 90-028 Mining
- 90-029 Mining
- 92-018 Historic and Cultural
- 92-033 Open Space, LM
- 92-040 Fish and Wildlife
- 92-041 Fish and Wildlife (wetlands and riparian)
- 92-045 Wetlands RE
- 92-051 Misc. including Goal 5
- 92-052 Misc. Goal 5
- 92-067 Mining
- 93-003 Misc. Goal 5
- 94-003 Misc. Goal 5
- 94-006 Historic and Cultural
- 94-007 Wetlands and Riparian areas
- 94-050 Mining
- 95-038 Misc. Goal 5
- 95-041 Mining
- 96-076 Mining
- 99-019 Mining
- 99-028 Mining
- 2001-027 Mining
- 2001-038 Mining
- 2001-047 Mining
- 2001-018 Fish and Wildlife
- 2003-019 Mining
- 2005-025 Historic and Cultural
- 2005-031 Mining
- 2007-013 Mining
- 2008-001 Mining
- 2011-008 South Deschutes County LWI
- 2011-014 Mining

## Section 5.12 - Legislative History

### Background

This section contains the legislative history of this Comprehensive Plan.

Ordinance	Date Adopted/ Effective	Chapter/Section	Amendment
2011-003	8-10-11/11-9-11	All, except Transportation, Tumalo and Terrebonne Community Plans, Deschutes Junction, Destination Resorts and ordinances adopted in 2011	Comprehensive Plan update
2011-027	10-31-11/11-9-11	2.5, 2.6, 3.4, 3.10, 3.5, 4.6, 5.3, 5.8, 5.11, 23.40A, 23.40B, 23.40.065, 23.01.010	Housekeeping amendments to ensure a smooth transition to the updated Plan
2012-005	8-20-12/11-19-12	23.60, 23.64 (repealed), 3.7 (revised), Appendix C (added)	Updated Transportation System Plan
2012-012	8-20-12/8-20-12	4.1, 4.2	La Pine Urban Growth Boundary
2012-016	12-3-12/3-4-13	3.9	Housekeeping amendments to Destination Resort Chapter
2013-002	1-7-13/1-7-13	4.2	Central Oregon Regional Large-lot Employment Land Need Analysis
2013-009	2-6-13/5-8-13	1.3	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2013-012	5-8-13/8-6-13	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Bend Urban Growth Boundary
2013-007	5-29-13/8-27-13	3.10, 3.11	Newberry Country: A Plan for Southern Deschutes County
2013-016	10-21-13/10-21-13	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Sisters Urban Growth Boundary
2014-005	2-26-14/2-26-14	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Bend Urban Growth Boundary
2014-012	4-2-14/7-1-14	3.10, 3.11	Housekeeping amendments to Title 23.
2014-021	8-27-14/11-25-14	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Sunriver Urban Unincorporated Community Forest to Sunriver Urban Unincorporated Community Utility



Ordinance	Date Adopted/ Effective	Chapter/Section	Amendment
2014-021	8-27-14/11-25-14	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Sunriver Urban Unincorporated Community Forest to Sunriver Urban Unincorporated Community Utility
2014-027	12-15-14/3-31-15	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Industrial
2015-021	11-9-15/2-22-16	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Surface Mining.
2015-029	11-23-15/11-30-15	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Tumalo Residential 5-Acre Minimum to Tumalo Industrial
2015-018	12-9-15/3-27-16	23.01.010, 2.2, 4.3	Housekeeping Amendments to Title 23.
2015-010	12-2-15/12-2-15	2.6	Comprehensive Plan Text and Map Amendment recognizing Greater Sage-Grouse Habitat Inventories
2016-001	12-21-15/04-5-16	23.01.010; 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from, Agriculture to Rural Industrial (exception area)
2016-007	2-10-16/5-10-16	23.01.010; 5.10	Comprehensive Plan Amendment to add an exception to Statewide Planning Goal 11 to allow sewers in unincorporated lands in Southern Deschutes County
2016-005	11-28-16/2-16-17	23.01.010, 2.2, 3.3	Comprehensive Plan Amendment recognizing non- resource lands process allowed under State law to change EFU zoning
2016-022	9-28-16/11-14-16	23.01.010, 1.3, 4.2	Comprehensive plan Amendment, including certain property within City of Bend Urban Growth Boundary
2016-029	12-14-16/12/28/16	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from, Agriculture to Rural Industrial
2017-007	10-30-17/10-30-17	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2018-002	1-3-18; 1-25-18	23.01, 2.6	Comprehensive Plan Amendment permitting churches in the Wildlife Area Combining Zone
2018-006	7-23-18/7-23-18	23.01.010, 5.8, 5.9	Housekeeping Amendments correcting tax lot numbers in Non-Significant Mining Mineral and Aggregate Inventory; modifying Goal 5 Inventory of Cultural and Historic Resources

Ordinance	Date Adopted/ Effective	Chapter/Section	Amendment
2018-011	9-12-18/12-11-18	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2018-005	9-19-18/10-10-18	23.01.010, 2.5, Tumalo Community Plan, Newberry Country Plan	Comprehensive Plan Map Amendment, removing Flood Plain Comprehensive Plan Designation; Comprehensive Plan Amendment adding Flood Plain Combining Zone purpose statement.
2018-008	9-26-18/10-26-18	23.01.010, 3.4	Comprehensive Plan Amendment allowing for the potential of new properties to be designated as Rural Commercial or Rural Industrial
2019-002	1-2-19/4-2-19	23.01.010, 5.8	Comprehensive Plan Map Amendment changing designation of certain property from Surface Mining to Rural Residential Exception Area; Modifying Goal 5 Mineral and Aggregate Inventory; Modifying Non-Significant Mining Mineral and Aggregate Inventory
2019-001	1-16-19/4-16-19	1.3, 3.3, 4.2, 5.10, 23.01	Comprehensive Plan and Text Amendment to add a new zone to Title 19: Westside Transect Zone.
2019-003	02-12-19/03-12-19	23.01.010, 4.2	Comprehensive Plan Map Amendment changing designation of certain property from Agriculture to Redmond Urban Growth Area for the Large Lot Industrial Program
2019-004	02-12-19/03-12-19	23.01.010, 4.2	Comprehensive Plan Map Amendment changing designation of certain property from Agriculture to Redmond Urban Growth Area for the expansion of the Deschutes County Fairgrounds and relocation of Oregon Military Department National Guard Armory.
2019-011	05-01-19/05-16/19	23.01.010, 4.2	Comprehensive Plan Map Amendment to adjust the Bend Urban Growth Boundary to accommodate the refinement of the Skyline Ranch Road alignment and the refinement of the West Area Master Plan Area 1 boundary. The ordinance also amends the Comprehensive Plan designation of Urban Area Reserve for those lands leaving the UGB.
2019-006	03-13-19/06-11-19	23.01.010,	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area

Ordinance	Date Adopted/ Effective	Chapter/Section	Amendment
2019-016	11-25-19/02-24-20	23.01.01, 2.5	Comprehensive Plan and Text amendments incorporating language from DLCD’s 2014 Model Flood Ordinance and Establishing a purpose statement for the Flood Plain Zone.
2019-019	12-11-19/12-11-19	23.01.01, 2.5	Comprehensive Plan and Text amendments to provide procedures related to the division of certain split zoned properties containing Flood Plain zoning and involving a former or piped irrigation canal.
2020-001	1-8-20/4-20-20	23.01.01, 2.6, 3.5, 5.2	Comprehensive Plan and Text amendments relating to Religious Institutions to ensure compliance with RLUIPA.
2020-002	2-26-20/5-26-20	23.01.01, 4.2, 5.2	Comprehensive Plan Map Amendment to adjust the Redmond Urban Growth Boundary through an equal exchange of land to/from the Redmond UGB. The exchange property is being offered to better achieve land needs that were detailed in the 2012 SB 1544 by providing more development ready land within the Redmond UGB. The ordinance also amends the Comprehensive Plan designation of Urban Area Reserve for those lands leaving the UGB.
2020-003	02-26-20/05-26-20	23.01.01, 5.10	Comprehensive Plan Amendment with exception to Statewide Planning Goal 11 (Public Facilities and Services) to allow sewer on rural lands to serve the City of Bend Outback Water Facility.
2020-008	06-24-20/09-22-20	23.01.010, Appendix C	Comprehensive Plan Transportation System Plan Amendment to add roundabouts at US 20/Cook-O.B. Riley and US 20/Old Bend-Redmond Hwy intersections; amend Tables 5.3.T1 and 5.3.T2 and amend TSP text.
2020-007	07-29-20/10-27-20	23.01.010, 2.6	Housekeeping Amendments correcting references to two Sage Grouse ordinances.
2020-006	08-12-20/11-10-20	23.01.01, 2.11, 5.9	Comprehensive Plan and Text amendments to update the County’s Resource List and Historic Preservation Ordinance to comply with the State Historic Preservation Rule.
2020-009	08-19-20/11-17-20	23.01.010, Appendix C	Comprehensive Plan Transportation System Plan Amendment to add reference to J turns on US 97 raised median between Bend and Redmond; delete language about disconnecting Vandevent Road from US 97.



<b>Ordinance</b>	<b>Date Adopted/ Effective</b>	<b>Chapter/Section</b>	<b>Amendment</b>
2020-013	08-26-20/11/24/20	23.01.01, 5.8	Comprehensive Plan Text And Map Designation for Certain Properties from Surface Mine (SM) and Agriculture (AG) To Rural Residential Exception Area (RREA) and Remove Surface Mining Site 461 from the County's Goal 5 Inventory of Significant Mineral and Aggregate Resource Sites.
2021-002	01-27-21/04-27-21	23.01.01	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) To Rural Industrial (RI)



**COMMUNITY DEVELOPMENT**

**STAFF FINDINGS**

**FILE NUMBER(S):** 247-23-000644-PA

**APPLICANT:** Deschutes County Planning Division

**REQUEST:** Repeal and Replace 2030 Comprehensive Plan with Deschutes 2040 Comprehensive Plan.

**STAFF CONTACT:** Nicole Mardell, AICP, Senior Planner  
Phone: 541-317-3157  
Email: [nicole.mardell@deschutes.org](mailto:nicole.mardell@deschutes.org)

**RECORD:** Record items can be viewed and downloaded from:  
[www.deschutes.org/2040](http://www.deschutes.org/2040) by clicking on the "Hearing Page" link

**I. APPLICABLE CRITERIA**

Deschutes County Code (DCC)  
Title 22, Deschutes County Development Procedures Ordinance  
Chapter 22.012, Legislative Procedures  
Oregon Administrative Rule (OAR)  
OAR 660-015, Statewide Planning Goals and Guidelines

**II. BASIC FINDINGS**

**PROPOSAL**

This is a legislative plan and text amendment to replace the 2030 Deschutes County Comprehensive Plan with the Deschutes 2040 Comprehensive Plan. The proposal does not seek to replace the Tumalo Community Plan, Terrebonne Community Plan, Newberry Country Plan, nor the Transportation System Plan. This proposal does not include any amendments to the County's Goal 5 Inventory. The proposal does not include any Comprehensive Plan or Zoning Map amendments.

**BACKGROUND**

The Board of County Commissioners initiated the process to update the County's Comprehensive Plan in November 2021. Staff worked extensively with the project consultant MIG, on creating the project scope and budget for this process. Over the last 18 months, staff has conducted widespread community engagement and analysis of existing conditions and projected trends. This in turn, has

informed updates to chapter narrative, goal, and policy language to provide an up-to-date approach to managing growth and development in rural Deschutes County.

**REVIEW CRITERIA**

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative plan and text amendment. Nonetheless, since Deschutes County is initiating one, the County bears the responsibility for justifying that the amendments are consistent with Statewide Planning Goals and the County's Comprehensive Plan.

**III. FINDINGS & CONCLUSIONS**

**CHAPTER 22.12, LEGISLATIVE PROCEDURES**

Section 22.12.010.  
**Hearing Required**

**FINDING:** This criterion will be met because a public hearing will be held before the Deschutes County Planning Commission on October 26, 2023, and before the Board of County Commissioners on April 10, 2024.

Section 22.12.020, Notice  
**Notice**

**A. Published Notice**

- 1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.**
- 2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.**

**FINDING:** This criterion is met as notice was published in the Bend Bulletin newspaper on October 13<sup>th</sup>, 2023, for the Planning Commission public hearing and on March 27<sup>th</sup>, 2024 for the Board of County Commissioners public hearing.

**B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.**

**FINDING:** Posted notice was determined by the Planning Director not to be necessary.

**C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.**

**FINDING:** Given the proposed legislative amendments do not apply to any specific property, no individual notices were sent.



**D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.**

**FINDING:** Notice was provided to the County public information official for wider media distribution. Staff provided additional notice beyond the legal requirements. This was done through the project’s constant contact mailing list, including over 550 contacts, through press releases, and coordination with community organizations. This criterion is met.

Section 22.12.030 Initiation of Legislative Changes.

**A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.**

**FINDING:** The application was initiated by the Deschutes County Planning Division at the direction of the Board of County Commissioners and has received a fee waiver. This criterion is met.

Section 22.12.040. Hearings Body

- A. The following shall serve as hearings or review body for legislative changes in this order:**
  - 1. The Planning Commission.**
  - 2. The Board of County Commissioners.**
- B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.**

**FINDING:** The Deschutes County Planning Commission will hold the initial public hearing on October 26, 2023. The Board will hold a public hearing on April 10, 2024. These criteria are or will be met.

Section 22.12.050 Final Decision

**All legislative changes shall be adopted by ordinance.**

**FINDING:** The proposed legislative changes will be implemented by ordinance 20xx-xxx, upon approval and adoption by the Board of County Commissioners. This criterion will be met.

**OAR 660-015, Statewide Planning Goals and Guidelines**

Goal 1: Citizen Involvement:

**FINDING:** The development of the Deschutes County 2040 Comprehensive Plan document was a multi-year process with significant public outreach and community member involvement.

The following is a short summary of engagement leading up to the initial public hearing:

- o Established a project email list with over 500 contacts.
- o Provided 7 project update emails.

- Established a new, user-friendly website.
- Received over 29,000 social media impressions.
- Coordinated with media on 13 news stories.
- Held 66 small group meetings with over 400 participants.
- Held 8 open houses with 296 attendees.
- Held an online open house with 361 survey responses.
- Hosted a virtual and interactive forum with over 100 responses.
- Held 11 planning commission meetings.
- Provided incentives through a raffle, prizes, and food and beverages.

Community member input was essential to the development of the resulting Deschutes County 2040 document and staff utilized several novel and innovative techniques to reach rural residents. Chapter 1 of the plan, Community Engagement, outlines numerous policies that reduce barriers to and support community involvement throughout planning processes.

**Key Policy Changes**

*Comprehensive Plan - 2030:* Chapter 1, Section 1.2

*Deschutes County 2040 Plan:* Chapter 1 - Community Engagement

*Amendments:* Citizen involvement (now Community Engagement) was completely rewritten.

The section listed above and this Plan as a whole, complies with Goal 1, Citizen Involvement, as described:

- The adoption process for these amendments included public hearings before the Planning Commission (Committee for Citizen Involvement) and before the Board of County Commissioners.
- The updated goal and policies were created through an extensive two-year public/Planning Commission process that generated considerable public input which was incorporated throughout this Plan.
- The new policies recognize the Planning Commission as the required Committee for Community Involvement.
- This section complies with the following six components of Statewide Goal 1:
  - Policies 1.1.1-1.1.8 promote opportunities to involve community members at all stages of planning processes by providing adequate opportunities for input, promoting two-way communication, and continuously improving on outreach activities.
  - Policies 1.2.1-1.2.6 support the activities and funding of the Committee for Community Involvement.
  - Policies 1.1.2 and 1.1.4 ensure technical information is available in an understandable form

Consistency with Goal 1 is thereby met.

Goal 2: Land Use Planning:

**FINDING:** The purpose of the chapter is to ensure the Comprehensive Plan was built with a factual base and will be followed when making future land use decisions. In updating this plan document, information was gained from numerous studies, technical documents, and subject matter experts. ORS 197.610 prescribes the process for local governments to initiate post-acknowledgement plan

amendments. 45-day notice was provided to the Oregon Department of Land Conservation (DLCD) and Development on August 30, 2023 – no comments have been received from DLCD.

The draft Plan contains detailed, factual background information in each chapter narrative to provide context for the goals and policies. The Deschutes County 2040 plan update does propose any changes to Comprehensive Plan designations or zoning designations, nor the County's Goal 5 inventories or community plans as part of this update.

**Key Policy Changes**

*Comprehensive Plan – 2030:* Chapter 1, Section 1.3 and Chapter 5, Section 5.10  
*Deschutes County 2040 Plan:* Chapter 2 Land Use and Regional Coordination

*Amendments:* Land use (previously Section 1.3) was completely rewritten.

The sections listed above, and this Plan update as a whole, comply with Statewide Planning Goal 2 as described:

- Policies 2.1.1 and 2.1.5 recognize that when making land use regulations, private property rights, economic impacts, sustainability and carrying capacity all need to be considered.
- Policy 2.1.2 and 2.1.4 recognize the importance of implementing the plans recommendations through the annual department work plan process and updating the document to incorporate new information.
- Policy 2.1.3 clarifies the official Comprehensive Plan map is retained as an electronic layer with the Deschutes County GIS system.
- Goal 2.2 and its associated policies support regional coordination and partnership on regional issues and are further discussed under Goal 14 – Urbanization.
- Policies 2.3.1-2.3.2 speaks to coordinate and management of County owned land use for park purposes.
- Policies 2.4.1-2.4.2 recognize the importance of reducing onerous barriers to land use and planning applications.
- There are no amendments to Comprehensive Plan map designations incorporated into this Plan update, although definitions of existing designations are provided.

Consistency with Goal 2 is thereby met.

Goal 3: Agricultural Lands:

**FINDING:** Goal 3 seeks to preserve and maintain agricultural lands. Deschutes County inventoried agricultural lands as required by Goal 3 in 1979 and refined the agricultural land designations as a result of a farm study in 1992. This plan update does not propose to rezone or redesignate any agricultural lands. Staff finds that the goals and policies within the document are supportive of retaining productive and valuable lands for agricultural uses within Deschutes County and reducing barriers to a healthy agricultural economy.

**Key Policy Changes**

*Comprehensive Plan – 2030:* Chapter 2, Section 2.2  
*Deschutes County 2040 Plan:* Chapter 3 - Farm and Forest Resources



*Amendments:* Chapter 2, Section 2.2 Agricultural Lands and Section 2.3 Forest Lands were combined and rewritten, although existing designations and regulations were retained.

The section listed above, and this Plan update as a whole, complies with Statewide Planning Goal 3 as described:

- Policies 3.1.1-3.1.2 retain the existing Exclusive Farm Use Zoning and subzones. No map changes are proposed as part of this Plan update.
- Policy 3.1.4 ensures the County’s farm policies and codes remain compliant with State regulations.
- Policies 3.2.1-3.2.9 support the business of agriculture and review of county regulations to reduce common issues that impact farming operations and activities.
- Policies 3.1.3, 3.3.1, 3.3.2, and 3.3.6 support the accurate designation of agricultural lands in compliance with State rules, while responding to local concerns that there are Deschutes County farmlands that are incorrectly designated.
- Policy 3.3.4 addresses the newly allowed state allowance for rural accessory dwelling units.
- Policy 3.3.5 encourages coordination between farmers and fish/wildlife managers.

Consistency with Goal 3 is thereby met.

Goal 4: Forest Lands:

**FINDING:** Goal 4 seeks to conserve forest lands. Deschutes County inventoried forest lands as required by Goal 4 in 1979 and refined the forest land designations to conform to OAR 660-006. Deschutes County is not proposing to rezone or redesignate any forest lands as part of this update process. Staff consolidated the goals that were previously in Section 2.3 Forest Lands into *Chapter 3 – Farm and Forest Resources*.

**Key Policy Changes**

*Comprehensive Plan – 2030:* Chapter 2, Section 2.3  
*Deschutes County 2040 Plan:* Chapter 3 - Farm and Forest Lands

*Amendments:* Forest Lands (previously Section 2.3) was rewritten and combined into the same chapter as agricultural lands, although existing designations and regulations were retained.

The section listed above, and this Plan update as a whole, comply with Statewide Planning Goal 4 as described:

- Goal 3.4 and Policies 3.4.1-3.4.4 provide the characteristics and criteria for the County’s Forest Zones. These policies remain unchanged from the previous 2010 plan.
- Policy 3.4.5 ensures forest codes are compliant with State regulations.
- Policies 3.4.6-3.4.7, 3.4.9, and 3.4.10 recognize the need for coordination with federal agencies and tribal government in forest management.
- Policy 3.4.8 supports economic opportunities within forest zoned lands while meeting other community goals.
- Policy 3.4.11 recognizes the need to review and revisit county code to reduce impacts from development on forest health and dependent species.

Consistency with Goal 4 is thereby met.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources:

**FINDING:** Statewide Planning Goal 5 addresses natural resources, historic and cultural resources, and mineral and aggregate resources. In this update, these topics were divided into three chapters to ensure adequate depth and policy response to each particular topic.

**Key Policy Changes**

*Comprehensive Plan – 2030:* Chapter 2, Sections 2.4-2.7 and 2.10-2.11 and Chapter 5, Sections 5.3-5.9, 5.11

*Deschutes County 2040 Plan:* Chapter 4 - Mineral and Aggregate Resources, Chapter 5 - Natural Resources, Chapter 6 - Historic Resources

*Amendments:* The narratives for each topic were rewritten. The Goal 5 inventories for these resources (as well as ESEEs and programs) were retained and remained unchanged in Appendix A.

The sections listed above, and this Plan update as a whole, comply with Statewide Planning Goal 5 as described:

Chapter 5 – Natural Resources

- Water Goals and Policies
  - Policies 5.1.1 directs the county to participate in statewide regional and water planning efforts including implementation of the Upper Deschutes Basin Study, Habitat Conservation Plan, and Biological Opinion.
  - Policy 5.1.2 supports grants for improvements, upgrades, or expansions to water systems.
  - Policies 5.1.4 promotes increased consideration of water quality, water availability, and treaty rights of Confederated Tribes of Warm Springs in the land use review process.
  - Policies 5.2.1-5.2.3 support water conservation efforts through a mixture of incentives, educational opportunities and partnerships with local and regional organizations and agencies.
  - Policies 5.3.1-5.3.4 seek to maintain a healthy ecosystem in the Deschutes River Basin including partnerships with agencies, implementation of study recommendation, and education.
  - Policies 5.4.1-5.4.11 seek to maintain and enhance fish and riparian dependent wildlife habitat. These polices address coordination with agencies and organizations during land use review process, implementation of Habitat Conservation Plans and other scientific studies, and additional regulations and educational programs to limit impacts to riparian areas.
  - Policies 5.5.1-5.5.7 aspire to coordinate land use and water policies to address water allocation and management. These policies address coordination, support to revisit Oregon Water Resources Departments Groundwater Allocation and Mitigation Rules, improvement of stormwater and wastewater facilities, and consideration of hydrology during land use review process.
  
- Open Spaces and Scenic Views
  - Policies 5.6.1-5.6.4 recognize the importance of working with stakeholders to establish and maintain connected open spaces and scenic view areas.
  - Policies 5.6.5-5.6.6 support protection for visually significant areas.

• Wildlife Habitat

- Policy 5.7.1 promotes stewardship of wildlife habitat.
- Policy 5.7.2 is directed at updating wildlife habitat inventories and protections through future public processes, informed by public process, expert sources, and current or recently updated plans.
- Policy 5.7.3 and 5.7.4 seek to incentive or require greater compatibility between development and habitat areas, including clustering of development.
- Policy 5.7.5 directs the County to coordinate with Confederate Tribes of Warm Springs on co-management on wildlife resources.
- Policies 5.8.-5.8.3 seek to balance the economic and recreation benefits of wildlife with the protection of these resources.
- Policies 5.9.1-5.9.3 address federal and state protected species.

Chapter 4 - Mineral and Aggregate Resources

- Policies 4.1.1-4.1.3 seek to implement the Goal 5 program for mineral and aggregate sites.
- Policy 4.1.4 supports reclamation of sites following exhaustion of mineral or aggregate resources.

Chapter 6 - Historic and Cultural Resources

- Policies 6.1.1- 6.1.3 define roles of the County in promoting a historic landmarks program, including coordination with the State Historic Preservation office and the Confederated Tribes of Warm Springs.

Consistency with Goal 5 is thereby met.

Goal 6: Air, Water and Land Resources Quality:

**FINDING:** Goal 6 instructs local governments to consider protection of air, water, and land resources from pollution and pollutants when developing Comprehensive Plans. This chapter supports maintaining and improving air, water and land quality, which goes beyond the requirements of Goal 6 to comply with State and Federal regulations. Staff notes that there are no comprehensive map or zoning changes associated with this amendment, nor are any amendments to the County's Goal 5 inventory proposed.

**Key Policy Changes**

*Comprehensive Plan – 2030:* Chapter 2, Section 2.5 and 2.9  
*Deschutes County 2040 Plan:* Chapter 5 - Natural Resources

*Amendments:* This section was entirely rewritten, the policies pertaining to Air, Water, and Land Resources Quality have been integrated into an “Environmental Quality” section of the larger natural resources chapter.

The sections listed above, and this Plan update as a whole, comply with Statewide Planning Goal 6 as described:



- Policies 5.10.1 and 5.11.2 promote use of environmentally friendly building practices in County operations and on public property.
- Policy 5.10.2 supports implementation of a dark skies program to impacts of light pollution.
- Policies 5.10.3-5.10.4, and Policy 5.11.2 promote public education regarding controlled burning, noxious weeds, and reuse and recycling.
- Policies 5.11.3-5.11.4 support the process for siting new waste management facilities and implementing best practices in solid waste management.
- Policy 5.11.5 seeks to develop and implement a Climate Action Plan to mitigate impacts of climate change in Deschutes County.
- Policy 5.11.6 promotes green infrastructure to improve stormwater.

Consistency with Goal 6 is thereby met.

Goal 7: Areas Subject to Natural Disasters and Hazards:

**FINDING:** Goal 7 requires comprehensive plans to address Oregon’s natural hazards. Deschutes County has been proactive in addressing natural hazards, through periodic updates to the County’s Natural Hazards Mitigation Plan (NHMP). That Plan provides extensive information on natural hazards in Deschutes County and detailed recommendations to protect people and property.

**Key Policy Changes**

*Comprehensive Plan – 2030:* Chapter 3, Section 3.5  
*Deschutes County 2040 Plan:* Chapter 7 - Natural Hazards

*Amendments:* Natural hazards (now Chapter 7) was completely rewritten.

The section listed above, and this Plan update as a whole, comply with Statewide Planning Goal 7 as described:

- Policies 7.1.1-7.1.3, and 7.2.4 promote coordination agency partners to regularly update the NHMP, update hazard risk maps, review land use applications, and clarify responsibilities pertaining to natural hazard events.
- Policy 7.1.4 seeks to utilize development code provisions to manage development in hazard prone areas.
- Policies 7.1.5 – 7.1.10 aspires to address wildfire risk and mitigate impacts to wildlife and people.
- Policy 7.1.11 provides recommendations to review and revise County code to address common hazard risk issues.
- Policies 7.2.1-7.2.2 mitigate risk to essential infrastructure following natural hazard events.
- Policy 7.2.3 supports the siting of a regional emergency services training facility.
- Policy 7.2.5-7.2.7 provides required and incentivized standards to mitigate risk for new development in hazard prone areas.
- Policy 7.2.8 provides compliance with the FEMA flood insurance program.
- Policies 7.3.1-7.3.5 promote development of programs to inform the public of increased risk of natural hazards.

Consistency with Goal 7 is hereby met.

Goal 8: Recreational Needs:

**FINDING:** Goal 8 requires local governments to plan for the recreation needs of their residents and visitors. Unlike cities, the County is not required to adopt a parks master plan, but instead coordinate recreational activities among government and private agencies in the rural portions of the County.

**Key Policy Changes**

*Comprehensive Plan – 2030:* Chapter 3, Section 3.8  
*Deschutes County 2040 Plan:* Chapter 8 - Recreation

*Amendments:* This section was completely rewritten.

The sections listed above, and this Plan update as a whole, comply with Statewide Planning Goal 8 as described below.

- Goal 8.1 and policies 8.1.1-8.1.6 address the need for cooperation in recreation planning.
- Policy 8.1.7 discusses working with Unincorporated Communities that express interest in parks.
- Policy 8.1.8 refers to integrating trail designs from other agencies within the Transportation System Plan where appropriate.
- Policy 8.1.9 explores an increased role of the County in parks and recreation to serve rural areas not already within a parks and recreation district.
- Policy 8.1.10 supports the community effort to acquire and manage Skyline Forest as a community asset.
- Policy 8.1.11 speaks to balancing new recreational opportunities with the integrity of the natural environment.

Consistency with Goal 8 has been met.

Goal 9: Economic Development:

**FINDING:** Goal 9 seeks to provide adequate opportunities for economic development throughout the state. Goal 9 primarily applies to urban development within acknowledged growth boundaries. The County is not required to provide an economic feasibility study or designate land to fulfill employment needs. Rather, these policies are intended to provide guidance for regional economic development activities and rural economic activities allowed under state law.

**Key Policy Changes**

*Comprehensive Plan – 2030:* Chapter 3, Section 3.4  
*Deschutes County 2040 Plan:* Chapter 9 - Economic Development

*Amendments:* The economy chapter was completely rewritten.

The section listed above, and this Plan update as a whole, comply with Statewide Planning Goal 9 as described:

- Policy 9.1.1 speaks to promote rural economic initiatives, while balancing impacts to rural livability and natural resources.

- Policy 9.1.2 supports Economic Development for Central Oregon as the regional coordinator for economic development.
- Policy 9.1.3 supports growth and expansion of higher education in Central Oregon to support the regional workforce.
- Policy 9.1.4 supports renewable energy generation as an economic tool, with consideration for community concerns or goals such as livability and impact on natural resources.
- Policy 9.1.5 promotes master planning for airport facilities to reduce noise and safety concerns as the region grows.
- Policy 9.1.6 speaks to allowing local oriented rural commercial uses as state law allows.
- Policy 9.1.7-9.1.10 addresses planning for economic development lands, including large lot industrial lands, supporting childcare, and expansion of internet infrastructures.
- Policies 9.2.1-9.3.15 are retained from the 2011/1979 Plan. These policies govern existing Rural Commercial and Rural Industrial designated properties. These properties were previously evaluated under OAR 660-023 and determined to have pre-existing commercial or industrial uses that do not fit into any of the unincorporated community categories.

Consistency with Goal 9 is met.

Goal 10: Housing:

**FINDING:** Goal 10 directs cities to provide an adequate supply of housing for their residents. Unlike cities, Counties are not required to comply with the requirements of Goal 10 to provide a 20-year supply of housing for its community members, nor undertake any analysis pertaining to housing demand and supply. The County does not have any statutory obligations in providing findings to Goal 10. Instead, staff and community members identified important emerging issues that pertain to rural housing and drafted aspirational policies to address these issues.

**Key Policy Changes**

*Comprehensive Plan – 2030:* Chapter 3, Section 3.3  
*Deschutes County 2040 Plan:* Chapter 10 - Housing

*Amendments:* Housing (now Chapter 10) was completely rewritten.

The policies below and this section as a whole complies with statewide land use Goal 10 as described:

- Goal 10.1 was refined from the previous Comprehensive Plan and speaks to balancing housing choice for rural residents with health, safety, environmental, and resource land impacts.
- Policy 10.1.1 speaks to establishing a tracking system for cumulative impacts associated with rural housing development.
- Policy 10.1.2 addresses health and safety issues associated with housing.
- Policy 10.1.3 encourages subdivisions alternative development patterns for subdivisions (such as clustering) to mitigate community and environmental impacts.
- Policies 10.1.4-10.2.2 speak to providing affordable housing options and alternatives in Deschutes County and exploring programs to support housing where allowed by state law in rural areas.
- Policies 10.3.1-10.3.7 provide guidance for development in the Westside Transect Zone.
- Policies 10.4.1-10.4.6 support coordination with cities on affordable housing.



Consistency with Goal 10 is thereby met.

Goal 11: Public Facilities and Services:

**FINDING:** Goal 11 directs local governments to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for rural development. The County does not provide any water or sewer services. The primary services provided by Deschutes County, aside from Transportation which is addressed in the County’s Transportation System Plan) pertains to waste management. The County may also serve as a conduit for other resources and may support other local governments in siting of regional facilities.

**Key Policy Changes**

*Comprehensive Plan – 2030: Chapter 3, Section 3.6*  
*Deschutes County 2040 Plan: Chapter 12 - Public Facilities*

*Amendments:* Public facilities and services (now Chapter 12) was completely rewritten.

The section listed above, and this Plan update as a whole, comply with Statewide Planning Goal 11 as described:

- Goal 12.1 and policies 12.1.1-12.1.13 supports orderly, efficient and cost-effective siting of rural public facilities and services including natural hazard preparedness, intergovernmental coordination, and reduction of impact to natural and community resources.
- Goal 12.2 and policies 12.2.1-12.2.4 promote sustainable, innovative, and cost-effective waste management practices.
- Goal 12.3 and Policy 12.3.1 encourages the County to be a conduit for resources.

Consistency with Goal 11 is met.

Goal 12: Transportation:

**FINDING:** The Deschutes County 2040 plan does not directly address transportation, but rather refers directly to an appendix for the County’s Transportation System Plan. The adoption of the 2020-2040 Transportation System Plan is still under review and is required to comply with this goal and applicable statute and implementing rule.

Goal 13: Energy Conservation:

**FINDING:** Goal 13 aspires to conserve energy, by maximizing land and uses to maximize conservation of all forms of energy. This section primarily provides guidance for conservation and alternative energy production in the rural county, as allowed by state law.

**Key Policy Changes**

*Comprehensive Plan – 2030: Chapter 2, Section 2.8*  
*Deschutes County 2040 Plan: Chapter 13 - Energy*

*Amendments:* Energy (now Chapter 13) was completely rewritten as a standalone chapter.

The sections listed above, and this Plan update as a whole, comply with Statewide Planning Goal 13 as described:

- Goal 14.1 promotes energy conservation and alternative energy production.
- Policies 14.1.1-14.1.3 aspire to reduce energy usage in County operations and support working with energy suppliers to promote energy efficiency in all economic sectors.
- Policies 14.1.4-14.1.10 seek to promote development of renewable energy projects at a commercial and personal scale, including development of vehicle charging stations, while balancing environmental and community resources.

Consistency with Goal 13 is thereby met.

Goal 14: Urbanization:

**FINDING:** Two chapters within the 2040 Plan touch on the topic of urbanization - Land Use and Regional Coordination, and Unincorporated Communities and Destination Resorts. Staff notes the key policies pertaining to urbanization below. Staff notes that the unincorporated community policies pertain to those designated under OAR 660-022. Rural industrial and rural commercial policies are noted in review of Goal 9 above. More specific policies for the unincorporated communities of Tumalo and Terrebonne are included in the small area plans included as appendices to this document. The community plans are not updated or amended through the Deschutes County 2040 update process.

**Key Policy Changes**

*Comprehensive Plan – 2030:* Chapter 4, Sections 4.2-4.4 and 4.57-4.8

*Deschutes County 2040:* Chapter 2 - Land Use and Regional Coordination, Chapter 11 - Unincorporated Communities and Destination Resorts

*Amendments:* Urbanization (now retitled and reorganized into the two chapters above) was completely rewritten. Urban Unincorporated Communities, Resort Communities and Rural Service Centers (previously Sections 4.4, 4.7, 4.8) have been moved to Chapter 11.

The sections listed above, and this Plan update as a whole, comply with Statewide Planning Goal 14 as described below.

Chapter 2 - Land Use and Regional Coordination

- Goal 2.2 seeks to coordinate regional planning efforts between the local, regional, and state governments.
- Policies 2.2.1-2.2.4, 2.2.10 and 2.2.11 encourage periodic review of intergovernmental and urban management agreements, coordination on land use actions, and support the use of land for public purposes as needed.
- Policy 2.2.5 encourages cities to conduct urban reserve planning in partnership with the County.
- Policies 2.2.6 and 2.2.7 encourage collaboration with federal agencies and tribal governments on key land management issues.
- Policy 2.2.8 seeks to support regional infrastructure projects with community benefit, while mitigating negative impacts.
- Policy 2.2.9 supports updates to unincorporated community area plans.

Chapter 11- Unincorporated Communities and Destination Resorts

- Policies 11.1.1 -11.1.5 are general resort community policies and remain unchanged through this update.
- Policies 11.2.1-11.3.6 govern the Black Butte Ranch resort community and remain unchanged.
- Policies 11.4.1-11.5.7 pertain to Inn of 7<sup>th</sup> Mountain and Widgi Creek. These polices are unchanged.
- Destination Resort Goal 11.6, 11.7 and Policies 11.6.1-11.7.1, 11.7.4-11.7.5 remain unchanged. The goals and policies were moved from the rural recreation element of the 2011 Comprehensive Plan to Chapter 11 – Unincorporated Communities and Destination Resorts and reorganized for consistency.
- Policy 11.7.2 was created with Planning Commission and community feedback and seeks to add additional requirements to consider water quality, recreational resources, and community values during Destination Resort siting.
- Policy 11.7.3 seeks to integrate affordable housing for workers within or near destination resorts.
- Policies 11.8.1-11.20.4 provide guidance for the unincorporated community of Sunriver and are unchanged through this proposal.

Consistency with Goal 14 is thereby met.

Goals 15 through 19

**FINDING:** These goals are not applicable to the proposed plan and text amendments because the County does not contain these types of lands.

**IV. CONCLUSION**

The proposed Deschutes County 2040 Comprehensive Plan complies with all relevant Deschutes County and OAR requirements.



## Attachment D

## Policy Tracker

To view the policy tracker, which serves as an extensive reference document comparing iterations of language throughout the update process, click on the link below. It can also be found on the project hearing page under “BOCC Hearing – Applicant Submittals”.

Note: due to the amount of information, this policy tracker is best viewed on an electronic device rather than as a printed copy.

<https://weblink.deschutes.org/CDD/DocView.aspx?dbid=0&repo=LCDD&id=1244335>



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** April 1, 2024

**SUBJECT:** Preparation for a Public Hearing on a proposed Commercial Activity in Conjunction with Farm Use (Winery) in the Multiple Use Agricultural Zone

**RECOMMENDED MOTION:**

None; work session in preparation for a public hearing on April 10<sup>th</sup>.

**BACKGROUND AND POLICY IMPLICATIONS:**

Staff will provide background and discuss issue areas with the Board of County Commissioners ("Board") to consider for the proposed Commercial Activities in Conjunction with Farm Use (file nos. 247-22-000464-CU, 466-SP, 018-A).

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Nathaniel Miller, Associate Planner  
Jacob Ripper, Principal Planner



MEMORANDUM

**TO:** Deschutes County Board of County Commissioners

**FROM:** Nathaniel Miller, Associate Planner

**DATE:** April 1, 2024

**RE:** Work Session: A Commercial Activity in Conjunction with Farm Use (Winery) in the Multiple Use Agricultural Zone.

The Board of County Commissioners (Board) will conduct a Work Session on April 1, 2024, in preparation for a Public Hearing on April 10, 2024, to consider a request for a Commercial Activity in Conjunction with Farm Use to establish a winery. The applications and appeal are identified as file nos. 247-22-000464-CU, 466-SP, 24-018-A. The subject property is approximately 5.5 acres in size and is about 750 feet northwest of the City of Bend. Highway 97 is approximately 1,500 feet directly to the east. The property is addressed at 20520 Bowery Lane, Bend, and is further identified on County Assessor's Map 17-12-09B as Tax Lot 1000. A location map is included as **Attachment A**.

**I. BACKGROUND**

The Applicants, Duane and Dina Barker, have requested a Conditional Use Permit for a Commercial Activity in Conjunction with Farm Use to establish a Winery with associated uses in the Multiple Use Agricultural Zone (MUA10). The request also includes a Site Plan Review for the Winery and associated uses. The property owner proposes to convert a portion of an existing accessory building into a tasting room and office space. The proposal also includes the conversion of an existing barn for small-scale wine production and wine storage. The approval would include the production of up to 2,000 cases of wine annually as well as hosting wine related events on the property, wine tastings, wine dinners, and other wine marketing events directly related to the sale and promotion of wine produced from the vineyard. No new buildings or structures are included in the proposal.

The applications were submitted on June 7, 2022. An Incomplete Letter was mailed on July 7, 2022. On December 4, 2022, the applicants requested that the applications be deemed complete and 150-day clock tolled. The applications were referred to a Public Hearing on August 4, 2023. On September 15, 2023, the applicants then waived the 150-day clock.



The initial public hearing before the Hearings Officer was scheduled on Wednesday, October 10th, 2023. On October 6, 2022, the Applicant requested a 2-week continuance of the Public Hearing pursuant to DCC 22.24.140(A)(1). The Hearings Officer opened the initial hearing, but no testimony was received, and the new hearing date was set for October 24, 2023.

During the second hearing on October 24, 2023, Hearings Officer Brooks conducted a full hearing and testimony was received in support and in opposition to the proposal. An Open Record Period was set for 7 days of New Evidence and Testimony, 7 days for Rebuttal, and 7 days for the Applicant's Final Legal Arguments. The record was closed 21 days after the hearing on November 14, 2023.

**II. HEARING OFFICER DECISION**

The Deschutes County Hearings Officer rendered a final decision approving the Applicant's request for a Conditional Use Permit for the Winery on January 2, 2024.

Staff notes the following salient elements of the Hearings Officer Decision:

- The Hearings Officer addressed issues raised in the Staff Report specific to Title 22 and the Deschutes County Procedures Ordinance. These include:
  - The appropriate signatures on the application form
  - The open Code Enforcement Case on the property
  - The noticing requirements for the application
- The proposal meets the requirements of DCC 18.32.030(C) and qualifies as a Commercial Activity in Conjunction with Farm Use.
- The proposal likely conforms to the Site Plan Review standards of DCC 18.116 and DCC 18.124, however more detail is required. The Hearing Officer included 33 conditions of approval in the decision.
- The proposal meets the suitability requirements of DCC 18.128.015

**III. APPEAL**

The Appellant (Toby Bayard) submitted a timely appeal to the Hearings Officer's Decision on January 9, 2024. The Appellant requests the Board initiate a review and conduct a hearing to evaluate the following issues:

- Whether wineries can only be cited on property in the Exclusive Farm Use Zone pursuant to ORS 215.452, and not in any other zone.
- Whether the Hearings Officer erred in finding that a winery can be approved on MUA10-zoned property as a Commercial Activity in Conjunction with Farm Use.

- Whether there is inconsistency from the Hearings Officer between the subject applications and the previous approval under Deschutes County File nos. 247-22-000024-CU, 22-025-SP, 22-757-A, 22-914-A (Commercial Activity in Conjunction with Farm Use for a Meadery in the EFU Zone).
- Whether the Hearings Officer erred in the incorporation of testimony placed into the public record.

**IV. RECORD**

The record for file nos. 247-22-000464-CU, 466-SP, (Appeal file No. 247-24-000018-A) is as presented at the following Deschutes County Community Development Department website:

<https://www.deschutes.org/cd/page/247-22-000464-cu-247-22-000466-sp-lava-terrace-cellars-winery-vinyard>

**V. NEXT STEPS**

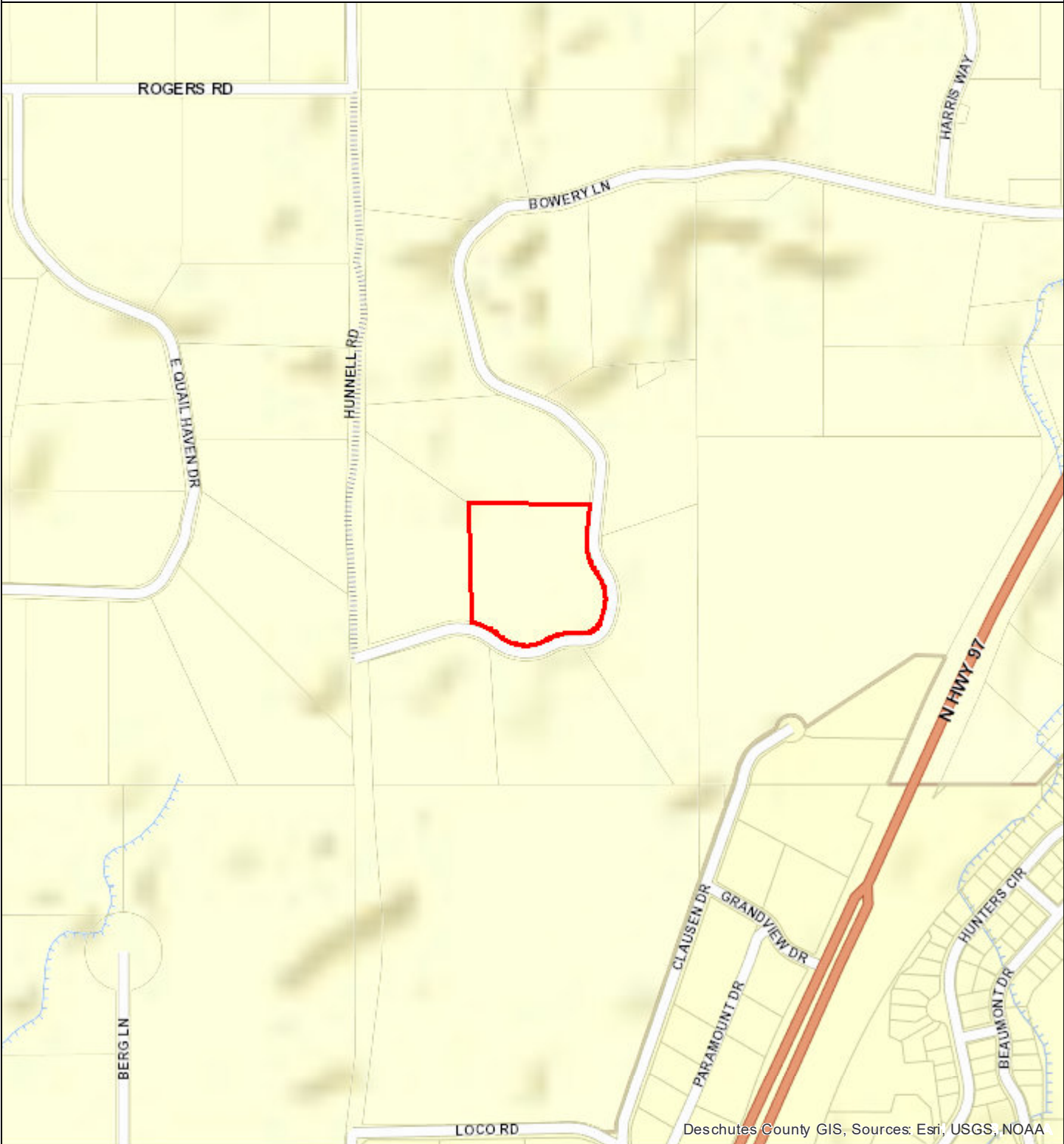
Based on the feedback received from the Board at the Work Session, Staff will prepare for the upcoming Public Hearing.

**ATTACHMENT(S):**

**Attachment A** - 2024-04-01 BOCC Work Session – Subject Property Location Map

# File: 22-464-CU, 466-SP, 24-018-A

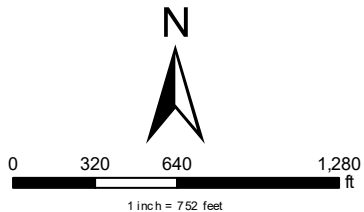
20520 Bowery Lane, Bend



Deschutes County GIS, Sources: Esri, USGS, NOAA



Date: 2/1/2024





BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** April 1, 2024

**SUBJECT:** Work Session – Improvement Agreement for Phase C-2 and Remaining Improvements in Phase C-1 of the Caldera Springs Destination Resort

**RECOMMENDED MOTION:**

None—this is a work session in preparation of Board consideration of an improvement agreement for Phase C-2 and remaining improvements in Phase C-1 of the Caldera Springs Destination Resort. This item is scheduled for consideration of Board action on the April 3<sup>rd</sup> Consent Agenda.

**BACKGROUND AND POLICY IMPLICATIONS:**

Staff will provide background to the Board regarding an Improvement Agreement request related to the Caldera Springs Destination Resort.

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Haleigh King – Associate Planner





## MEMORANDUM

To: Deschutes Board of County Commissioners (“Board”)

From: Haleigh King, Associate Planner

Date: March 27, 2024

Re: Work Session - Improvement Agreement for Phase C-2 and Remaining Improvements in Phase C-1 of the Caldera Springs Destination Resort (Document No. 2024-0254, County File No. 247-23-000818-IA)

The Board will conduct a work session on April 1, 2024, regarding an Improvement Agreement associated with the Caldera Springs Destination Resort. Staff anticipates the Improvement Agreements will return as a Consent Item on April 3, 2024 for Board signature of Document No 2024-254.

### Background and Summary

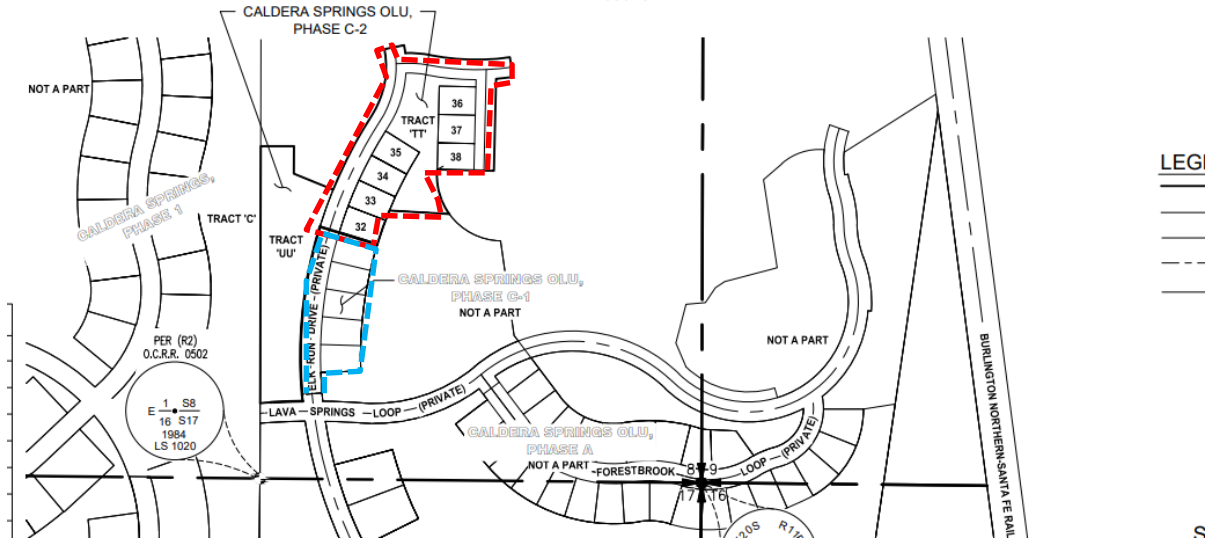
Phase C of the Caldera Springs expansion includes two subdivisions. The first is a 16-lot subdivision for overnight lodging units (“OLU”) approved under land use file number 247-22-000182-TP. The second is a 72-lot residential subdivision approved under land use file number 247-22-000183-TP. The developer has elected to plat Phase C in phases. Phase C-1 was platted and recorded on January 11, 2023. Phase C-1 included 37 single-family residential lots and 16 OLUs (8 lots). The developer is now moving forward with platting of Phase C-2, which includes 35 single-family residential lots and 14 OLUs (7 lots).

The developer requests an Improvement Agreement related to the infrastructure costs associated with the roads and utilities for the Phase C-2- OLU subdivision. Furthermore, the developer plans to incorporate required improvements associated with the Phase C-1 OLU subdivision into this Improvement Agreement. This requires an amendment to recorded County Document No. 2022-954 in which the County Administrator is authorized to execute. The remaining improvements required will be accounted for in the new Phase C-2 Improvement Agreement.

See Figure 1 below.

# CALDERA SPRINGS OLU, PHASE C-2

BEING A REPEAT OF A PORTION OF DEVELOPMENT TRACT A1, CALDERA SPRINGS, PHASE A  
LOCATED IN THE SOUTHEAST ONE-QUARTER (SE1/4) OF THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 8 OF TOWNSHIP 20  
SOUTH, RANGE 11 EAST WILLAMETTE MERIDIAN,  
DESCHUTES COUNTY, OREGON  
DECEMBER 2023  
247-22-000182-TP



**Figure 1.** Phase C-1 (blue outline) and Phase C-2 (red outline) (Source: Parametrix)

Caldera Springs submitted the attached Improvement Agreement for road and utility infrastructure associated with Phase C-2 within the OLU subdivisions as well as the remaining improvements within Phase C-1 OLU subdivision. The cost estimate is included below and included in the attached agreement. The cost estimates were reviewed and approved by the Road Department.

- 247-23-000818-IA: Phase C-2 (road and utility infrastructure for OLU subdivision) in addition to remaining improvements associated with Phase C-1 OLU subdivision - \$1,328,430.29

Per Deschutes County Code 17.24.130(B), the security amount must be 120 percent of the cost estimate. For this reason, the bonds submitted by Caldera Springs for Phase C-2 and remaining improvements in Phase C-1 OLU infrastructure are in the amount of \$1,594,116.35.

## Next Steps

Staff anticipates the Improvement Agreements will return as a Consent Item on April 3, 2024 for Board signature of Document No. 2024-254. Following Board signature, the County Administrator is an authorized signatory on Document No. 2024-255, the amendment to recorded County Document No. 2022-954 (Phase C-1 Improvements).

## Attachments:

- A. Document No. 2024-254: Improvement Agreement for Caldera Springs Expansion – Phase C-2 (Road and Infrastructure) and Remaining Improvements in Phase C-1.

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

After Recording Return to:  
Deschutes County  
Community Development Department  
117 NW Lafayette Ave.  
Bend, OR 97703

**IMPROVEMENT AGREEMENT**

This Improvement Agreement (“Agreement”), relating to the construction and installation of certain required improvements (the “Required Improvements,” as defined below in Section 4) within the plats of Caldera Springs OLU, Phase C-1 and Caldera Springs OLU, Phase C-2 located in the Caldera Springs Destination Resort is by and between DESCHUTES COUNTY, OREGON, a political subdivision of the State of Oregon (“County”) and Caldera Springs Real Estate, LLC (“Developer”).

**RECITALS:**

- A. Developer filed an application for final subdivision plat approval for the tentative subdivision plan approved under File Nos. 247-22-000182-TP and 247-22-000183-TP (together, the “Land Use Approval”) prior to the completion of the Required Improvements.
- B. Deschutes County Code (DCC) Section 17.24.120 provides that a developer may, in lieu of completing improvements specified in tentative plan approval prior to filing a final subdivision plat, enter into an agreement with the County and provide a good and sufficient form of security to provide for the completion of such improvements.
- C. The Required Improvements under this Agreement do not constitute a Public Improvement as the term is defined in ORS 279A.010(1)(cc).
- D. County and Developer desire to enter into this Agreement in order to establish the obligation and to secure completion of the Required Improvements following recording of the final plat for the Land Use Approval.
- E. Pursuant to County Document No. 2024-255, the County and the Developer amended County Document No. 2022-954 (the “C-1 IA”) to remove the “Remaining Improvements” from the C-1 IA, and transfer those improvements to this Agreement. The Remaining

Improvements are more particularly identified on Exhibit B-2. Pursuant to the C-1 IA, this Agreement is the “Replacement Agreement.”

NOW THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES above mentioned, for and in consideration of the mutual obligations hereinafter stated, as follows:

**1. Recitals.** The Recitals to this Agreement set forth above are hereby incorporated herein as if fully set out, shall constitute contractual provisions and are not mere recitals.

**2. Real Property Description.** The real property subject to this Agreement (the “Real Property”) is identified as a portion of Map and Tax Lots 2011170002400, 2011080002500 and 201108DD02800 and more particularly described on the attached Exhibit A. This Agreement shall be recorded against and shall encumber the Real Property and every developable unit of land lawfully created from the Real Property (each, a “Lot”) subject to Section 20 below.

**3. Exhibits.** The exhibits listed below and attached to the Agreement are hereby incorporated herein by reference:

**3.1** Exhibit A -- Legal description of Real Property.

**3.2** Exhibit B-1 -- List of Required Improvements.  
Exhibit B-2 – List of Remaining Improvements (also included in the Required Improvements).

**3.3** Exhibit C – Copy of Land Use Approval.

**3.4** Exhibit D - Bond Instrument.

**4. Identification of Required Improvements.** Developer shall install and complete, or cause to be installed and completed, the improvements listed in Exhibit B-1 and required by the Tentative Plan set forth in Exhibit C to the extent that same remain to be completed (the “Required Improvements”). For purposes of clarity, the Required Improvements include the Remaining Improvements.

**5. Construction of Required Improvements.**

**5.1** Developer shall install and complete the Required Improvements in accordance with the plans and construction specifications related thereto and to any additional County and/or State of Oregon specifications or applicable regulations. Developer shall cause the Required Improvements to be completed in compliance with the applicable codes, regulations, and laws then in effect.

**5.2** Developer shall promptly repair any damage to existing and new roads, water lines, stormwater facilities, and similar facilities within and without the Real Property, which are caused by the installation of the Required Improvements.



**5.3** Developer shall schedule final inspections and shall have the Required Improvements in a condition determined by County to be sufficient not later than one year from the date the final plat is recorded (the “Completion Date”). For purposes of calculating the warranty of improvements under Section 6.1 below, the “Completion Date” shall be the date upon which the County has performed all final inspections of and approved the Required Improvements.

**6. Warranty of Improvements.**

**6.1** For twelve (12) months following the Completion Date (“Warranty Period”) Developer hereby warrants that (i) the Required Improvements, and any corrective work, shall remain free from defects in materials or workmanship, (ii) the Required Improvements shall continue to meet all plan and construction specifications (iii) that the Required Improvements shall continue to meet any County and/or State of Oregon specifications or applicable regulations as noted in Section 5.1.

**6.2** If the warranty obligations set forth in Section 6.1 are not satisfied, County will provide notice to Developer of any required corrective work and a reasonable timeframe in which the corrective work must be initiated and completed. Notwithstanding the foregoing, County may initiate corrective work without notice to Developer in the event of an emergency.

**6.3** To secure warranty obligations pursuant to DCC 17.24.120(A)(5) and this Section 6, upon completion of the Required Improvements and prior to the Developer scheduling a final inspection pursuant to Section 5.3, Developer shall deposit with the County a one-year warranty bond, or other security acceptable to County, equivalent to ten percent (10%) of the construction costs of such Required Improvements (“Warranty Security”).

**6.4** If Developer fails to timely initiate or complete work as provided in Section 6.2, or in the event of an emergency, County may draw upon the Warranty Security during the Warranty Period to perform the corrective work in the same manner as Section 8.4.

**7. License to Enter and Remain on Property.**

**7.1** During the term of this Agreement, Developer hereby grants County and County’s employees, engineers, consultants, agents, contractors, subcontractors and suppliers license to come onto and remain on the Real Property as necessary to make inspections of the Required Improvements.

**7.2** After the Default Grace Period specified in Section 8.2 or to correct an issue during the Warranty Period specified in Section 6.2, and after providing notice to Developer, County or its employees, engineers, consultants, agents, contractors, subcontractors and suppliers may enter onto and remain on the Real Property and may cause the Required Improvements to be completed.

**8. Right to Draw on Security.**

- 8.1** Upon failure of the Developer to complete the Required Improvements as required under Section 5.3 above by the Completion Date, County shall notify Developer in writing of such failure (the “Default Notice”).
- 8.2** Upon receipt of the Default Notice, Developer shall have thirty (30) days to complete the Required Improvements to the condition required under Section 5 (the “Default Grace Period”).
- 8.3** Should Developer fail to complete the Required Improvements within the Default Grace Period, County may, at its sole discretion, cause incomplete or unsatisfactory Required Improvements to be completed.
- 8.4** If County causes the Required Improvements to be completed, County may draw upon the Security for any and all costs and expenses incurred by County including, but not limited to, attorneys and engineering fees, and costs and expenses reasonably anticipated or projected by the County to be incurred by the County, in construction and/or completion of the Required Improvements.
- 8.5** If County affirmatively elects (with written documentation of same signed by the Chair of the Board of County Commissioners) not to cause the Required Improvements to be completed, County shall within 180 days cause the Security to be released to Developer.
- 8.6** For the purposes of this Agreement and access to any security offered and accepted to secure Developer’s performance, Developer’s failure to complete the Required Improvements shall include failure to install or have installed any portion of the Required Improvements to the standards required under Section 5 above.

**9. No County Guarantee.** County does not warrant or guarantee that any of the Required Improvements referred to in this Agreement will be constructed, maintained or operated.

**10. License to Use Permits, Specifications and Plans.**

- 10.1** If County determines that any portion of the Required Improvements have not been completed as required by Section 5 above or remain free of defects during the Warranty Period as required by Section 6, Developer shall, upon request of the County, license and assign to County all of Developer’s, applicable permits, plans, specifications, shop drawings, instruments, permits and approvals, and other documents necessary or useful in the completion or repair of or related in any manner to the applicable Required Improvements.
- 10.2** Developer shall ensure that any contracts for supply of labor and materials used in connection with constructing Required Improvements are assignable to the County.

**10.3** Upon such request, Developer shall deliver or shall cause to be delivered, physical possession of such permits, plans, specifications, shop drawings, instruments, permits, approvals, and other documents to the County.

**10.4** County may sub-assign or license the rights referred to in this Section 10 for any purpose without further approval from Developer.

**11. No Third-Party Beneficiaries.**

**11.1** County and Developer are the only parties to this Agreement and are the only parties entitled to enforce its terms.

**11.2** Nothing in this Agreement gives or provides any benefit or right, whether directly, indirectly, or otherwise, to third persons.

**12. Restoration of Monuments.** Developer shall restore any monument erected or used for the purpose of designating a survey marker or boundary of any town, tract, plat or parcel of land that is broken, damaged, removed or destroyed, during the course of work provided for or anticipated by this Agreement, whether intentional or otherwise, by the Developer or Developer’s agents, employees, independent contractors, or persons or entities other than County.

**13. Costs of Inspection.** Developer shall pay to County the actual costs incurred by County in the inspection of the completed Required Improvements plus any fees, such as legal review fees, plan review fees and structural, electrical, plumbing and other specialty codes inspection fees normally associated with the review and inspection of any improvements on the Real Property.

**14. Security for Required Improvements.**

**14.1** Attached as Exhibit D is a copy of a performance bond in the amount of One Million Five Hundred Ninety-Four Thousand One Hundred Sixteen Dollars and 35/100 (\$1,594,116.35) (the “Security”). The Security covers 120% of cost to complete the Required Improvements (including the Remaining Improvements).

**14.2** As used herein, the issuer of the Security is referred to as “Surety.”

**14.4** Cost Notice Update

**14.4.1** County, in reasonable intervals, may require the Developer to provide an updated construction cost estimate for the then remaining Required Improvements (the “Cost Update Notice”).

**14.4.2** Upon receipt of the Cost Update Notice, the Developer shall have thirty (30) days to provide the updated construction cost estimate (the “Developer’s Response”).

**14.4.3** Upon receipt of the Developer’s Response, or if no Response is received within the thirty (30) day period, if the County reasonably determines that the Developer’s obligations under this Agreement together with the Security do not provide adequate financial assurance for completion of the Required Improvements, the County shall have the option to require Developer to increase the amount of the Security and to memorialize such increase in an amendment to this Agreement (the “Security Amendment”).

**14.4.4** If the County requires Developer to increase the amount of the Security, Developer shall also file the application fees and materials to amend this Agreement to memorialize the Security Amendment within thirty (30) days of receipt of the County’s notice to increase the Security.

**14.4.5** If Developer fails or refuses to increase the amount of Security as directed by the County, such failure or refusal shall be considered failure of the Developer to complete the Required Improvements as required under Section 5 and the County may draw upon the Security pursuant to Section 8.

**15. Developer’s Obligation for Costs.**

**15.1** Developer expressly acknowledges, understands, and agrees that this Agreement shall not relieve Developer from the obligation to complete and fully pay for the Required Improvements, to warranty those Required Improvements, and other costs and fees set forth in this Agreement.

**15.2** Should Developer default in its obligation to complete the Required Improvements as required by Section 5 or warranty those Required Improvements as required by Section 6, Developer agrees to compensate County for all costs, fees, charges and incurred expenses related to Developer’s default.

**16. Release of Security or Obligation.**

**16.1** County shall release the Security less any Warranty Security within thirty (30) calendar days of Developer requesting in writing that the Security be released following the final inspection and approval of the Required Improvements. County shall release the Warranty Security within thirty (30) calendar days of the Developer requesting in writing that the Warranty Security be released following the Warranty Period.

**16.2** County may, at the County’s discretion and consistent with applicable law, release Developer from any of Developer’s obligations under the terms and conditions of this Agreement.



**16.3** County’s release of any of Developer’s obligations shall not be construed as a waiver of County’s right to require full compliance with the remainder of this Agreement and Developer’s obligation to satisfy any costs, fees, charges and expenses incurred in completion or repair of the Required Improvements.

**17. Shortfall in Security.**

**17.1** If the amount available to be drawn from the Security or Warranty Security is less than the costs and expenses anticipated to be incurred, or actually incurred, by County, including, but not limited to, attorneys and engineering fees, County may apply the proceeds of the Security or Warranty Security to the anticipated or actual costs and expenses of completion or repair of the Required Improvements.

**17.2** Developer shall be responsible and liable for any shortfall between the actual costs and expenses of completion or repair of the Required Improvements, including, but not limited to, attorneys and engineering fees, and the amount of the Security or Warranty Security available to fund such costs and expenses.

**18. Incidental Costs.** Without limiting the generality of Section 17, if the proceeds of the Security or Warranty Security are not remitted to County within the timeframe set forth in the Security or Warranty Security after County provides written notice to Surety in the form prescribed by the Surety, or the Required Improvements are not installed within a reasonable time period determined and specifically identified by County after County provides notice to Developer and/or Surety, then County’s costs of completing and/or repairing the Required Improvements, the costs of obtaining the proceeds of the Security, Warranty Security, or other security, all incidental costs to the extent not covered by the Security, Warranty Security, or other security, and liquidated damages calculated at the rate of \$500 per day shall be added to the amount due to County from Developer, and shall be paid to County by Developer, in addition to and with all other amounts due hereunder.

**19. Successors in Interest.**

**19.1** The original of this Agreement shall be recorded with the Deschutes County Clerk and shall be a condition and covenant that shall run with the Real Property including any lots created from the Real Property (each a “Lot”).

**19.2** It is the intent of the parties that the provisions of this Agreement shall be binding upon the parties to this Agreement, and subject to the terms contained in Section 20, their respective successors, heirs, executors, administrators, and assigns, and any other party deriving any right, title or interest in or to the Real Property or any Lot, including any person who holds such interest as security for the payment of any obligation, including a mortgagee or other secured party in actual possession of said Real Property by foreclosure or otherwise or any person taking title from such security holder.

**20. Lot Purchasers.**

- 20.1 Notwithstanding the terms of Section 19, the terms of this Section 20 shall apply to each Lot lawfully created from the Real Property in accordance with the Land Use Approval.
  - 20.2 Each Lot shall be conveyed free of any obligation to pay money or complete any obligation arising from or related to this Agreement.
  - 20.3 The owner of a Lot, other than Developer, is under no obligation or burden to complete the terms and conditions of this Agreement.
  - 20.4 The purpose for the recordation of this Agreement is to place owners and prospective purchasers on notice of the Agreement's terms, that the County has no obligation to construct the Required Improvements or any portion of the Required Improvements, and the Agreement does not in any way guarantee that any of the Required Improvements will be constructed.
  - 20.5 The Agreement conveys no right or right of action by a Lot owner, other than Developer, against the County for any act or omission of the County including, but not limited to, County decisions or acts that required or authorized the Required Improvements, or any part of the Required Improvements, not being constructed.
21. **Binding Authorization.** By signing this Agreement, each signatory signing in a representative capacity, certifies that the signer is authorized to sign the Agreement on behalf of and bind the signer's principal.
22. **Expiration.**
- 22.1 This Agreement shall expire after the conclusion of the Warranty Period, or by the County's express written release of Developer from this Agreement.
  - 22.2 Upon expiration, County shall provide Developer with a document in recordable form, formally evidencing such expiration and release within thirty (30) days of such a request from Developer.
23. **Survival.** County's rights under this Agreement, including County's right to draw upon the Security or Warranty Security in whole or in part, and Developer's obligation to pay the full costs and expenses of completing the Required Improvements and repairs or replacements required herein along with any licenses granted in this Agreement and any costs of enforcement of this Agreement, shall survive the expiration of this Agreement.
24. **No Agency.**
- 24.1 It is agreed by and between the parties that Developer is not carrying out a function on behalf of County, and County does not have the right of direction or control of

the manner in which Developer completes performance under this Agreement nor does County have a right to exercise any control over Developer’s activities.

**24.2** Developer is not an officer, employee or agent of County as those terms are used in ORS 30.265.

**25. No Joint Venture or Partnership.** County is not, by virtue of this Agreement, a partner or joint venturer with Developer in connection with the Site Plan, the Required Improvements, the Real Property, or any Lot and shall have no obligation with respect to Developer’s debts, obligations or other liabilities of each and every nature.

**26. Liens.**

**26.1** Developer shall pay as due all claims for work done on and for services rendered or materials furnished to the Real Property and shall keep the Real Property free from liens.

**26.2** If Developer fails to pay any such claims or to discharge any lien, County may do so and collect the cost plus ten percent (10%) from the Developer or Surety; provided, however, County may not pay such claims or discharge any lien while Developer is timely disputing the validity of such claims or liens.

**26.3** Such action by County shall not constitute a waiver of any right or remedy that County may have on account of Developer’s failure to complete the Required Improvements or failure to observe the terms of this Agreement.

**27. Indemnification.** The County shall not be responsible for any injury to any and all persons or damage to property caused directly or indirectly by reason of any and all activities (including inaction) of Developer under this Agreement and on the Real Property; Developer further agrees to defend, indemnify and save harmless County, its officers, agents and employees from and against all claims, suits, actions, damages, costs, losses and expenses in any manner resulting from, arising out of, or connected with any such injury or damage.

**28. Limitation of Liability.** County’s liability, if any, pursuant to this Agreement is subject to the Oregon Tort Claims Act, ORS 30.260 to 30.300.

**29. Attorney Fees and Costs.** In the event an action or suit or proceeding, including appeal therefrom, is brought by any party arising directly and/or indirectly out of the provisions of this Agreement or the interpretation thereof, for Developer’s failure to complete the Required Improvements or to observe any of the terms of this Agreement or the interpretation thereof, County shall be entitled to recover, in addition to other sums or performances due under this Agreement, reasonable attorney’s fees and costs as the court may adjudge in said action, suit, proceeding or appeal.

**30. Waiver.**

- 30.1** Waiver of the strict performance of any provision of this Agreement shall not constitute the waiver of any other provision or of the Agreement.
- 30.2** No waiver may be enforced against the County unless such waiver is in writing and signed by the County.
- 31. Compliance with provisions, requirements of Federal and State laws, statutes, rules, regulations, executive orders and policies. Debt Limitation.**

  - 31.1** This Agreement is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10, of the Oregon Constitution.
  - 31.2** Any provisions herein that conflict with applicable law, including but not limited to DCC 17.24.120 and 17.24.130, are deemed inoperative to that extent.
  - 31.3** Additionally, Developer shall comply with any requirements, conditions or limitations arising under any Federal or State law, statute, rule, regulation, executive order and policy applicable to the Required Improvements.
  - 31.4** If this Agreement is in any manner construed to constitute the lending of the County’s credit or constitute a debt of County in violation of Article XI, Section 10, of the Oregon Constitution, this Agreement shall be void.
- 32. No Inducement.** No representations, statements, or warranties have induced the making and execution of this Agreement other than those herein expressed.
- 33. Governing Law.**

  - 33.1** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law.
  - 33.2** Any claim, action, suit or proceeding (each a “Claim”) between County and Developer that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Deschutes County for the State of Oregon; provided, however, if a Claim shall be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon in Eugene, Oregon.
  - 33.3** By signing below, Developer hereby consents to the *in personam* jurisdiction of the courts identified in Section 33.2.
  - 33.4** The parties agree that the UN Convention on International Sales of Goods shall not apply.



**34. Severability.** If any term or provision of this Agreement is declared by a court of competent jurisdiction to be void, invalid or unenforceable in one respect, the validity of the term or provision in any other respect and that of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced to the extent possible.

**35. Counterparts.**

**35.1** This Agreement may be executed in several counterparts, all of which when taken together shall constitute one Agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart.

**35.2** Each copy of this Agreement so executed shall constitute an original.

**35.3.** If this Agreement is signed in counterpart, each counterpart shall be recorded as provided herein for the recording of this Agreement.

**36. Notice.**

**36.1** Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notices to be given hereunder shall be given in writing to Developer or County at the address or fax number set forth below or to such other addresses or fax numbers as either party may hereafter indicate in writing.

**36.2** Delivery may be by personal delivery, facsimile, or mailing the same, postage prepaid.

**36.2.1** Communication or notice by personal delivery shall be deemed delivered when actually given to the designated person or representative.

**36.2.2** Any communication or notice sent by facsimile shall be deemed delivered when the transmitting machine generates receipt of the transmission.

**36.2.3** To be effective against County, such facsimile transmission shall be confirmed by telephone notice to County’s Director of Administrative Services.

**36.2.4** Any communication or notice mailed shall be deemed delivered five (5) days after mailing. Any notice under this Agreement shall be mailed by first class mail or delivered as follows:

To Developer:

Caldera Springs Real Estate LLC  
PO Box 3609  
Sunriver, Oregon 97707  
Attn: Thomas Samwel

To County:

Deschutes County Administration  
County Administration  
1300 NW Wall Street, Ste 200  
Bend, Oregon 97703  
Fax No. 541-388-4752

**37. Time is of the Essence.** Time is of the essence of each and every provision of this Agreement.

**38. Captions.**

**38.1** The captions contained in this Agreement were inserted for the convenience of reference only.

**38.2** Captions do not, in any manner, define, limit, or describe the provisions of this Agreement or the intentions of the parties.

**39. Amendment.**

**39.1** The Agreement may only be amended by written instrument signed by both parties and recorded, except that an amendment shall not be recorded against any Lot other than Lots then owned by Developer.

**39.2** For purposes of Section 39.1, the signatures of the County shall be the signatures of the Board of Commissioners, Board Chair, or County Administrator.

**39.3** Developer shall make application and pay the applicable fee to bring a proposed amendment before the County.

**40. Merger Clause.** This Agreement and the attached exhibits constitute the entire agreement between the parties and supersedes any and all prior or contemporaneous negotiations and/or agreements among the parties, whether written or oral.

**41. Effective Date.** Notwithstanding mutual execution of this Agreement, this Agreement shall not become effective until recorded.

Signatures on Following Pages

Dated this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
PATTI ADAIR, Chair

\_\_\_\_\_  
ANTHONY DEBONE, Vice-Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner

STATE OF OREGON, County of Deschutes ) ss.

Before me, a Notary Public, personally appeared PATTI ADAIR, ANTHONY DEBONE, PHIL CHANG, , the above-named Board of County Commissioners of Deschutes County, Oregon and acknowledged the foregoing instrument on behalf of Deschutes County, Oregon.

DATED this \_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public, State of Oregon

DATED this \_\_\_ day of \_\_\_\_\_, 20\_\_

**DEVELOPER:**

Caldera Springs Real Estate, LLC  
By: Sunriver Resort Limited Partnership  
Its: Member

By: Lowe Sunriver, Inc.  
Its: General Partner

By: \_\_\_\_\_  
Tom O'Shea, Managing Director

STATE OF OREGON, County of Deschutes ) ss.

Before me, a Notary Public, personally appeared Tom O'Shea, and acknowledged the foregoing instrument as the Managing Director of Lowe Sunriver, Inc. as General Partner of Sunriver Resort Limited Partnership, as Member of Caldera Springs Real Estate, LLC on behalf of Caldera Springs Real Estate, LLC.

DATED this \_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public, State of Oregon



EXHIBIT A  
LEGAL DESCRIPTION

Lots 32 through 38 inclusive, Common Area Tracts TT and UU, and private street tracts Elk Run Drive, Trailwood Loop and Lava Springs Loop, CALDERA SPRINGS OLU, PHASE C-2, Recorded on \_\_\_\_\_, 2024, in the real property records of Deschutes County as Document No. 2024-\_\_\_\_\_.

Remaining Improvements Tract:

Private street tract Elk Run Drive, CALDERA SPRINGS, PHASE C-1, Recorded on January 11, 2023 in the real property records of Deschutes County as Document No. 2023-00695.

EXHIBIT B-1  
Required Improvements

<b>Caldera Springs Annexation - Phase C-2 OLU</b>					
<b>Cost Estimate Required Improvements</b>					
<b>A Water System</b>					
<b>No.</b>	<b>Description</b>	<b>Total</b>	<b>Unit</b>	<b>Unit Price</b>	
				<b>Bid</b>	<b>Total Price Bid</b>
1	1" water service for OLU's including corp stop, and meter boxes	17	Each	\$2,640.00	\$44,880.00
2	6-inch Water Main Pipe with Fittings (with FH on large main, within acceptable distance of dwellings) and Couplings with Restrained Joints and Tracer Wire	68	Foot	\$78.00	\$5,304.00
3	10-inch Water Main, Fittings and Couplings, bends, tees with Restrained Joints as required and Tracer Wire	1,110	Foot	\$116.00	\$128,760.00
4	10-inch Gate Valves	2	Each	\$3,850.00	\$7,700.00
5	8-inch Water Main, Fittings and Couplings, bends, tees with Restrained Joints as required and Tracer Wire	715	Foot	\$98.00	\$70,070.00
6	8-inch GV	5	Each	\$2,720.00	\$13,600.00
7	Fire Hydrant Assembly including 8-inch x 6-Inch Tee, 6-inch gate valve, and Fire Hydrant	4	Each	\$10,800.00	\$43,200.00
	Blow-offs	2	Each	\$2,800.00	\$5,600.00
8	Chlorination, pressure testing, flushing, bacteria testing including 2" taps and 4" flushing fittings for all new pipe	1	Lump Sum	\$7,000.00	\$7,000.00
<b>A Subtotal</b>					<b>\$326,114.00</b>
<b>B Sewer System</b>					
<b>No.</b>	<b>Description</b>	<b>Total</b>	<b>Unit</b>	<b>Unit Price</b>	
				<b>Bid</b>	<b>Total Price Bid</b>
1	Furnish and install 8" gravity sewer mains, including trench excavation, bedding and backfill. 5' to 10' depth	1,275	Foot	\$112.00	\$142,800.00
2	Furnish and install 8" gravity sewer mains, including trench excavation, bedding and backfill. 10' to 15' depth	720	Foot	\$196.00	\$141,120.00
3	Furnish and install standard sewer manhole, 5-10' depth	6	Each	\$5,500.00	\$33,000.00
4	Furnish and install standard sewer manhole, 10-15' depth	5	Each	\$7,700.00	\$38,500.00
5	Furnish materials and install 4" gravity sewer service including tee trench excavation, bedding, and backfill. (0 to 10 foot depth) Include cleanout and Brooks 1RT vault.	590	Foot	\$86.00	\$50,740.00
6	Furnish materials and equipment, and test sewer.	1,695	Foot	\$2.00	\$3,390.00
<b>B Subtotal</b>					<b>\$409,550.00</b>
<b>C Dry Utilities</b>					
<b>No.</b>	<b>Description</b>	<b>Total</b>	<b>Unit</b>	<b>Unit Price</b>	
				<b>Bid</b>	<b>Total Price Bid</b>
1	Franchise cable utility trench excavation, bedding, and backfill.	2,580	Foot	\$54.00	\$139,320.00
2	Furnish materials and install 2" electrical conduit.	3,000	Foot	\$6.50	\$19,500.00
3	Furnish materials and install 3" electrical conduit.	4,400	Foot	\$11.00	\$48,400.00
4	Furnish materials and install 4" electrical conduit.	0	Foot	\$13.30	\$0.00
5	Furnish materials and install 644 electrical vaults.	4	Each	\$3,750.00	\$15,000.00
6	Furnish materials and install 575 electrical vaults.	1	Each	\$4,200.00	\$4,200.00
7	Furnish materials and install 612 electrical vaults.	0	Each		\$0.00
<b>C Subtotal</b>					<b>\$226,420.00</b>

<b>D General Excavation, Embankment, Storm, and Roadway Construction</b>					
No.	Description	Total	Unit	Unit Price Bid	Total Price Bid
1	Clearing & Stripping (Includes roadway and path. All slash & stumps to be piled in future phase with other existing slash and burned by Owner's Contractor)	1	Lump Sum	\$28,000.00	\$28,000.00
2	Compaction Testing (All Scopes of Earthwork & Pipe)	1	Lump Sum	\$8,500.00	\$8,500.00
3	Furnish and apply construction water.	1	Lump Sum	\$24,000.00	\$24,000.00
4	Unclassified excavation for roadways, including subgrade preparation.	3,050	Cubic Yards	\$32.00	\$97,600.00
5	Furnish materials and construct aggregate base course, 6" thickness for <b>Fire Truck Turnaround</b>	1,275	Square Yards	\$9.50	\$12,112.50
6	Furnish materials and construct aggregate base course, 6" thickness for streets	4,680	Square Yards	\$9.50	\$44,460.00
7	Furnish material and construct 3" asphaltic concrete pavement for streets.	3,900	Square Yards	\$18.90	\$73,710.00
8	Furnish and install catch basin.	1	Each	\$2,800.00	\$2,800.00
9	Furnish and install 18" CMP culvert pipe.	60	Foot	\$120.00	\$7,200.00
10	Drainage Swale	250	Foot	\$16.00	\$4,000.00
<b>D Subtotal</b>					<b>\$302,382.50</b>

<b>E Multi-Use Path Construction</b>					
No.	Description	Total	Unit	Unit Price Bid	Total Price Bid
1	Unclassified excavation for bike paths, including subgrade preparation.	0	Cubic Yards	\$28.00	\$0.00
2	Furnish materials and construct aggregate base course, 6" thickness for paths.	0	Square Yards	\$10.50	\$0.00
3	Furnish materials and construct 2" asphaltic concrete pavement for paths.	0	Square Yards	\$14.35	\$0.00
4	Stamped Asphalt Crosswalks	0	Each	\$2,540.00	\$0.00
5	Furnish materials and construct 3" asphaltic concrete pavement for paths.	0	Square Yards		\$0.00
6	Furnish materials and construct soft paths.	0	Square Yards		\$0.00
<b>E Subtotal</b>					<b>\$0.00</b>

**Total Items A-E** **\$1,264,466.50**

**F Mobilization/General Conditions/Management**

No.	Description	Total	Unit	Unit Price Bid	Total Price Bid
1	Mobilization/General Conditions/Management (4.07%)	1	Lump Sum	\$51,463.79	\$51,463.79
2	Construction Staking	1	Lump Sum	\$12,500.00	\$12,500.00
<b>F Subtotal</b>					<b>\$63,963.79</b>

**Total Phase C1 OLU Remaining Improvements & Phase C2 Required Improvments** **\$1,328,430.29**

Less C1 OLU Remaining Improvements (\$395,465.79)

**Total Phase C2 OLU Required Improvements** **\$932,964.50**



EXHIBIT B-2  
Remaining Improvements

**Caldera Springs Annexation - Phase C-1 OLU  
Cost Estimate  
Remaining Improvements**

<b>A Water System</b>					
No.	Description	Total	Unit	Unit Price	
				Bid	Total Price Bid
1	5/8water service for OLUs including corp stop, and meter boxes	8	Each	\$2,220.00	\$17,760.00
2	6-inch Water Main Pipe with Fittings (with FH on large main, within acceptable distance of dwellings) and Couplings with Restrained Joints and Tracer Wire	15	Foot	\$73.00	\$1,095.00
3	8-inch Water Main, Fittings and Couplings, bends, tees with Restrained Joints as required and Tracer Wire	690	Foot	\$96.00	\$66,240.00
4	8-inch GV	1	Each	\$2,720.00	\$2,720.00
5	Fire Hydrant Assembly including 12-inch x 6-Inch Tee,6-inch gate valve, and Fire Hydrant	1	Each	\$8,550.00	\$8,550.00
6	Chlorination, pressure testing, flushing, bacteria testing including 2" taps and 4" flushing fittings for all new pipe	1	Lump Sum	\$2,000.00	\$2,000.00
<b>A Subtotal</b>					<b>\$98,365.00</b>

<b>B Sewer System</b>					
No.	Description	Total	Unit	Unit Price	
				Bid	Total Price Bid
1	Furnish and install 8" gravity sewer mains, including trench excavation, bedding and backfill. 5' to 10' depth	700	Foot	\$108.00	\$75,600.00
2	Furnish and install standard sewer manhole, 5-10' depth	2	Each	\$5,350.00	\$10,700.00
3	Furnish materials and install 4" gravity sewer service including tee trench excavation, bedding, and backfill. (0 to 10 foot depth) Include cleanout and Brooks 1RT vault.	265	Foot	\$86.00	\$22,790.00
4	Furnish materials and equipment, and test sewer.	965	Foot	\$2.00	\$1,930.00
<b>B Subtotal</b>					<b>\$35,420.00</b>

<b>C Dry Utilities</b>					
No.	Description	Total	Unit	Unit Price	
				Bid	Total Price Bid
1	Franchise cable utility trench excavation, bedding, and backfill.	860	Foot	\$52.00	\$44,720.00
2	Furnish materials and install 2" electrical conduit.	970	Foot	\$7.50	\$7,275.00
3	Furnish materials and install 3" electrical conduit.	640	Foot	\$12.30	\$7,872.00
4	Furnish materials and install 4" electrical conduit.	340	Foot	\$15.15	\$5,151.00
5	Furnish materials and install 644 electrical vaults.	2	Each	\$3,750.00	\$7,500.00
6	Furnish materials and install 575 electrical vaults.	0	Each	\$4,200.00	\$0.00
7	Furnish materials and install 612 electrical vaults.	0	Each		\$0.00
<b>C Subtotal</b>					<b>\$72,518.00</b>

<b>D General Excavation, Embankment, Storm, and Roadway Construction</b>					
<b>No.</b>	<b>Description</b>	<b>Total</b>	<b>Unit</b>	<b>Unit Price Bid</b>	<b>Total Price Bid</b>
1	Clearing & Stripping (Includes roadway and path. All slash & stumps to be piled in future phase with other existing slash and burned by Owner's Contractor)	1	Lump Sum	\$7,500.00	\$7,500.00
2	Compaction Testing (All Scopes of Earthwork & Pipe)	1	Lump Sum	\$3,400.00	\$3,400.00
4	Furnish and apply construction water.	1	Lump Sum	\$10,500.00	\$10,500.00
7	Unclassified excavation for roadways, including subgrade preparation.	900	Cubic Yards	\$32.00	\$28,800.00
8	Furnish materials and construct aggregate base course, 6" thickness for streets	1,875	Square Yards	\$9.50	\$17,812.50
9	Furnish material and construct 3" asphaltic concrete pavement for streets.	1,555	Square Yards	\$18.90	\$29,389.50
12	Furnish and install catch basin.	0	Each	\$2,800.00	\$0.00
13	Furnish and install 18" CMP culvert pipe.	0	Foot	\$120.00	\$0.00
<b>D Subtotal</b>					<b>\$97,402.00</b>

<b>E Multi-Use Path Construction</b>					
<b>No.</b>	<b>Description</b>	<b>Total</b>	<b>Unit</b>	<b>Unit Price Bid</b>	<b>Total Price Bid</b>
1	Unclassified excavation for bike paths, including subgrade preparation.	0	Cubic Yards	\$28.00	\$0.00
2	Furnish materials and construct aggregate base course, 6" thickness for paths.	0	Square Yards	\$10.50	\$0.00
3	Furnish materials and construct 2" asphaltic concrete pavement for paths.	0	Square Yards	\$14.35	\$0.00
4	Stamped Asphalt Crosswalks	0	Each	\$2,540.00	\$0.00
5	Furnish materials and construct 3" asphaltic concrete pavement for paths.	0	Square Yards		\$0.00
6	Furnish materials and construct soft paths.	0	Square Yards		\$0.00
<b>E Subtotal</b>					<b>\$0.00</b>

**Total Items A-E** **\$303,705.00**

<b>F Mobilization/General Conditions/Management</b>					
<b>No.</b>	<b>Description</b>	<b>Total</b>	<b>Unit</b>	<b>Unit Price Bid</b>	<b>Total Price Bid</b>
1	Mobilization/General Conditions/Management (4.07%)	1	Lump Sum	\$12,360.79	\$12,360.79
2	Construction Staking	1	Lump Sum	\$3,800.00	\$3,800.00
<b>F Subtotal</b>					<b>\$16,160.79</b>
<b>Total Remaining Improvements</b>					<b>\$319,865.79</b>

EXHIBIT C  
Land Use Decision





**FINDINGS & DECISION**

**FILE NUMBER:** 247-22-000182-TP

**SUBJECT PROPERTY/  
OWNER/APPLICANT:**

Mailing Name: CALDERA SPRINGS REAL ESTATE LLC  
Map and Taxlot: 2011080002500  
Account: 285002  
Situs Address: **\*\*NO SITUS ADDRESS\*\***

Mailing Name: CALDERA SPRINGS REAL ESTATE LLC  
Map and Taxlot: 2011090000100  
Account: 285008  
Situs Address: **\*\*NO SITUS ADDRESS\*\***

**AGENT/ENGINEER:**

Parametrix  
Attn: Jim Frost

**APPLICANT'S  
REPRESENTATIVE:**

Radler White Parks & Alexander, LLP  
Attn: Steve Hultberg

**REQUEST:**

The applicant seeks tentative plan approval of Caldera Springs OLU (overnight lodging unit) Phase C, a 16-lot subdivision. Each OLU lot will have two-OLUs constructed on the lot, allowing for a total of 32 OLU with this plat.

The applicant filed a Final Master Plan ("FMP") application with the County in April, 2021, (File No. 247-21-000388-M), and a Modification of Application on May 27, 2021, (File No. 247-21-000528-MA). The FMP was approved on August 10, 2021. Pursuant to File No. 247-21-000654-TP, 247-21-000655-TP, 247-22-000042-TP, 247-22-000043-TP, the first and second phases of the tentative plan authorized under the FMP have been approved.

**STAFF CONTACT:**

Haleigh King, Associate Planner  
Phone: 541-383-6710  
Email: [Haleigh.King@deschutes.org](mailto:Haleigh.King@deschutes.org)

**RECORD:** Record items can be viewed and downloaded from:  
[www.buildingpermits.oregon.gov](http://www.buildingpermits.oregon.gov)

**I. APPLICABLE CRITERIA**

- Title 17 of the Deschutes County Code, the County Subdivision/Partition Ordinance
  - Chapter 17.16, Approval of Subdivision Tentative Plans and Master Development Plans
  - Chapter 17.36, Design Standards
  - Chapter 17.44, Park Development
  - Chapter 17.48, Design and Construction Specifications
- Title 18 of the Deschutes County Code, the County Zoning Ordinance:
  - Chapter 18.40, Forest Use Zone (F2)
  - Chapter 18.80, Airport Safety Combining Zone (AS)
  - Chapter 18.84, Landscape Management Combining Zone (LM)
  - Chapter 18.88, Wildlife Area Combining Zone (WA)
  - Chapter 18.113, Destination Resorts Zone (DR)
  - Chapter 18.116, Supplementary Provisions
- Title 22, Deschutes County Development Procedures Ordinance
- Oregon Revised Statutes (ORS)
  - Chapter 92 — Subdivisions and Partitions

**II. BASIC FINDINGS**

**LOT OF RECORD:** The annexation property is a lot of record pursuant to the Board of County Commissioners (“Board”) decision in PA-10-7, ZC-10-5. This finding was confirmed by the Hearings Officer (“HO”) in 247-15-000464-CU.

**SITE DESCRIPTION:** The subject property is a portion of what is referred to as the annexation property in the FMP approval, and is east of the existing Caldera Springs Destination Resort (“Resort”). The subject property is irregularly shaped, 6.75 acres in size, and undeveloped with a generally level topography. Vegetation on-site consists of a dense cover of lodgepole and ponderosa pine trees. Understory vegetation is bitterbrush, bunchgrasses, and typical high desert vegetation. The Phase C OLU Plat includes the continuation of the private roadway, Elk Run Drive to the north, and includes the construction of Lava Springs Loop and Trailwood Loop.

**SURROUNDING LAND USES AND ZONING:** The subject property is bounded to the north and east by a portion of the remaining annexation property. To the south and west is the 70-lot subdivision referenced above.

**LAND USE HISTORY:** The County land use approvals associated with the Resort and annexation property are summarized below.

Land Use Approval	Description
CU-05-07	Conceptual Master Plan ("CMP") for the Resort
M-05-01	FMP for the Resort
TP-05-961	Tentative Plan for up to 320 single-family residential homesites, various future development tracts, rights-of-way, and easements for infrastructure
SP-05-53	Site Plan for the Resort's first phase including 150 separate rentable units for visitor lodging; eating establishments for at least 100 persons; meeting rooms for at least 100 persons, nine-hole short golf course; three practice golf holes; practice putting green; lake; and clubhouse which will incorporate the eating establishments and meeting rooms
SP-06-14	Site Plan for the Resort amenities including fitness/pool center, pool, basketball court, play area, tennis courts, lake expansion, relocated parking area, lawn sports area, and pavilion
FPA-06-12	Final Plat approval for TP-05-961
SP-06-52, V-06-16, MA-06-23	Site Plan for overnight lodging units (OLUs) within Tracts 2 and 3; Minor Variance to reduce the parking area setback from 250 feet to 225 feet
SP-06-55	Site Plan for a pump station associated with the Resort water feature
SP-06-61	Site Plan for OLU's in Tract 1, roadway and driveway areas, and pedestrian bike paths within Tracts 1, 2 and 3 of the core Resort area; OLU's provided as lock-off units; A total of 160 OLU's will be provided within Tracts 1, 2 and 3; This Site Plan approval is intended to amend and supplement SP-05-53
MC-07-2	Modification of the Dimensional Standards approved under the CMP and FMP, to include dimensional standards for the Overnight Lodging Cottage Lots

<p>TP-07-988</p>	<p>Tentative Plan to divide Tracts 1, 2 and 3 into 45 lots, and to allow a Zero Lot Subdivision; Tract 1 includes 22 lots, Tract 2 includes 12 lots, and Tract 3 includes 11 lots; This division will allow the construction of the overnight lodging cottages approved under SP-06-52 and SP-06-61</p>
<p>TU-07-3</p>	<p>Temporary use permit to construct a model cottage in Tract 1</p>
<p>SP-07-25</p>	<p>Site plan approval for the OLU's approved under SP-06-52 and SP-06-61 to address the lot configurations approved under TP-07-988</p>
<p>MP-08-88</p>	<p>Minor Partition to divide Tract FA into three parcels; Parcel 1 includes a portion of the golf course; Parcel 2 includes the pavilion, fitness center, lakes and a portion of the parking lot and open spaces; Parcel 3 includes the lakehouse facility and a portion of the parking lot in the core area of the Resort</p>
<p>MP-08-89</p>	<p>Minor Partition to divide Tract A in the Phase 1 subdivision into two parcels; Parcel 1 includes a portion of the golf course; Parcel 2 includes the open spaces</p>
<p>DR-13-23</p>	<p>Declaratory Ruling to determine if the site plan approval under SP-07-25, authorizing OLU's, roads and bike paths, has been initiated</p>
<p>MC-13-4</p>	<p>Modification of the CMP and FMP to change the required availability of OLU's from 45 weeks to 38 weeks</p>
<p>MC-13-5</p>	<p>Modification of SP-07-25 to change the required availability of OLU's from 45 weeks to 38 weeks</p>
<p>247-15-000464-CU</p>	<p>CMP for the annexation property ("Annexation CMP Decision"); remanded by the Land Use Board of Appeals ("LUBA")</p>
<p>247-18-000009-A</p>	<p>CMP for the annexation property on remand ("Remand Decision"), which included modifications to the CMP approved under 247-15-000464-CU in the following areas:</p> <ul style="list-style-type: none"> <li>• Location and extent of the Wildlife Mitigation Tract</li> </ul>



	<ul style="list-style-type: none"> <li>• Types and number of OLUs</li> <li>• Vandever Road access; and</li> <li>• 100-foot setback from common areas</li> </ul>
247-21-000049-,050-,051-, 052-LL	Property line adjustments between the Resort and annexation property
247-21-000388-M, 528-MA	<p>FMP approval for the annexation property, which included modifications to the FMP proposal in the following areas:</p> <ul style="list-style-type: none"> <li>• Install a landscaped berm located just north of Trailmere Circle, along the western boundary of the subject property</li> <li>• Relocate the north/south road along the western boundary, approximately 50 feet to the east</li> </ul> <p>Relocate the OLUs along the north/south road, approximately 50 feet to the east to match the relocated roadway.</p>
247-21-000654-TP	Tentative Plan for a 70-lot residential subdivision in the annexation property
247-21-000655-TP	Tentative Plan for a 16-lot OLU subdivision in the annexation property
247-21-001014-FPA, 1015-FPA	Final Plat for a 70-lot residential subdivision (21-654-TP) and 16-lot OLU subdivision (21-1015-FPA)
247-22-000042-TP	Tentative Plan for a 30-lot residential subdivision in the annexation property (Phase B)
247-22-000043-TP	Tentative Plan for a 7-lot OLU subdivision in the annexation property (Phase B)
247-22-000183-TP	Concurrent application for a 72-lot residential subdivision in the annexation property (Phase C)

**REVIEW PERIOD:** The TP application was submitted on March 3, 2022. Staff deemed the TP application incomplete on April 1, 2022. The applicant provided a response to the incomplete letter on April 12, 2022. Staff deemed the application complete on April 12, 2022. The 150<sup>th</sup> day on which the County must take final action on the TP application is September 9, 2022.

**PUBLIC AGENCY COMMENTS:** The Planning Division mailed notice of the TP application on March 10, 2022 to several public agencies. Staff received the following responses.

Deschutes County Building Official, Randy Scheid (March 10, 2022)

*NOTICE: The Deschutes County Building Safety Divisions code mandates that Access, Egress, Setbacks, Fire & Life Safety, Fire Fighting Water Supplies, etc. must be specifically addressed during the appropriate plan review process with regard to any proposed structures and occupancies.*

*Accordingly, all Building Code required items will be addressed, when a specific structure, occupancy, and type of construction is proposed and submitted for plan review.*

Deschutes County Senior Transportation Planner, Peter Russell (March 14, 2022)

*I have reviewed the transmittal materials for file 247-22-000182-TP for a 16-lot subdivision with two overnight lodging units (OLUs) on each lot in the Caldera Springs destination resort at 17800 Vandever Rd., aka County Assessor's Map 20-11-00, Tax Lot 103. The proposal is consistent with the approved Conceptual Master Plan (CMP) and Final Master Plan (FMP) and no additional traffic analysis is required.*

*The properties utilize a private road system which accesses Vandever Road, a public road maintained by Deschutes County and functionally classified as a collector. The property has an access approved by Deschutes County (File 247-009321-DA) and thus meets the access permit requirements of Deschutes County Code (DCC) 17.48.210(A).*

*Board Resolution 2013-020 sets a transportation system development charge (SDC) rate of \$4,757 per p.m. peak hour trip. Recreational homes generate 0.28 p.m. peak hour trips; the applicable SDC would be \$1,332 (\$4,757 X 0.28) per OLU. If the rooms can be independently rented, then for SDC purposes the \$1,257 is per room as each room would function an OLU. If the rooms cannot be independently rented, then the SDC is per structure. The SDCs are not due until development occurs. Once development occurs, the SDC is due prior to issuance of certificate of occupancy; if a certificate of occupancy is not applicable, then the SDC is due within 60 days of the land use decision becoming final.*

*THE PROVIDED SDC AMOUNT IS ONLY VALID UNTIL JUNE 30, 2022. DESCHUTES COUNTY'S SDC RATE IS INDEXED AND RESETS EVERY JULY 1. WHEN PAYING AN SDC, THE ACTUAL AMOUNT DUE IS DETERMINED BY USING THE CURRENT SDC RATE AT THE DATE THE BUILDING PERMIT IS PULLED.*

Deschutes County Road Department, Cody Smith, County Engineer (April 4, 2022)

*Deschutes County Road Department requests that approval of the proposed subdivision be subject to the following conditions:*

*Prior to construction of private road improvements:*

- Applicant shall submit road improvement plans to Road Department for approval prior to commencement of construction pursuant to DCC 17.40.020 and 17.48.060. The roads shall be designed to the minimum standard for a private road pursuant to 17.48.160, 17.48.180, and*

17.48A or pursuant to the approved master plan. Road improvement plans shall be prepared in accordance with all applicable sections of DCC 17.48.

Prior to final plat approval by Road Department:

- Applicant shall complete road improvements according to the approved plans and all applicable sections of DCC 17.48. Improvements shall be constructed under the inspection of a registered professional engineer consistent with ORS 92.097 and DCC 17.40.040. Upon completion of road improvements, applicant shall provide a letter from the engineer certifying that the improvements were constructed in accordance with the approved plans and all applicable sections of DCC 17.48.
- All easements of record or existing rights of way shall be noted on the final plat pursuant to DCC 17.24.060(E),(F), and (H).
- The surveyor preparing the plat shall, on behalf of Applicant, submit information showing the location of the existing roads in relationship to the rights of way to Deschutes County Road Department. This information can be submitted on a worksheet and does not necessarily have to be on the final plat. All existing road facilities and new road improvements are to be located within legally established or dedicated rights of way. In no case shall a road improvement be located outside of a dedicated road right of way. If research reveals that inadequate right of way exists or that the existing roadway is outside of the legally established or dedicated right of way, additional right of way will be dedicated as directed by Deschutes County Road Department to meet the applicable requirements of DCC Title 17 or other County road standards. This condition is pursuant to DCC 17.24.060(E),(F), and (G) and 17.24.070(E)(8).
- Applicant shall submit as-constructed improvement plans to Road Department pursuant to DCC 17.24.070(E)(1).
- Applicant shall submit plat to Road Department for approval pursuant to DCC 17.24.060(R)(2), 100, 110, and 140.

The following agencies did not respond or had no comments. Deschutes County Assessor, Deschutes National Forest, Oregon Department of Aviation, Oregon Department of Fish and Wildlife, Oregon Department of Transportation, Sunriver Airport, Sunriver Fire Department, Sunriver Owners’ Association, and Sunriver Utilities.

**PUBLIC COMMENTS:** On March 10, 2022, the Planning Division mailed notice of the TP application to all property owners within the 750 feet of the annexation property. The applicant complied with the posted notice requirements of Section 22.23.030(B) of Title 22 by submitting a Land Use Action Sign Affidavit indicating the applicant posted notice of the TP application on March 11, 2022. No public comments were received.

**III. FINDINGS & CONCLUSIONS**

**FMP CONDITIONS OF APPROVAL**

Conditions of approval were required as part of the Annexation CMP Decision and the Board of County Commissioners (“BoCC”) Remand Decision. The majority of conditions of approval from the Annexation CMP Decision and the BoCC Remand Decision were carried over and relevant to the

FMP. In his decision, the Hearings Officer (“HOFF”) labeled the relevant Annexation CMP Decision conditions as “**CMP**” followed by the respective condition number. The HOFF labeled the BoCC Remand Decision conditions as “**R**” followed by the respective condition number.

The HOFF also included a number of staff and applicant recommended conditions. These conditions were included based upon the HOFF’s conclusion that staff and applicant recommended conditions were necessary to satisfy relevant approval criteria. The HOFF labeled staff recommended conditions as “**S**” followed by an identification number. The HOFF labeled applicant recommended conditions as “**A**” followed by an identification number.

The BoCC Remand Decision modified Annexation CMP conditions #8, #11, #12 and #18. For this reason, those Annexation CMP conditions were not included in the FMP decision. Additionally, the HOFF found Remand Decision condition #4 was not applicable and, therefore, was not included in the FMP decision.

As noted in the FMP findings for BoCC condition #6, Vandever Road ingress and egress is allowed by both CMP condition #2 and BoCC condition #6 with egress from the Resort onto Vandever restricted to right turn movements only. Also, the HOFF noted that BoCC condition #8 reflects the current DCC ratio requirements and updates the ratio referenced in CMP condition #6A.

**CMP 1. Approval is based upon the application, site plan, specifications, and supporting documentation submitted by the Applicant. Any substantial change in this approved use will require review through a new land use application.**

**FINDING:** Staff includes a condition of approval to ensure compliance.

Application Materials. Approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.

**PRIOR TO FINAL PLAT**

**CMP 5. The approach apron to Vandever Road must be paved to reduce the amount of gravel and debris tracked onto Vandever Road from the property.**

**FINDING:** The applicant was required to pave the Vandever Road approach apron in conjunction with final plat approval for Phase A (247-21-0001014-FPA, 21-1015-FPA). This requirement has been met.

**CMP 6. Before approval of each final plat, all the following shall be provided:**  
**A. Documentation demonstrating compliance with the 2.5 to 1 ratio as defined in DCC 18.113.060(D)(2);**

**FINDING:** The applicant provided the following findings,



As discussed above, the FMP imposed a 2.3:1 ratio rather than the county's standard 2.5:1 ratio. The chart show in the above sections demonstrate how the applicant has met the 2.3:1 ratio and explains that if sufficient OLUs are not constructed, that bonding will be used to ensure compliance with this standard.

As noted in the BOCC's decision on the FMP, the subject property is an expansion of the existing Resort. As such, any calculation regarding compliance with the required ratio must take into consideration the existing residential units and OLUs. The existing Resort and annexation property (Phase A and B) includes 420 residential lots and 242 OLUs. The proposed residential subdivision and companion OLU subdivision will increase those numbers to 492 residential lots and 274 OLUs. This total provides a 1.79 to 1 ratio, well below the maximum 2.3 to 1 ratio. However, within the annexation expansion area, currently, only the Phase A OLU subdivision (32 units) and companion residential subdivision (70 lots) are platted. The OLU and companion residential subdivision tentative plat for Phase B were approved on May 4, 2022 but have not yet been platted.

The applicant provided a summary table which staff has included below.

Phase	SFR Units	OLUs	Phase Ratio	Overall Ratio	Complete OLUs	Req. OLUs at 2.3:1
<b>Caldera 1 &amp; 2</b>	320	196	1.6:1	1.6:1	196	150 (min)
<b>CSA Phase A</b>	70	32	2.18:1	1.7:1	196	170 (26 surplus)
<b>CSA Phase B</b>	30	14	2.14:1	1.7:1	196	182 (14 surplus)
<b>CSA Phase C</b>	72	32	2.25:1	1.8:1	196	214 (18 required)
<b>Total</b>	492	276	N/A	1.8:1	196	

For Phase A and Phase B, the applicant proposed 32 and 14 OLUs, respectively. For Phase C the applicant proposes 32 OLUs to be constructed on 16 separate lots. The applicant has recently submitted building permits for five OLUs within Phase A and anticipates additional permit submittals to follow.

With approval of the Phase C OLU and companion residential subdivision plat, a total of 214 OLUs are required to be in place or guaranteed through surety bonding. As of the writing of this staff report, 196 OLUs are constructed, leaving at least 18 required to ensure compliance with the approved 2.3:1 ratio. Depending on the timing of construction of the OLUs, if the 18 OLUs are not completed by the time of recording of the Phase C plats, the applicant will be required to provide bonding or other security to ensure that all required OLUs are in place or guaranteed through bonding. Staff adds a condition of approval to ensure compliance.

Final Plat – OLU and Residential: Prior to the recordation of the final plat of Phase C, the applicant shall submit one of the following to ensure that a minimum of 214 OLU, or the minimum necessary to meet the 2.3:1 ratio, are provided to demonstrate compliance with this condition of approval:

- A. Documentation that a minimum of 214 OLU are constructed; or
- B. Bonding or other security to ensure that a minimum of 214 OLU are constructed or otherwise guaranteed.

**B. Documentation on all individually-owned residential units counted as overnight lodging, including all of the following:**

**1) Designation on the plat of any individually-owned units that are going to be counted as overnight lodging;**

**FINDING:** The applicant states the final plat will comply with this condition. To ensure compliance, staff includes a condition of approval.

Plat Designation. The plat shall designate all individually-owned units that will be counted as OLU.

- 2) **Deed restrictions requiring the individually-owned residential units designated as overnight lodging units to be available for rental at least 38 weeks each year through a central reservation and check-in service operated by the resort or by a real estate property manager, as defined in ORS 696.010;**
- 3) **An irrevocable provision in the resort Conditions, Covenants and Restrictions ("CC&Rs) requiring the individually-owned residential units designated as overnight lodging units to be available for rental at least 38 weeks each year through a central reservation and check-in service operated by the resort or by a real estate property manager, as defined in ORS 696.010;**
- 4) **A provision in the resort CC&R's that all property owners within the resort recognize that failure to meet the conditions in DCC 18.113.060(L)(6)(b)(iii) is a violation of Deschutes County Code and subject to code enforcement proceedings by the County;**
- 5) **Inclusion of language in any rental contract between the owner of an individually-owned residential unit designated as an overnight lodging unit and any central reservation and check in service or real estate property manager requiring that such unit be available for rental at least 38 weeks each year through a central reservation and check-in service operated by the resort or by a real estate property manager, as defined in ORS 696.010, and that failure to meet the conditions in DCC 18.113.060(L)(6)(b)(v) is a violation of Deschutes County Code and subject to code enforcement proceedings by the County.**

**FINDING:** The Declaration of Covenants, Conditions and Restrictions (“Declaration”) imposes these requirements. To ensure compliance staff includes the following condition of approval.

Declaration. Prior to, or concurrent with, the OLU plat recording, the owner shall record the Declaration, as amended and detailed in this decision.

**AT ALL TIMES**

**CMP 7.** *No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.*

**FINDING:** No new or expanded industrial, commercial or recreational uses are proposed. This condition does not apply.

**CMP 9.** *The Declaration shall be revised to require the developer to comply with the fence standards pursuant to DCC 18.88.070.*

**FINDING:** Based on staff’s review of the revised Declaration, Section 7.1 was amended to comply with this condition. As noted above, staff includes a condition of approval requiring the Declaration be recorded prior to, or concurrent with, final plat.

**CMP 10.** *Prior to development of each phase of the resort expansion, the developer shall submit to the Planning Division an erosion control plan for that phase.*

**FINDING:** The applicant submitted the Erosion and Sediment Control Plan, which covers the area dedicated to the subject OLU subdivision and the companion residential subdivision. The Plan details the location of anticipated ground disturbance, sediment and debris fencing, and construction entrance. The Plan also notes the use of erosion and sediment control best management practices throughout the construction phase. This criterion is met.

**CMP 13.** *Except as otherwise specified herein, all development (including structures, site obscuring fences of over three feet in height and changes to the natural topography of the land) shall be setback from exterior property lines as follows:*

- A.** *Three hundred fifty feet for commercial development including all associated parking areas;*
- B.** *Two hundred fifty feet for multi-family development and visitor oriented accommodations (except for single family residences) including all associated parking areas;*

- C. One hundred fifty feet for above grade development other than that listed in DCC 18.113.060(G)(2)(a)(i) and (ii), including any installed landscaped berms;**
- D. One hundred feet for roads;**
- E. Fifty feet for golf courses; and**
- F. Fifty feet for jogging trails and bike paths where they abut private developed lots and no setback for where they abut public roads and public lands.**
- G. Notwithstanding Condition of Approval No. 13(C)<sup>1</sup>, above grade development other than that listed in DCC 18.113.060(G)(2)(a)(i) and (ii) shall be set back 250 feet in circumstances where state highways coincide with exterior property lines.**
- H. The setbacks identified in Condition of Approval No. 13 shall not apply to entry roadways and signs.**

**FINDING:** The annexation property was reviewed and approved as an expansion of the existing Caldera Springs Resort. For this reason, staff finds the exterior property lines are the exterior property lines of the combined existing Resort and annexation property. In other words, none of the common property lines between the existing Resort and annexation property are considered exterior property lines for this purposes of these conditions. The HOff confirmed this interpretation in the FMP decision.

Based on staff’s review of the TP, all development on the proposed OLU lots will comply with the 250-foot setback requirement of subsection (B) above, and the 100-foot setback for roads under subsection (D).

***CMP 14 through 19.***

**FINDING:** These conditions apply to the annexation property as a whole, rather than to the specific OLU subdivision proposed under this TP application.

***CMP 20. The Covenants, Conditions and Restrictions (CCRs) and/or Bylaws for the resort shall include a specific provision for funding of the Wildlife Report requirements and retention of a professional biologist.***

**FINDING:** As noted above, staff includes a condition of approval requiring the Declaration to be recorded prior to, or concurrent with, the final plat. This condition will be met.

***CMP 21. The resort shall comply with the approved Wildfire Management Plan.***

---

<sup>1</sup> As noted in the FMP decision, the Hearings Officer found the original reference to Condition of Approval No. 11 is an error. The Hearings Officer revised conditions G and H to reference Condition of Approval 13, to address this error.



**FINDING:** The required recordation of the Declaration, which itself requires compliance with the Wildfire Management Plan, will ensure compliance with this condition.

**CMP 22 through 24.**

**FINDING:** Recordation of the Declaration, which requires compliance with these conditions, will ensure compliance.

**R 3. Uses in the Wildlife Mitigation Tract (“WMT”). The only uses permitted within the WMT shall be the access road depicted on the Site Plan and soft walking/hiking paths, as generally depicted on the Site Plan. The following additional restrictions will apply to uses in the WMT:**

- A. Recreation. To offset potential disturbance-or disruption-related indirect effects of humans, the WMT will not include the use of any bicycle, mountain bike or other mechanical vehicles, except as may be reasonably required for wildfire and wildlife treatments within the WMT as contemplated by the wildfire and wildlife reports adopted as part of Annexation I.**
- B. Dogs. The CC&Rs for the Resort shall specifically include a requirement that no off-leash dogs shall be permitted in the Resort, unless located within a fenced dog park located within the Resort, but outside the Wildlife Mitigation Tract.**
- C. Access Road Operation. The access road through the WMT shall be designated as a homeowner access road, limited to homeowner and construction traffic only. The access road as depicted on the Site Plan shall be relocated west to be within or immediately adjacent to the powerline easement. No gatehouse or guest station shall be permitted at the access point. Appropriate signage shall be installed directing Resort guests and visitors to the main resort entrance on South Century Drive.
 
  - i. Gates shall be installed and maintained as reasonably practical at the south terminus of the Resort roadway and Vandever Road; at the interior location set forth on the Site Plan. The gates shall be closed and operable by a key card, vehicle transponders or other similar equipment 24 hours per day.**
  - ii. The access road shall be designed in a manner to reduce speeds (including one or more of the following features: sinuous alignment, bulb outs, traffic calming features) and shall be posted with a 20 MPH limit and identified as a wildlife corridor.**
  - iii. Educational signage shall be placed in an appropriate location at the boundary of the WMT identifying the area as such, and explaining the need not to disturb habitat or species within the WMT.****
- D. Structures. No structures other than the access road, gates and proposed walking trails as shown on the Site Plan shall be permitted in the WMT.**
- E. Management in the WMT. Consistent with the wildlife management report prepared for the Resort, the following management measures shall be implemented:**

- i. **Rock Outcrops.** *Rock outcrops and piles provide unique habitat qualities and serve as a keystone habitat niche within the WMT. Accordingly, any management activities should avoid such outcrops and the surrounding vegetation;*
  - ii. **Snags.** *Standing snags provide important habitat niches, especially for avian and small mammal species. Accordingly, all existing wildlife snags should be retained, unless they are determined to pose a wildfire hazard.*
- F. Other Habitat Conservation Measures.** *Vegetation shall be monitored, and weeds and non-native plants will be controlled and eradicated when possible;*
- i. *Brush patches will be maintained in a mosaic pattern to provide various stages of growth so that both cover and forage are provided. Vegetation management activities performed in the WMT shall be performed in the fall or spring (outside of deer winter season) when areas are accessible and not under fire restrictions, except that any mowing is not to occur in the spring when there is bird nesting;*
  - ii. *Ponderosa pine trees (dead and living) will be preserved where possible;*
  - iii. *Downed logs will be retained for their wildlife value where possible;*
  - iv. *Firewood cutting or vegetation alteration beyond that prescribed as management for increased habitat value or as management for wildfire risk, will not be permitted;*
  - v. *Prior to Final Plat Approval, nest boxes will be installed. Said nest boxes shall be maintained to benefit native bird species;*
  - vi. *Prior to Final Plat Approval, bat boxes will be installed on trees to benefit native bat species;*
  - vii. *New fences are prohibited in the WMT;*
  - viii. *Livestock will not be kept or allowed on the Annexation Property;*
  - ix. *The proposed development will prohibit the recreational use of off-road motor vehicles within the WMT. Motorized vehicle use in the WMT will only be allowed for management or emergency fire vehicle access;*
  - x. *The lots that are directly adjacent to the WMT will have 25-foot setback requirements to protect the wildlife value of the area;*
  - xi. *A program for proper garbage storage and disposal will be instituted for all resort residences and facilities. The program will be designed to reduce the availability of human-generated food resources to predators and corvids (crows, ravens, and Jays) known to predate other wildlife species;*
  - xii. *An educational program for local residents will be initiated regarding the native wildlife populations using the WMT and the need to avoid disturbance of species within the WMT. Educational materials will include newsletters, flyers, signage on trails, or other similar outreach tools;*

- xiii. No fireworks of any type will be allowed;**
- xiv. No use of drones will be allowed; and**
- xv. No hunting, discharge of firearms or trapping will be allowed.**

**FINDING:** Condition R3 applies to restrictions within the WMT. Because the proposed OLU subdivision does not include any portion of the WMT, staff finds these conditions do not apply.

**R 5. The Applicant shall be permitted to construct residential and overnight lodging units in an amount not to exceed 100 EDUs (residential unit =1 EDU, overnight lodging unit = 0.5 EDU) prior to any upgrades to the current wastewater treatment plant. Prior to issuance of any building permit for a residential use or an overnight lodging unit beyond 100 EDUs, the Applicant shall submit evidence that Sunriver Environmental has completed the treatment plant upgrades identified in the September 18, 2018 email from DEQ and that DEQ has issued an appropriate WPCF permit, amendment or supplement authorizing the operation of upgraded wastewater treatment facilities serving the expansion area.**

**FINDING:** The previously approved and platted Phase A includes 86 EDUs<sup>2</sup>. Phase B includes 37 EDUs<sup>3</sup>. The subject OLU subdivision will include 16 EDUs and the companion Phase C 72-lot residential subdivision will include 72 EDUs, for a total of 88 EDUs.<sup>4</sup> Together, Phase A, B, and C will include 211 EDUs. Similar to Phase B, the applicant agrees to a condition of approval to ensure compliance.

Wastewater Treatment Plant Upgrades. Prior to issuance of any building permit for a residential use or an overnight lodging unit beyond 100 EDUs, the Applicant shall submit evidence that Sunriver Environmental has completed the treatment plant upgrades identified in the September 18, 2018 email from DEQ and that DEQ has issued an appropriate WPCF permit, amendment or supplement authorizing the operation of upgraded wastewater treatment facilities serving the expansion area.

Staff further finds the following condition of approval is necessary to ensure appropriate tracking of EDUs.

EDU Tracking. Concurrent with each building permit for an OLU in Phase C, the owner of said lot shall submit a report detailing the total number of EDUs previously applied for (building permits) within the annexation property. Once the applicant has provided proof of the necessary treatment plant upgrades, this condition shall no longer be in effect.

**R 6. Egress from the resort at the Vandevent Road access point shall be limited to homeowner, emergency and construction-related traffic only. Turning movements**

<sup>2</sup> Phase A includes a 70-lot residential subdivision and 16-lot OLU (32 OLU) subdivision. The 32 OLU equals 16 EDUs (32 \* 0.5 EDU). Therefore, the total of both subdivisions within Phase A is 86 EDUs.

<sup>3</sup> Phase B includes a 30-lot residential subdivision and 7-lot OLU (14 OLU) subdivision. The 14 OLU equals 7 EDUs (14 \* 0.5 EDU). Therefore, the total of both subdivisions within Phase B is 37 EDUs.

<sup>4</sup> Phase C includes a 72-lot residential subdivision and 16-lot OLU (32 OLU) subdivision. The 32 OLU equals 16 EDUs (32 \* 0.5 EDU). Therefore, the total of both subdivisions within Phase C is 88 EDUs.

**out of the resort shall be limited to right turns only until the Vandevort Road/Highway 97 intersection is either closed or limited to right in/right out only. Prior to construction, the County Road Department shall approve the turn restriction design.**

**FINDING:** The proposed subdivision does not include the Vandevort Road access point. This condition does not apply.

**R 7. Prior to or concurrent with an application for each tentative plat in the Annexation Area, the Applicant shall submit a copy of the PUC order or ruling approving the expansion of Sunriver Water LLC’s service territory to include the area proposed to be platted. In no event shall the County approve a tentative plat within the Annexation Area if the Annexation Area has not been included in Sunriver Water LLC’s service territory.**

**FINDING:** The applicant submitted the required PUC Order demonstrating approval for the expansion of Sunriver Water LLC’s service territory. This condition is met.

**R 8. Prior Condition No. 11 is revised (with underline) as follows: The resort as a whole shall maintain a maximum ratio of single-family dwelling units to overnight accommodation units of 2.3:1.**

**FINDING:** As discussed above, the Resort, as a whole, will comply with the 2.3 to 1 ratio. Further, the owner will be required to demonstrate the OLUs necessary to satisfy the 2.3 to 1 ratio are constructed and available for rent.

**R 9. Prior Condition No 12 is revised (with underline) as follows: Individually owned Overnight Lodging Units (OLUs) shall be made available for overnight rental use by the general public for at least 38 weeks per calendar year through one or more central reservation and check-in services operated by the destination resort or by a real estate manager, as defined in ORS 696.010.**

**FINDING:** Recordation of the Declaration, which includes this requirement, will ensure compliance.

**R 10. Prior condition No. 18 is revised (with underline) as follows: The resort shall comply with the approved Wildlife Report and the 2018 supplement included in connection with the present application, with the 2018 supplement controlling over any conflict between the two reports.**

**FINDING:** Recordation of the Declaration, which requires implementation of the Wildlife Report and supplement, will ensure compliance. This condition will be met.

**R 11. Prior to issuance of any building permit for any Visitor Oriented Accommodation (other than single family residences), the Applicant shall demonstrate that all Visitor Oriented Accommodations (other than single family residences) meet the**



**250-foot setback imposed by DCC 18.113.060(D)(2)(a)(ii).**

**FINDING:** As discussed previously, staff finds the proposed OLU will comply with this condition.

**S 1 through S4.**

**FINDING:** Based on staff’s review of the revised Declaration, Section 7.1, Section 9.2.4, and Section 9.2 have been amended to require compliance with DCC 18.88.070. This condition is met.

**A 1. Prior to the first final plat, the Applicant shall amend Section 9.2.3 of the Declaration, as follows:**

***Any livestock related activities (e.g. bringing livestock into the WMT, grazing or the presence of livestock).***

**FINDING:** The Declaration includes the required revision to Section 9.2.3. The Declaration was recorded with the Deschutes County Clerk on February 3, 2022 (Document 2022-04871). This condition is met.

**A 2. The OLU-designated lots along the north/south spine road shall not be permitted to include any type of OLU other than as proposed by the Applicant through the FMP application (e.g. single family homes with an associated ADU). No inn, hotel, motel or other similar use shall be permitted on these lots.**

**FINDING:** The proposed OLU subdivision includes lots along the north-south spine road. Staff notes the specific design for the OLU will be reviewed with the associated building permits. However, staff adds a condition of approval to ensure compliance.

**A 3. The OLUs constructed on the first seven lots on the spine road north of the 4-way intersection shall not exceed 2,500 square feet of total living space on each lot.**

**FINDING:** The proposed OLU subdivision includes lots along the north/south spine road. Staff notes the specific design for the OLU will be reviewed with the associated building permits. However, staff adds a condition of approval to ensure compliance.

**TITLE 18, DESCHUTES COUNTY ZONING ORDINANCE**

**Chapter 18.113, Destination Resorts**

Section 18.113.040. Application Submission.

***The authorization of a permit for a destination resort shall consist of three steps.***

...

**C. Site Plan Review. Each element or development phase of the destination resort must receive additional approval through the required site plan review (DCC 18.124) or**

**subdivision process (DCC Title 17). In addition to findings satisfying the site plan or subdivision criteria, findings shall be made that the specific development proposal complies with the standards and criteria of DCC 18.113 and the FMP.**

**FINDING:** In compliance with this criterion, the applicant submitted a tentative plan application for a 16-lot subdivision. The applicable criteria in Title 17, DCC 18.113 and the FMP are addressed in this decision.

Section 18.113.110. Provision of Streets, Utilities, Developed Recreational Facilities and Visitor Oriented Accommodations.

**A. The Planning Director or Hearings Body shall find that all streets, utilities, developed recreational facilities and visitor oriented accommodations required by the FMP are physically provided or are guaranteed through surety bonding or substantial financial assurances approved by the County prior to closure of sale of individual lots or units.**

**FINDING:** The applicant provides the following findings,

In approving the CMP, the county found that Caldera Springs included a total of 196 OLU's. For Phase A and Phase B, the applicant proposed 32 and 14 OLU's respectively. For Phase C the applicant proposes 32 OLU's to be constructed on 16 separate lots. The applicant has recently submitted building permits for 10 OLU's, and anticipates filing building permits for an additional 8 to 10 OLU's within 30 days after the date of this application. With approval of the Phase C and Phase C OLU plats, a total of 214 OLU's are required to be in place or guaranteed through surety bonding. Depending on the timing of construction of these OLU's, if the 18 to 20 OLU's are not completed by the time of recording of the Phase C plats, the applicant anticipates that it will provide a bond or other security to ensure that all required OLU's are in place or guaranteed through bonding. The following chart identifies the unit and OLU count as of the date of this application.

Phase	SFR Units	OLUs	Phase Ratio	Overall Ratio	Complete OLU's	Req. OLU's at 2.3:1
<b>Caldera 1 &amp; 2</b>	320	196	1.6:1	1.6:1	196	150 (min)
<b>CSA Phase A</b>	70	32	2.18:1	1.7:1	196	170 (26 surplus)
<b>CSA Phase B</b>	30	14	2.14:1	1.7:1	196	182 (14 surplus)
<b>CSA Phase C</b>	72	32	2.25:1	1.8:1	196	214 (18 required)
<b>Total</b>	492	276	N/A	1.8:1	196	

Staff agrees with the applicant’s response. Depending on the timing of construction of the OLU, if the 18 to 20 OLU are not completed by the time of recording of the Phase C plats, the applicant will be required to provide bonding or other security to ensure that all required OLU are in place or guaranteed through bonding. Staff adds a condition of approval to ensure compliance.

Final Plat – OLU and Residential: Prior to the recordation of the final plat of Phase C, the applicant shall submit one of the following to ensure that a minimum of 214 OLU, or the minimum necessary to meet the 2.3:1 ratio, are provided to demonstrate compliance with this condition of approval:

- A. Documentation that a minimum of 214 OLU are constructed; or
- B. Bonding or other security to ensure that a minimum of 214 OLU are constructed or otherwise guaranteed.

***B. Financial assurance or bonding to assure completion of streets and utilities, developed recreational facilities and visitor oriented accommodations in the FMP shall be required pursuant to the security requirements for site plan review and subdivision review established by the Deschutes County Code.***

Staff has added a condition of approval above regarding visitor oriented accommodations. The applicant has the option to either physically construct all streets and utilities, or financially assure them, prior to final plat. For this reason, staff includes a condition of approval to ensure compliance.

Roads and Utilities. Prior to final plat, the owner shall either physically construct all streets and utilities, or financially assure them. If the owner chooses to financially assure the streets and utilities, the owner shall secure an Improvement Agreement and surety to the satisfaction of the County, prior to final plat.

**TITLE 17, SUBDIVISIONS AND PARTITIONS**

**Chapter 17.12, Administration and Enforcement**

Section 17.12.080. Statement of Water Rights.

***All applicants for a subdivision or partition shall be informed by the Planning Director or his designee of the requirement to include a statement of water rights on the final plat.***

**FINDING:** Staff includes this criterion to inform the applicant of the requirement to include a statement of water rights on the final plat.

Section 17.12.100. Sale of Subdivision Lots Prohibited Before Final Approval.

***No person shall sell any lot in any subdivision until final approval of the land division has been granted by the County. Final approval occurs when the plat of the subdivision or partition is recorded with the County Clerk. No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved.***

**FINDING:** Staff includes this criterion to inform the applicant of these requirements.

**Chapter 17.16, Approval of Subdivision Tentative Plans and Master Development Plans**

Section 17.16.040. Protective Covenants and Homeowner Association Agreements.

***Landowner covenants, conditions, and restrictions and homeowner association agreements are not relevant to approval of subdivisions and partitions under DCC Title 17, unless otherwise determined by the County to carry out certain conditions of approval, such as road maintenance or open space preservation. Any provisions in such agreements not in conformance with the provisions of DCC Title 17 or applicable zoning ordinances are void.***

**FINDING:** The owner’s Declaration is necessary to carry out conditions of approval related to the FMP, as discussed herein. For this reason, staff finds the Declaration is relevant to the approval of the subject 16-lot OLU subdivision. As noted above, staff includes a condition of approval requiring the owner to record the Declaration.

Section 17.16.050, Master Development Plan.

***An overall master development plan shall be submitted for all developments affecting land under the same ownership for which phased development is contemplated. The master plan shall include, but not be limited to, the following elements:***

- A. Overall development plan, including phase or unit sequence;***
- B. Show compliance with the comprehensive plan and implementing land use ordinances and policies;***
- C. Schedule of improvements, initiation and completion;***
- D. Overall transportation and traffic pattern plan, including bicycle, pedestrian and public transit transportation facilities and access corridors;***
- E. Program timetable projection;***
- F. Development plans for any common elements or facilities;***
- G. If the proposed subdivision has an unknown impact upon adjacent lands or lands within the general vicinity, the Planning Director or Hearings Body may require a potential development pattern for streets, bikeways and access corridors for adjoining lands to be submitted together with the tentative plan as part of the master development plan for the subject subdivision.***

**FINDING:** The CMP and FMP approvals demonstrate compliance with these criteria.

Section 17.16.060, Master Development Plan Approval.

***The Planning Director or Hearings Body shall review a master development plan at the same time the tentative plan for the first phase is reviewed. The Planning Director or Hearings Body may approve, modify or disapprove the master plan and shall set forth findings for such decision. The Planning Director or Hearings Body may also attach conditions necessary to bring the plan into compliance with all applicable land use***



**ordinances and policies. Any tentative plan submitted for the plan area shall conform to the master plan unless approved otherwise by the County. Master plan approval shall be granted for a specified time period by the Planning Director or Hearings Body, and shall be included in the conditions of approval.**

**FINDING:** This decision reviews the TP against the CMP and FMP approvals. Relevant conditions of the CMP and FMP approvals are addressed in this decision.

Section 17.16.070, Development Following Approval.

**Once a master plan is approved by the County, the plan shall be binding upon both the County and the developer; provided, however, after five years from the date of approval of the plan, the County may initiate a review of the plan for conformance with applicable County regulations. If necessary, the County may require changes in the plan to bring it into conformance.**

**FINDING:** This TP was applied for within 5 years of the FMP. This criterion is met.

Section 17.16.080, Tentative Plan as a Master Plan.

- A. As an alternative to the filing of a master plan for phased development, the applicant may file a tentative plan for the entire development. The plan must comply with the provisions of DCC Title 17 for tentative plans.**
- B. If the applicant proposed to phase development, he shall provide sufficient information regarding the overall development plan and phasing sequence when submitting the tentative plan.**
- C. If the tentative plan is approved with phasing, the final plat for each phase shall be filed in accordance with DCC 17.24.020 through 17.24.110.**

**FINDING:** The CMP and FMP approvals are the master plans for the annexation property.

Section 17.16.090, Tentative Plan Approval.

- A. The Hearings Body shall review the application and any comments submitted by other appropriate County, state, or federal agencies and shall render a decision in accordance with DCC 17.16.100, setting forth findings supporting its decision.**

**FINDING:** This decision captures staff’s analysis of the application and agency comments. This decision is issued in accordance with DCC 17.16.100.

- B. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision for purposes of recording; however, approval of such tentative plan shall be binding upon the County for the purposes of preparation and review of the final plat. Upon review of the final plat, the County may require compliance with the terms of its tentative plan approval of the proposed subdivision**

**and the terms of DCC Title 17.**

**FINDING:** This decision will be used to review the final plat for compliance.

Section 17.16.100. Required Findings for Approval.

***A tentative plan for a proposed subdivision shall not be approved unless the Planning Director or Hearings Body finds that the subdivision as proposed or modified will meet the requirements of DCC Title 17 and DCC Title 18 through 21, and is in compliance with the comprehensive plan. Such findings shall include, but not be limited to, the following:***

**FINDING:** This decision addresses the requirements of Chapters 17 and 18, as well as compliance with the FMP. The requirements of the Comprehensive Plan are codified within the Zoning Ordinance. Because no change to the Comprehensive Plan is sought by this application, conformance with Chapters 17 and 18 also indicates conformance with the Comprehensive Plan.

- A. The subdivision contributes to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, special terrain features, agricultural and forest lands and other natural resources.***

**FINDING:** Previous Deschutes County approvals of the CMP and FMP for the annexation property demonstrated general compliance with the criteria for orderly development and land use patterns in the area. The only notable natural feature within the annexation property is the existing pine forest throughout the property. As approved under the FMP, a significant portion of this pine forest will be preserved via the Wildlife Mitigation Tract.

In the CMP decision, the Hearings Officer concluded,

...the expansion property is generally flat with no significant topographic features on-site. Additionally, the subject property contains no habitat of threatened or endangered species, and no natural streams, rivers, wetlands, or riparian vegetation.

The subject property includes no lands zoned for farm use. While the property is zoned for forest use, the Destination Resort Combining Zone allows for the establishment of the proposed use. Further, as noted above, a significant portion of the existing pine forest will be preserved as part of the overall development of the annexation property. For these reasons, staff finds this criterion will be met.

- B. The subdivision will not create excessive demand on public facilities and services, and utilities required to serve the development.***

**FINDING:** The applicant provides the following findings,

In connection with the CMP and FMP approvals, the applicant demonstrated that the resort as a whole will not create an excessive demand on public facilities, services or utilities. One condition of approval requires that prior to final plat of any property, the applicant demonstrate that the property is within the Sunriver Water service territory. As part of the Phase A plats, the applicant provided the county with a copy of the order demonstrating that all resort property is within the exclusive territory of Sunriver Water. In order to expand its service territory, the utility had to demonstrate that it has adequate capacity to serve the property. Similarly, a condition requires that development beyond 100 EDUs not occur until Sunriver Environmental has completed upgrades of its treatment facility. Those upgrades have been approved and are underway. Because approval of the Phase C plats (together with Phase C OLU plat), would allow for construction of lots and EDUs in excess of 100 EDUs, the applicant anticipates a condition of approval preventing the issuance of building permits for units which would exceed the 100 EDU limit. The applicant notes that the plans upgrades are anticipated to be complete in approximately one year, and further notes that it is extremely unlikely that the county will be in the position to issue building permits beyond the 100 EDUs prior to completion of the plant upgrades.

The CMP and FMP decisions demonstrate the uses envisioned for the annexation property will not create excessive demand on public facilities, public services and utilities required to serve the development. The applicant submitted signed agreements for sewer and water service. Specific to water, the applicant submitted evidence indicating the annexation property has been included into the service territory for Sunriver Water. Per the FMP, the only transportation related mitigation measures which were required are the paving of the apron and the right-out turning movement at the Elk Run Drive and Vandever Road intersection. No off-site mitigation measures to address transportation impacts were identified or required. The record for the CMP includes intent to serve letters from Cascade Natural Gas for natural gas; Midstate Electric Cooperative, Inc. for electricity; Bend Broadband for telephone and cable services; Centurylink for telephone service; and Wilderness Garbage & Recycling for solid waste service.

Based on the above, Staff agrees and finds this criterion will be met.

**C. *The tentative plan for the proposed subdivision meets the requirements of ORS 92.090.***

**FINDING:** The requirements of ORS 92.090 are addressed in this decision.

**D. *For subdivision or portions thereof proposed within a Surface Mining Impact Area (SMIA) zone under DCC Title 18, the subdivision creates lots on which noise or dust sensitive uses can be sited consistent with the requirements of DCC 18.56, as amended, as demonstrated by the site plan and accompanying information required under DCC 17.16.030.***

**FINDING:** The property is not within a SMIA Combining Zone. This criterion does not apply.

**E. The subdivision name has been approved by the County Surveyor.**

**FINDING:** Staff includes a condition of approval to ensure compliance.

Subdivision Name. Prior to final plat approval, the owner shall submit correspondence from the County Surveyor approving the subdivision name. County Surveyor signature on the plat shall also demonstrate compliance.

Section 17.16.105. Access to Subdivisions.

**No proposed subdivision shall be approved unless it would be accessed by roads constructed to County standards and by roads under one of the following conditions:**

- A. Public roads with maintenance responsibility accepted by a unit of local or state government or assigned to landowners or homeowners association by covenant or agreement; or**
- B. Private roads, as permitted by DCC Title 18, with maintenance responsibility assigned to landowners or homeowners associations by covenant or agreement pursuant to ORS 105; or**
- C. This standard is met if the subdivision would have direct access to an improved collector or arterial or in cases where the subdivision has no direct access to such a collector or arterial, by demonstrating that the road accessing the subdivision from a collector or arterial meets relevant County standards that maintenance responsibility for the roads has been assigned as required by this section.**

**FINDING:** The subdivision will have direct access from Elk Run Drive, Lava Springs Loop, and Trailwood Loop, private internal Resort roads to be maintained by the Homeowners Association. Criterion (A) does not apply. Criteria (B) and (C) will be met.

**Chapter 17.24, Final Plat.**

Section 17.24.030, Submission for Phased Development.

- A. If a tentative plan is approved for phased development, the final plat for the first phase shall be filed within two years of the approval date for the tentative plan.**
- B. The final plats for any subsequent phase shall be filed within three years of the recording date of the final plat for the first phase.**
- C. The applicant may request an extension for any final plat under DCC 17.24 in the manner provided for in DCC 17.24.020(B).**
- D. If the applicant fails to file a final plat, the tentative plan for those phases shall become null and void.**

**FINDING:** The applicant provided the following findings,



The applicant proposes to develop Phase C in one to two phases. Phase C-1 (as depicted on the plat) is for 8 lots, which Phase C-2 is also for 8 lots. The applicant understands that the Phase C-2 plat would need to be filed within three years of the recording of Phase C-1.

As noted above, the 16-lot OLU subdivisions includes three phases. Staff adds a condition of approval requiring final plat timing in accordance with the standards above.

Final Plat Phasing. The final plat for each phase shall be filed in accordance with DCC 17.24.020 through 17.24.110.

Section 17.24.120. Improvement Agreement.

- A. *The subdivider may, in lieu of completion of the required repairs to existing streets and facilities, and improvements as specified in the tentative plan, request the County to approve an agreement between himself and the County specifying the schedule by which the required improvements and repairs shall be completed; provided, however, any schedule of improvements and repairs agreed to shall not exceed on[e] year from the date the final plat is recorded, except as otherwise allowed by DCC 17.24.120(F) below. The agreement shall also provide the following:***  
...

**FINDING:** The applicant provided the following findings,

The applicant is not requesting an Improvement Agreement for roads and utilities at this time; however, as with the Phase A plats, the applicant anticipates that an improvement agreement will be requested when the Phase C plats are recorded.

The applicant is not requesting an Improvement Agreement at this time. Any such request will need to comply with the applicable criteria for improvement agreements.

**Chapter 17.36, Design Standards**

Section 17.36.020. Streets.

- A. *The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system for all modes of transportation, including pedestrians, bicycles and automobiles, with intersection angles, grades, tangents and curves appropriate for the traffic to be carried, considering the terrain. The subdivision or partition shall provide for the continuation of the principal streets existing in the adjoining subdivision or partition or of their property projection when adjoining property which is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in DCC 17.36.***

**FINDING:** The proposed streets serving the tentative plat were approved as part of the CMP and FMP. The plat for the OLU is being processed concurrently with the Phase C 72-lot residential plat. The OLU will obtain direct access via Elk Run Drive, the north-south spine, and Trailwood Loop which is connected to Lava Springs Loop and Elk Run Drive in the Phase A plat. Elk Run drive provides a connection to Vandevort Road. Being a part of a resort, the platted area will also be served with multi-use paths, ensuring that all modes of transportation are accommodated in the circulation plan for the platted area and the resort as a whole. Streets have been designed with the topography in mind, ensuring that all grades meet established county standards. Street widths were approved as part of the CMP/FMP approval process.

Staff finds this criterion will be met.

**B. *Streets in subdivisions shall be dedicated to the public, unless located in a destination resort, planned community or planned or cluster development, where roads can be privately owned. Planned developments shall include public streets where necessary to accommodate present and future through traffic.***

**FINDING:** The proposed streets within the destination resort subdivision will be private. This criterion will be met.

Section 17.36.040. Existing Streets.

***Whenever existing streets, adjacent to or within a tract, are of inadequate width to accommodate the increase in traffic expected from the subdivision or partition or by the County roadway network plan, additional rights of way shall be provided at the time of the land division by the applicant. During consideration of the tentative plan for the subdivision or partition, the Planning Director or Hearings Body, together with the Road Department Director, shall determine whether improvements to existing streets adjacent to or within the tract, are required. If so determined, such improvements shall be required as a condition of approval for the tentative plan. Improvements to adjacent streets shall be required where traffic on such streets will be directly affected by the proposed subdivision or partition.***

**FINDING:** The Road Department did not identify any existing streets which require additional dedication of right-of-way. This criterion does not apply.

Section 17.36.050. Continuation of Streets.

***Subdivision or partition streets which constitute the continuation of streets in contiguous territory shall be aligned so that their centerlines coincide.***

**FINDING:** The subdivision does not include any streets which constitute the continuation of any existing streets in contiguous territory. This criterion does not apply.

Section 17.36.060. Minimum Right of Way and Roadway Width.

***The street right of way and roadway surfacing widths shall be in conformance with standards and specifications set forth in DCC 17.48. Where DCC 17.48 refers to street standards found in a zoning ordinance, the standards in the zoning ordinance shall prevail.***

**FINDING:** Proposed roads within the subdivision including the northerly extension of Elk Run Drive, Lava Springs Loop and Trailwood Loop. Proposed roads will have a 60-foot-wide right-of-way in compliance with DCC 1748. This criterion will be met.

Section 17.36.070. Future Resubdivision.

***Where a tract of land is divided into lots or parcels of an acre or more, the Hearings Body may require an arrangement of lots or parcels and streets such as to permit future re-subdivision in conformity to the street requirements and other requirements contained in DCC Title 17.***

**FINDING:** Given the property’s intended use as part of a destination resort approved under a master plan, staff finds it is unnecessary to modify the arrangement of lots and streets to permit future re-subdivision.

Section 17.36.080. Future Extension of Streets.

***When necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition.***

**FINDING:** The applicant provides the following findings,

The county approved the overall resort circulation pattern in the CMP and FMP. As applied to this subdivision, Elk Run Drive, which provides access to Vandervert Road and provides the western boundary of the platted area and then into the existing portions of Caldera Springs via Trailmere Circle. Fo[rest]brook Loop and Lava Springs Loop connect directly to Elk Run Drive. Thus, all roads within the subdivision have been extended to the boundary of this subdivision.

Staff agrees and finds that this criterion is met.

Section 17.36.100. Frontage Roads.

***If a land division abuts or contains an existing or proposed collector or arterial street, the Planning Director or Hearings Body may require frontage roads, reverse frontage lots or parcels with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic. All frontage roads shall comply with the applicable standards of Table A of DCC Title 17, unless***

**specifications included in a particular zone provide other standards applicable to frontage roads.**

**FINDING:** The applicant provides the following findings,

The county approved the overall resort circulation pattern in the CMP and FMP. No frontage roads were proposed. Access to the subdivision will be through Lava Springs Loop, Elk Run Drive, with connections to Vandever Road and Trailmere Circle in the existing Caldera Springs Resort. Frontage roads are not required under this section.

Staff agrees and notes that the subdivision does not abut or contain an existing or proposed collector or arterial street. This criterion does not apply.

Section 17.36.110. Streets Adjacent to Railroads, Freeways and Parkways.

***When the area to be divided adjoins or contains a railroad, freeway or parkway, provision may be required for a street approximately parallel to and on each side of such right of way at a distance suitable for use of the land between the street and railroad, freeway or parkway. In the case of a railroad, there shall be a land strip of not less than 25 feet in width adjacent and along the railroad right of way and residential property. If the intervening property between such parallel streets and a freeway or a parkway is less than 80 feet in width, such intervening property shall be dedicated to park or thoroughfare use. The intersections of such parallel streets, where they intersect with streets that cross a railroad, shall be determined with due consideration at cross streets of a minimum distance required for approach grades to a future grade separation and right of way widths of the cross street.***

**FINDING:** The subdivision does not adjoin or contain a railroad, freeway or parkway. This criterion does not apply.

Section 17.36.120. Street Names.

***Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street in a nearby city or in the County. Street names and numbers shall conform to the established pattern in the County and shall require approval from the County Property Address Coordinator.***

**FINDING:** Staff includes a condition of approval to ensure compliance.

Street Names. Street names and numbers shall be approved by the County Property Address Coordinator.

Section 17.36.130. Sidewalks.

**A. Within an urban growth boundary, sidewalks shall be installed on both sides of a**



*public road or street and in any special pedestrian way within the subdivision or partition, and along any collectors and arterials improved in accordance with the subdivision or partition approval.*

- B. *Within an urban area, sidewalks shall be required along frontage roads only on the side of the frontage road abutting the development.***
- C. *Sidewalk requirements for areas outside of urban areas are set forth in DCC 17.48.175. In the absence of a special requirement set forth by the Road Department Director under DCC 17.48.030, sidewalks and curbs are never required in rural areas outside unincorporated communities as that term is defined in DCC Title 18.***

**FINDING:** The subject property is not within an urban growth boundary, in an urban area, or in an unincorporated community. The Road Department did not require sidewalks under DCC 17.48.030. These criteria do not apply.

Section 17.36.140. Bicycle, Pedestrian and Transit Requirements.

***Pedestrian and Bicycle Circulation within Subdivision.***

- A. *The tentative plan for a proposed subdivision shall provide for bicycle and pedestrian routes, facilities and improvements within the subdivision and to nearby existing or planned neighborhood activity centers, such as schools, shopping areas and parks in a manner that will:***
  - 1. *Minimize such interference from automobile traffic that would discourage pedestrian or cycle travel for short trips;***
  - 2. *Provide a direct route of travel between destinations within the subdivision and existing or planned neighborhood activity centers, and***
  - 3. *Otherwise meet the needs of cyclists and pedestrians, considering the destination and length of trip.***

**FINDING:** The applicant provides the following findings,

The county approved the overall resort circulation pattern in the CMP and FMP. The resort, as well as the area to be subdivided, include a complex of multi-use pedestrian paths, both paved and unpaved. These facilities connect to the existing resort and will include future connections to the Sunriver Business Park during construction of later phases of the resort. The goal of providing these paths is for both recreational purposes and to minimize the need for owners and guests to use automobiles when accessing resort services. Trail connections extend all the way to Sunriver and provide a complete network of bicycle and pedestrian routes throughout the resort, the subdivision and the larger Sunriver community.

Staff generally agrees and finds that this specific subdivision does not include multi-use paths. Therefore, these criteria do not apply.

- B. *Subdivision layout.***
  - 1. *Cul-de-sacs or dead-end streets shall be allowed only where, due to topographical or environmental constraints, the size and shape of the parcel,***

**or a lack of through-street connections in the area, a street connection is determined by the Planning Director or Hearings Body to be infeasible or inappropriate. In such instances, where applicable and feasible, there shall be a bicycle and pedestrian connection connecting the ends of cul-de-sacs to streets or neighborhood activity centers on the opposite side of the block.**

**FINDING:** The northern terminus of Elk Run Drive will terminate at the subdivision boundary. The applicant proposes a hammerhead turnaround at the terminus of Elk Run Drive until such time as the road is extended with future phases. The southern terminus of Trailwood Loop and eastern terminus of Lava Springs Loop will also terminate at the subdivision boundary but will be extended with future phases. The applicant has proposed a temporary looped gravel turnaround connecting these two dead ends to satisfy the criteria above.

Fire Truck Turnaround: Prior to final plat approval, the owner shall submit correspondence from the La Pine Rural Fire Protection District approving a turnaround design at the terminus of Elk Run Drive and Trailwood Loop/Lava Springs Loop.

- 2. *Bicycle and pedestrian connections between streets shall be provided at mid block where the addition of a connection would reduce the walking or cycling distance to an existing or planned neighborhood activity center by 400 feet and by at least 50 percent over other available routes.***

**FINDING:** The subdivision does not include bicycle and pedestrian connections. These criteria do not apply.

- 3. *Local roads shall align and connect with themselves across collectors and arterials. Connections to existing or planned streets and undeveloped properties shall be provided at no greater than 400-foot intervals.***
- 4. *Connections shall not be more than 400 feet long and shall be as straight as possible.***

**FINDING:** No connections to collectors or arterials are proposed. These criteria do not apply.

- C. *Facilities and Improvements.***
  - 1. *Bikeways may be provided by either a separate paved path or an on street bike lane, consistent with the requirements of DCC Title 17.***
  - 2. *Pedestrian access may be provided by sidewalks or a separate paved path, consistent with the requirements of DCC Title 17.***
  - 3. *Connections shall have a 20 foot right of way, with at least a 10 foot usable surface.***

**FINDING:** The subdivision does not include bicycle and pedestrian connections. These criteria do not apply.

Section 17.36.150. Blocks.

- A. General. The length, width and shape of blocks shall accommodate the need for adequate building site size, street width and direct travel routes for pedestrians and cyclists through the subdivision and to nearby neighborhood activity centers, and shall be compatible with the limitations of the topography.**
- B. Size. Within an urban growth boundary, no block shall be longer than 1,200 feet between street centerlines. In blocks over 800 feet in length, there shall be a cross connection consistent with the provisions of DCC 17.36.140.**

**FINDING:** The applicant provides the following findings.

As part of the CMP and FMP approval, the county approved the width and shapes of the blocks. The block pattern is designed for a resort development and is not intended to have a grid pattern. The block pattern in the subdivision allows for a variety of lot sizes to accommodate a range of building types/sizes. Both the streets and multi-use paths provide direct travel routes throughout the site and to the surrounding area. The property is not within an urban growth boundary, so subsection (B) does not apply.

Staff agrees and finds criterion A will be met. The property is not within an urban growth boundary. Therefore, criterion B does not apply.

Section 17.36.160. Easements.

- A. Utility Easements. Easements shall be provided along property lines when necessary for the placement of overhead or underground utilities, and to provide the subdivision or partition with electric power, communication facilities, street lighting, sewer lines, water lines, gas lines or drainage. Such easements shall be labeled "Public Utility Easement" on the tentative and final plat; they shall be at least 12 feet in width and centered on lot lines where possible, except utility pole guyline easements along the rear of lots or parcels adjacent to unsubdivided land may be reduced to 10 feet in width.**

**FINDING:** The applicant provides the following findings.

All lots include the easements required under this section. In addition, the CC&Rs for the property include specific provisions for easements along property lines. As explained in connection with the Phase B plats, where easements border the front property line, the adjacent private street tracts are specifically permitted to include utilities. Consequently, the effective easement area is the 10-foot area on the lot, together with the width of the private street tract – well exceeding the 12-foot requirement.

Staff includes a condition of approval to ensure compliance.

Utility Easements. Easements shall be provided along property lines when necessary for the placement of overhead or underground utilities, and to provide the subdivision or partition with

electric power, communication facilities, street lighting, sewer lines, water lines, gas lines or drainage. Such easements shall be labeled "Public Utility Easement" on the tentative and final plat; they shall be at least 12 feet in width and centered on lot lines where possible, except utility pole guyline easements along the rear of lots or parcels adjacent to unsubdivided land may be reduced to 10 feet in width.

- B. Drainage. If a tract is traversed by a watercourse such as a drainageway, channel or stream, there shall be provided a stormwater easement or drainage right of way conforming substantially with the lines of the watercourse, or in such further width as will be adequate for the purpose. Streets or parkways parallel to major watercourses or drainageways may be required.**

**FINDING:** The subject property is not traversed by a watercourse. This criterion does not apply.

Section 17.36.170. Lots Size and Shape.

**The size, width and orientation of lots or parcels shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the lot or parcel size provisions of DCC Title 18 through 21, with the following exceptions:**

- A. In areas not to be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and the County Sanitarian, and shall be sufficient to permit adequate sewage disposal. Any problems posed by soil structure and water table and related to sewage disposal by septic tank shall be addressed and resolved in the applicant's initial plan.**
- B. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted by the Hearings Body. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off street service and parking facilities required by the type of use and development contemplated.**

**FINDING:** The applicant provides the following findings.

The county approved the general lot size and orientation as part of the CMP and FMP approvals. The lots are of various sizes and allow for generous setbacks and a variety of building types. The property will be served by sewer facilities and is not designated for business or industrial use, so subsections (A) and (B) do not apply.

Staff agrees and finds the applicable criteria will be met.

Section 17.36.180. Frontage.

- A. Each lot or parcel shall abut upon a public road, or when located in a planned**



*development or cluster development, a private road, for at least 50 feet, except for lots or parcels fronting on the bulb of a cul de sac, then the minimum frontage shall be 30 feet, and except for partitions off of U.S. Forest Service or Bureau of Land Management roads. Frontage for partitions off U.S. Forest Service or Bureau of Land Management roads shall be decided on a case by case basis based on the location of the property, the condition of the road, and the orientation of the proposed parcels, but shall be at least 20 feet. In the La Pine Neighborhood Planning Area Residential Center District, lot widths may be less than 50 feet in width, as specified in DCC 18.61, Table 2: La Pine Neighborhood Planning Area Zoning Standards. Road frontage standards in destination resorts shall be subject to review in the conceptual master plan.*

- B. All side lot lines shall be at right angles to street lines or radial to curved streets wherever practical.**

**FINDING:** Based on staff’s review of the TP, these criteria will be met.

Section 17.36.190. Through Lots.

*Lots or parcels with double frontage should be avoided except where they are essential to provide separation of residential development from major street or adjacent nonresidential activities to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet in width and across which there shall be no right of access may be required along the lines of lots or parcels abutting such a traffic artery or other incompatible use.*

**FINDING:** No proposed lots have double frontage. This criterion will be met.

Section 17.36.200. Corner Lots.

*Within an urban growth boundary, corner lots or parcels shall be a minimum of five feet more in width than other lots or parcels, and also shall have sufficient extra width to meet the additional side yard requirements of the zoning district in which they are located.*

**FINDING:** The subject property is not within an urban growth boundary. This criterion does not apply.

Section 17.36.210. Solar Access Performance.

- A. As much solar access as feasible shall be provided each lot or parcel in every new subdivision or partition, considering topography, development pattern and existing vegetation. The lot lines of lots or parcels, as far as feasible, shall be oriented to provide solar access at ground level at the southern building line two hours before and after the solar zenith from September 22nd to March 21st. If it is not feasible to provide solar access to the southern building line, then solar access, if feasible, shall be provided at 10 feet above ground level at the southern building line two**

- hours before and after the solar zenith from September 22nd to March 21st, and three hours before and after the solar zenith from March 22nd to September 21st.*
- B. *This solar access shall be protected by solar height restrictions on burdened properties for the benefit of lots or parcels receiving the solar access.***
- C. *If the solar access for any lot or parcel, either at the southern building line or at 10 feet above the southern building line, required by this performance standard is not feasible, supporting information must be filed with the application.***

**FINDING:** Pursuant to the FMP approval, the annexation property is not subject to solar setback standards. These criteria do not apply.

Section 17.36.220. Underground Facilities.

***Within an urban growth boundary, all permanent utility services to lots or parcels in a subdivision or partition shall be provided from underground facilities; provided, however, the Hearings Body may allow overhead utilities if the surrounding area is already served by overhead utilities and the proposed subdivision or partition would create less than 10 lots. The subdivision or partition shall be responsible for complying with requirements of DCC 17.36.220, and shall:***

- A. *Obtain a permit from the Road Department for placement of all underground utilities.***
- B. *Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities in accordance with the rules and regulations of the State Public Utility Commission.***
- C. *All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets to the extent practicable, and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.***

**FINDING:** The subject property is not within an urban growth boundary. These criteria do not apply.

Section 17.36.230. Grading of Building Sites.

***Grading of building sites shall conform to the following standards, unless physical conditions demonstrate the property of other standards:***

- A. *Cut slope ratios shall not exceed one foot vertically to one and one half feet horizontally.***
- B. *Fill slope ratios shall not exceed one foot vertically to two feet horizontally.***
- C. *The composition of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.***
- D. *When filling or grading is contemplated by the subdivider, he shall submit plans showing existing and finished grades for the approval of the Community Development Director. In reviewing these plans, the Community Development Director shall consider the need for drainage and effect of filling on adjacent property. Grading shall be finished in such a manner as not to create steep banks***

**or unsightly areas to adjacent property.**

**FINDING:** The applicant provides the following findings.

Grading will be required on the lots and road areas to accommodate construction and road building. At the time of construction, the developer will address the standards above and provide any required plans to the county.

To ensure compliance, staff includes conditions of approval.

Grading of Building Sites. At all times, grading of building sites shall conform to the following standards, unless physical conditions demonstrate the property of other standards:

- A. Cut slope ratios shall not exceed one foot vertically to one and one half feet horizontally.
- B. Fill slope ratios shall not exceed one foot vertically to two feet horizontally.
- C. The composition of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

Grading Plans. When filling or grading is contemplated by the subdivider, prior to final plat approval, the owner shall submit plans showing existing and finished grades for the approval of the Community Development Director. In reviewing these plans, the Community Development Director shall consider the need for drainage and effect of filling on adjacent property. Grading shall be finished in such a manner as not to create steep banks or unsightly areas to adjacent property.

Section 17.36.250. Lighting.

***Within an urban growth boundary, the subdivider shall provide underground wiring to the County standards, and a base for any proposed ornamental street lights at locations approved by the affected utility company.***

**FINDING:** The subject property is not within an urban growth boundary. This criterion does not apply.

Section 17.36.260. Fire Hazards.

***Whenever possible, a minimum of two points of access to the subdivision or partition shall be provided to provide assured access for emergency vehicles and ease resident evacuation.***

**FINDING:** The applicant provides the following findings,

The subdivision will have two points of ingress and egress, both connecting to Elk Run Drive. From Elk Run Drive, egress is provided to the south at Vandever Road, then to the northwest through the existing portions of the resort via Trailmere Circle.

Staff agrees and finds this criterion will be met.

Section 17.36.270. Street Tree Planting.

***Street tree planting plans, if proposed, for a subdivision or partition, shall be submitted to the Planning Director and receive his approval before the planting is begun.***

**FINDING:** The TP does not include any street trees. This criterion does not apply.

Section 17.36.280. Water and Sewer Lines.

***Where required by the applicable zoning ordinance, water and sewer lines shall be constructed to County and city standards and specifications. Required water mains and service lines shall be installed prior to the curbing and paving of new streets in all new subdivisions or partitions.***

**FINDING:** The applicant provides the following findings.

The subdivision will be served by sewer and water lines. All mains will be constructed to applicable standards, including those of Sunriver Environmental and Sunriver Water. Lines will be constructed at the time of street construction and prior to paving and any curbing.

Staff finds this criterion will be met.

Section 17.36.290. Individual Wells.

***In any subdivision or partition where individual wells are proposed, the applicant shall provide documentation of the depth and quantity of potable water available from a minimum of two wells within one mile of the proposed land division. Notwithstanding DCC 17.36.300, individual wells for subdivisions are allowed when parcels are larger than 10 acres.***

**FINDING:** The TP does not include any individual wells. This criterion does not apply.

Section 17.36.300. Public Water System.

***In any subdivision or partition where a public water system is required or proposed, plans for the water system shall be submitted and approved by the appropriate state or federal agency. A community water system shall be required where lot or parcel sizes are less than one acre or where potable water sources are at depths greater than 500 feet, excepting land partitions. Except as provided for in DCC 17.24.120 and 17.24.130, a required water system shall be constructed and operational, with lines extended to the lot line of each and every lot depicted in the proposed subdivision or partition plat, prior to final approval.***

**FINDING:** The TP does not include a public water system. This criterion does not apply.



**Chapter 17.44, Park Development**

Section 17.44.010. Dedication of Land.

- A. For subdivisions or partitions inside an urban growth boundary, the developer shall set aside and dedicate to the public for park and recreation purposes not less than eight percent of the gross area of such development, if the land is suitable and adaptable for such purposes and is generally located in an area planned for parks.**
- B. For subdivisions or partitions outside of an urban growth boundary, the developer shall set aside a minimum area of the development equal to \$350 per dwelling unit within the development, if the land is suitable and adaptable for such purposes and is generally located in an area planned for parks.**
- C. For either DCC 17.44.010 (A) or (B), the developer shall either dedicate the land set aside to the public or develop and provide maintenance for the land set aside as a private park open to the public.**
- D. The Planning Director or Hearings Body shall determine whether or not such land is suitable for park purposes.**
- E. If the developer dedicates the land set aside in accordance with DCC 17.44.010 (A) or (B), any approval by the Planning Director or Hearings Body shall be subject to the condition that the County or appropriate park district accept the deed dedicating such land.**
- F. DCC 17.44.010 shall not apply to the subdivision or partition of lands located within the boundaries of a parks district with a permanent tax rate.**

**FINDING:** The applicant provides the following findings.

As with the Phase A plats, the application will pay the fee in lieu charge of \$350 per dwelling unit.

Because the annexation property is outside of an urban growth boundary, staff finds subsection (B) applies and requires the developer to set aside land equal to \$350 per dwelling unit.

Section 17.44.020. Fee in Lieu of Dedication.

- A. In the event there is no suitable park or recreation area or site in the proposed subdivision or partition, or adjacent thereto, then the developer shall, in lieu of setting aside land, pay into a park acquisition and development fund a sum of money equal to the fair market value of the land that would have been donated under DCC 17.44.010 above. For the purpose of determining the fair market value, the latest value of the land, unplatted and without improvements, as shown on the County Assessor's tax roll shall be used. The sum so contributed shall be deposited with the County Treasurer and be used for acquisition of suitable area for park and recreation purposes or for the development of recreation facilities. Such expenditures shall be made for neighborhood or community facilities at the discretion of the Board and/or applicable park district.**

**B. DCC 17.44.020 shall not apply to subdivision or partition of lands located within the boundaries of a parks district with a permanent tax rate.**

**FINDING:** Staff includes a condition of approval requiring payment of the park fee prior to final plat approval. The total park fee for the proposed 16-lot (32-unit) OLU subdivision is \$11,200 (\$350 x 32).

Park Fee. Prior to final plat approval, the owner shall pay the \$11,200 park fee.

Section 17.44.030. Annexation Agreement.

**No partition or subdivision of land lying within the Bend Urban Growth Boundary, including the urban reserve areas, but outside the boundaries of the Bend Metro Park and Recreation District, shall be approved unless the landowner has signed an annexation agreement with the Bend Metro park and Recreation District.**

**FINDING:** The subject property is not located within one of the identified areas. These criteria do not apply.

**Chapter 17.48, Design and Construction Specifications**

Section 17.48.100. Minimum Right of Way Width.

**The minimum right of way width is 60 feet unless specified otherwise in Table A (or in any right of way specifications set forth for a particular zone in a zoning ordinance). (See Table A set out at the end of DCC Title 17.)**

**FINDING:** The applicant provides the following findings.

As part of the CMP and FMP approvals, the county road department approved the widths of the private street tracts, and specifically approved narrow pavement widths in certain instances. That said, as shown on the plat, the 60-foot minimum right of way is met for all streets within the platted area.

Staff agrees and finds the 60-foot minimum right-of-way width requirement will be met.

Section 17.48.110. Turn Lanes.

**When a turn lane is required, it shall be a minimum of 14 feet in width, except where road specifications in a zoning ordinance provide for travel lanes of lesser width. Additional right of way may be required.**

**FINDING:** No turn lanes are proposed or required. This criterion does not apply.

Section 17.48.120. Partial Width Roads.

***Partial width roads or half streets shall not be allowed.***

**FINDING:** No partial width roads or half streets are proposed. This criterion will be met.

Section 17.48.130. Road Names.

***All roads shall be named in conformance with the provisions of the Deschutes County uniform road naming system set forth in DCC Title 16.***

**FINDING:** As noted previously, staff includes a condition of approval to ensure all road names are approved by the County Property Address Coordinator, pursuant to Title 16.

Section 17.48.140. Bikeways.

**A. *General Design Criteria.***

- 1. *Bikeways shall be designed in accordance with the current standards and guidelines of the Oregon (ODOT) Bicycle and Pedestrian Plan, the American Association of State Highway Transportation Officials (AASHTO) Guide for Development of New Bicycle Facilities, and the Deschutes County Bicycle Master Plan. See DCC 17.48 Table B.***
- 2. *All collectors and arterials shown on the County Transportation Plan map shall be constructed to include bikeways as defined by the Deschutes County Bicycle Master Plan.***
- 3. *If interim road standards are used, interim bikeways and/or walkways shall be provided. These interim facilities shall be adequate to serve bicyclists and pedestrians until the time of road upgrade.***

**FINDING:** No separate bikeways are proposed. These criteria do not apply.

**B. *Multi-use Paths.***

- 1. *Multi-use paths shall be used where aesthetic, recreation and safety concerns are primary and a direct route with few intersections can be established. If private roads are constructed to a width of less than 28 feet, multi-use paths shall be provided.***
- 2. *Multi-use paths are two way facilities with a standard width of 10 feet, but with a 12 foot width if they are subjected to high use by multiple users. These paths shall meet County multi-use path standards and shall connect with bike facilities on public roads.***

**FINDING:** The TP does not include multi-use paths. These criteria do not apply.

**C. *Bike Lanes. Six foot bike lanes shall be used on new construction of curbed arterials and collectors.***

**D. *Shoulder Bikeways.***

- 1. *Shoulder bikeways shall be used on new construction of uncurbed arterials***

*and collectors.*

- 2. ***Shoulder bikeways shall be at least four feet wide. Where the travel lane on an existing arterial or collector is not greater than eleven feet, the bikeway shall be a minimum of four feet wide.***

**FINDING:** No new collectors or arterials are proposed. These criteria do not apply.

**E. Mountain Bike Trails.**

- 1. ***Mountain bike (dirt or other unpaved surface) trails may be used as recreational or interim transportation facilities.***
- 2. ***Trails used for transportation shall have a two foot minimum tread width and a six foot minimum clearing width centered over the trail, and a minimum overhead clearance of seven feet. Trails used solely for recreational use may be narrower with less clearing of vegetation.***

**FINDING:** The TP does not include mountain bike trails. These criteria do not apply.

Section 17.48.150. Structures.

***All structures that carry a road or cross over a road shall be designed to have a 50 year life span. All designs must be approved by the Road Department Director and other affected public or private agencies.***

**FINDING:** The TP does not propose any structures to carry a road or cross over a road. This criterion does not apply.

Section 17.48.160. Road Development Requirements Standards.

**FINDING:** The applicant provides the following findings for all of the criteria under DCC 17.48.160.

As approved in the CMP and FMP, all roads within the resort are private and will be dedicated as common area under the applicable CC&Rs for the resort. As part of the CMP and FMP approvals, no improvements to Vandevent Road were identified and are therefore not required as a part of this application. Also as part of the CMP and FMP, the county approved the road widths for the access road connecting to Vandevent Road. The subdivision will have two access points: one extending from Trailmere Circle in the existing resort, and a new access point connecting to Vandevent Road. These roads will be constructed at the time of infrastructure development for the subdivision. No cul-de-sacs are proposed nor are any frontage roads.

Staff addresses each subsection separately, below.

- A. ***Subdivision Standards. All roads in new subdivisions shall either be constructed to a standard acceptable for inclusion in the County maintained system or the subdivision shall be part of a special road district or a homeowners association in a***



***planned unit development.***

**FINDING:** All proposed private roads will be subject to maintenance pursuant to the homeowners association and CC&Rs. This criterion will be met.

***B. Improvements of Public Rights of Way.***

- 1. The developer of a subdivision or partition will be required to improve all public ways that are adjacent or within the land development.***
- 2. All improvements within public rights of way shall conform to the improvement standards designated in DCC Title 17 for the applicable road classification, except where a zoning ordinance sets forth different standards for a particular zone***

**FINDING:** No public rights-of-way are proposed or required. As noted in this decision, all proposed roads will be private. These criteria do not apply.

***C. Primary Access Roads.***

- 1. The primary access road for any new subdivision shall be improved to the applicable standard set forth in Table A.***
- 2. The applicable standard shall be determined with reference to the road's classification under the relevant transportation plan.***
- 3. For the purposes of DCC 17.48.160 a primary access road is a road leading to the subdivision from an existing paved county, city or state maintained road that provides the primary access to the subdivision from such a road.***

**FINDING:** Per the TP, Elk Run Drive, Lava Springs Loop, and Trailwood Loop will be constructed within a 60-foot right-of-way, complying with Table A. Proposed streets will be constructed with a 20-foot paved width. For these reasons, staff finds Elk Run Drive, Lava Springs Loop, and Trailwood Loop will comply with the requirements of Title 17 and Table A.

***D. Secondary Access Roads. When deemed necessary by the County Road Department or Community Development Department, a secondary access road shall be constructed to the subdivision. Construction shall be to the same standard used for roads within the subdivision.***

**FINDING:** The TP includes two points of access; one extending from Trailmere Circle in the existing resort, and the extension of Elk Run Drive which connects to Vandever Road. For these reasons, staff finds a secondary access road in not required. Further, the Road Department did not request a secondary access road. This criterion does not apply.

***E. Stubbed Roads. Any proposed road that terminates at a development boundary shall be constructed with a paved cul-de-sac bulb.***

**FINDING:** The TP does not include roadways which terminate at a development boundary. As proposed, the northern end of Elk Run Drive will terminate in a hammerhead turnaround. Lava

Springs Loop and Trailwood Loop will also terminate in a dead-end, but the applicant proposes a temporary looped gravel turnaround until such time the streets are extended. Staff finds the proposed turnarounds are adequate if the applicant secures approval from the La Pine Fire Department of the turnaround design. As noted above, staff includes a condition of approval requiring the applicant to secure approval of the turnaround designs from La Pine Fire.

- F. Cul-de-sacs.**
  - 1. Cul-de-sacs shall have a length of less than 600 feet, unless a longer length is approved by the applicable fire protection district, and more than 100 feet from the center of the bulb to the intersection with the main road.**
  - 2. The maximum grade on the bulb shall be four percent.**

**FINDING:** No cul-de-sacs are proposed.

- G. Frontage Roads. Right of way widths shall be 40 feet when immediately adjacent to a main highway/arterial; 60 feet when the frontage road is separated from the highway or arterial by private land or as set forth for a particular zone in the zoning ordinance.**

**FINDING:** No frontage road is proposed or required. This criterion does not apply.

Section 17.48.170. Road Development Requirements Partitions.

**Roadway improvements within a partition and to a road maintained by a public agency shall be constructed prior to final approval of the partition, depending on the maximum parcel size as follows:**

- A. For a parcel size of 10 acres or larger, the minimum road improvement standard shall be 20 feet wide with five inches of aggregate surfacing (cinders are acceptable), the centerline of which coincides with the centerline of the right of way;**
- B. For a parcel size of less than 10 acres, the road standards used shall be the same as for a subdivision.**

**FINDING:** The applicant does not propose a partition. These criteria do not apply.

Section 17.48.175. Road Development Requirements – Unincorporated Communities.

- A. Standards.**
  - 1. In the La Pine Urban Unincorporated Community, all roads shall be improved as specified for the applicable classification in Table A of DCC Title 17.**
  - 2. In the Terrebonne Rural Community, all improvements to public rights of way shall conform to the road development standards for Terrebonne in Table A of DCC Title 17, except for improvements to roads servicing parcels of 10 acres or greater created by a partition.**
  - 3. In the Tumalo Rural Community, all improvements to public rights of way shall conform to the Tumalo road development standards in Table A of DCC**

**Title 17, except for improvements to roads servicing parcels of 10 acres or greater created by a partition.**

**4. In the Sunriver Urban Unincorporated Community, all roads shall conform to the road development standards in DCC 17.48.180.**

**5. No curbs or sidewalks are required in the Sunriver UUC or the rural service centers of Alfalfa, Brothers, Hampton, Millican, Whistle Stop, Wickiup Junction, Wild Hunt, Deschutes River Woods and Spring River.**

**B. All required road improvements shall be located on the applicant's side of the road, unless the subject property lies on both sides of the road.**

**FINDING:** The subject property is not within an unincorporated community. These criteria do not apply.

Section 17.48.180. Private Roads.

**The following minimum road standards shall apply for private roads:**

**A. The minimum paved roadway width shall be 20 feet in planned unit developments and cluster developments with two foot wide gravel shoulders;**

**B. Minimum radius of curvature, 50 feet;**

**C. Maximum grade, 12 percent;**

**D. At least one road name sign will be provided at each intersection for each road;**

**E. A method for continuing road maintenance acceptable to the County;**

**F. Private road systems shall include provisions for bicycle and pedestrian traffic.**

**1. In cluster and planned developments limited to ten dwelling units, the bicycle and pedestrian traffic can be accommodated within the 20-foot wide road.**

**2. In other developments, shoulder bikeways shall be a minimum of four feet wide, paved and striped, with no on street parking allowed within the bikeway, and when private roads are developed to a width of less than 28 feet, bike paths constructed to County standards shall be required.**

**FINDING:** The applicant provides the following findings.

All roadway widths were approved by the county as part of the CMP and FMP process, with the county acknowledging that the 18-foot width was appropriate for the Vandevort Road access point. As shown on the plat, the proposed roads meet the curvature and grade requirements. At time of development and after approval of road names, road name signage will be posted as required. In terms of maintenance, as private roads within common areas, roads will be maintained by the homeowners' association as set forth in the CC&Rs applicable to the subdivision. Separate bike lanes are not proposed because the subdivision will include an extensive network of multi-use paths.

Staff agrees and finds criterion D will be met with a condition of approval to ensure compliance.

Road Name Sign. At all times, at least one road name sign will be provided at each intersection for each road.

Section 17.48.190. Drainage.

**A. Minimum Requirements.**

- 1. Drainage facilities shall be designed and constructed to receive and/or transport at least a design storm as defined in the current Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council and all surface drainage water coming to and/or passing through the development or roadway.**
- 2. The system shall be designed for maximum allowable development.**

**FINDING:** The applicant provides the following findings.

The drainage for the subdivision and the larger expansion area follows the same parameters for handling stormwater flows as the existing Caldera Springs Phase 1. The objective of the surface drainage system is to carry surface flows across the property in the pattern that they have historically followed, keeping these flows attenuated such that the concentration of flows from newly created impervious areas such that runoff not concentrated or increased. The main focus of this plan is a requirement in the Caldera Springs regulations that require each property owner to provide on their individual sites surface depressions of sufficient quantity and configuration to retain a volume of runoff equal to or exceeding the volume of runoff from the newly created impervious areas resulting from a sudden stormwater event. In addition, each property is required to accept and conduct existing overland flow through their property without diverting that flow onto adjacent properties. As this overland flow continues it eventually reaches one of the Caldera Springs lakes or golf course swales, where further attenuation occurs. The accumulated flow is then discharged from the Caldera Springs property through a flow control structure that discharge flow rates to historical levels, discharging to the S. Century Drive drainage ditch, which then connects by culvert to golf course lake 12 in Crosswater, with any overflow discharging into wetlands.

Staff notes the application materials include *Caldera Springs Annexation Phase II Stormwater Report* ("Stormwater Report"; dated July 2021) which explains and illustrates how drainage facilities for the annexation property will be designed and constructed to receive and/or transport at least a design storm as defined in the current Central Oregon Stormwater Manual. These criteria will be met.

**B. Curbed Sections.**

- 1. Storm drains within curbed streets shall be designed per the requirements of the current Central Oregon Stormwater Manual created by the Central Oregon Intergovernmental Council.**
- 2. Catchbasins shall be constructed in accordance with standard as determined by the Road Department Director.**

**FINDING:** No curbed streets are proposed. These criteria do not apply.

**C. Noncurbed Sections.**



- 1. **Road culverts shall be concrete or metal with a minimum design life of 50 years.**
- 2. **All cross culverts shall be 18 inches in diameter or larger.**
- 3. **Culverts shall be placed in natural drainage areas and shall provide positive drainage.**

**FINDING:** The Stormwater Report indicates these criteria will be met. Staff includes a condition of approval to ensure compliance.

Culverts. The proposed development shall incorporate the following design standards.

- A. Road culverts shall be concrete or metal with a minimum design life of 50 years.
- B. All cross culverts shall be 18 inches in diameter or larger.
- C. Culverts shall be placed in natural drainage areas and shall provide positive drainage.

**D. *Drainage Swales. The Design Engineer is responsible to design a drainage swale adequate to control a design storm as defined in the Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council.***

**FINDING:** Staff includes a condition of approval to ensure compliance.

Drainage Swales. Prior to final plat approval, the owner shall submit a statement from an engineer licensed in the state of Oregon indicating all drainage swales are designed to adequately control a design storm as defined in the Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council. An engineer’s stamp on the final plat will also demonstrate compliance.

**E. *Drainage Plans. A complete set of drainage plans including hydraulic and hydrologic calculations shall be incorporated in all road improvement plans.***

**FINDING:** Drainage plans will be reviewed by the Road Department as part of their review of road improvement plans.

**F. *Drill Holes. Drill holes are prohibited.***

**FINDING:** No drill holes are proposed. This criterion will be met.

**G. *Injection wells (drywells) are prohibited in the public right-of-way.***

**FINDING:** No public rights-of-way are proposed. This criterion does not apply.

Section 17.48.210. Access.

**A. *Permit Required. Access onto public right of way or change in type of access shall require a permit. Permits are applied for at offices of the Community Development Department.***

**FINDING:** The TP does not include or require access onto a public right-of-way. This criterion does not apply.

**B. Access Restrictions and Limitations. The creation of access onto arterials and collectors is prohibited unless there is no other possible means of accessing the parcel. In any event, residential access onto arterials and collectors shall not be permitted within 100 feet of an intersection or the maximum distance obtainable on the parcel, whichever is less.**

**FINDING:** No access onto arterials or collectors is proposed or required. This criterion does not apply.

**C. Commercial and Industrial Access.**  
**1. Requirements for commercial and industrial access will be determined by the Road Department Director in accordance with DCC 17.48.090.**  
**2. Safety improvements, including left turn lanes and traffic signals, may be required.**

**FINDING:** No commercial or industrial access is proposed. These criteria do not apply.

**D. Sight Distance. Access shall be denied at locations that do not meet AASHTO sight distance standards.**

**FINDING:** No access to public rights-of-way are proposed.

**OREGON REVISED STATUTES**

**Chapter 92, Subdivisions and Partitions**

Section 92.090. Approval of subdivision plat names; requisites for approval of a tentative subdivision or partition plan or plat.

**(1) Subdivision plat names shall be subject to the approval of the county surveyor or, in the case where there is no county surveyor, the county assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously**

**recorded subdivision, bearing the same name, that has previously used block numbers or letters.**

**FINDING:** The applicant provides the following findings.

The use of the name “Caldera Springs” is appropriate in this instance given that the subdivision will be a part of the Caldera Springs Destination Resort, which is platted land contiguous to and platted by the same developer/owner. Numbering has been approved by the county and is consistent with the requirements above.

Staff finds the use of “Caldera Springs” is appropriate. As noted previously in this decision, staff includes a condition of approval to ensure the County Surveyor approves the subdivision name.

- (2) No tentative plan for a proposed subdivision and no tentative plan for a proposed partition shall be approved unless:**
  - (a) The streets and roads are laid out so as to conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other aspects unless the city or county determines it is in the public interest to modify the street or road pattern.**

**FINDING:** As shown on the TP, Elk Run Drive will be extended north from its intersection with Lava Springs Loop. This connection will comply with right-of-way and paving standards for private roads. No changes to the approved street pattern are proposed. This criterion will be met.

- (b) Streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon.**

**FINDING:** The TP indicates all streets will be private. All reservations or restrictions associated with these private roads are detailed in the associated CC&Rs.

- (c) The tentative plan complies with the applicable zoning ordinances and regulations and the ordinances and regulations adopted under ORS 92.044 that are then in effect for the city or county within which the land described in the plan is situated.**

**FINDING:** This decision identifies applicable zoning ordinances and evaluates compliance with those ordinances. Staff finds the tentative plan, as conditioned, complies with the applicable DCC zoning ordinances and regulations, as well as and the ordinances and regulations adopted under ORS 92.044.

- (3) No plat of a proposed subdivision or partition shall be approved unless:**
  - (a) Streets and roads for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public or private utilities.**

- (b) Streets and roads held for private use and indicated on the tentative plan of such subdivision or partition have been approved by the city or county.**
- (c) The subdivision or partition plat complies with any applicable zoning ordinances and regulations and any ordinance or regulation adopted under ORS 92.044 that are then in effect for the city or county within which the land described in the subdivision or partition plat is situated.**
- (d) The subdivision or partition plat is in substantial conformity with the provisions of the tentative plan for the subdivision or partition, as approved.**
- (e) The subdivision or partition plat contains a donation to the public of all sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision or partition plat.**
- (f) Explanations for all common improvements required as conditions of approval of the tentative plan of the subdivision or partition have been recorded and referenced on the subdivision or partition plat.**

**FINDING:** The subdivision includes Elk Run Drive, Lava Springs Loop, and Trailwood Loop, new or extended private streets. Therefore, staff finds subsection (a) does not apply. Proposed streets are approved by the subject land use approval, complying with subsection (b). Compliance with subsection (c), which requires compliance with the zoning ordinance and regulations, is addressed in this decision and will be reviewed when the final plat is submitted. Subsection (d) establishes a requirement for final plat review which staff includes as a condition of approval to comply with this statutory section.

Final Plat Conformity. The subdivision plat shall substantially conform to the provisions of the tentative plan for the subdivision, as approved.

No public sewage or water systems are proposed, therefore subsections (e) and (f) do not apply.

- (4) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision shall be approved by a city or county unless the city or county has received and accepted:**
  - (a) A certification by a city-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commission of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed subdivision plat;**
  - (b) A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed subdivision plat; and the amount of any such bond, irrevocable letter of credit, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in such amount as determined necessary by the city or county;**  
**or**



- (c) ***In lieu of paragraphs (a) and (b) of this subsection, a statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed subdivision plat, even though a domestic water supply source may exist. A copy of any such statement, signed by the subdivider and indorsed by the city or county, shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the commissioner in any public report made for the subdivision under ORS 92.385. If the making of a public report has been waived or the subdivision is otherwise exempt under the Oregon Subdivision Control Law, the subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.***

**FINDING:** The applicant provides the following findings.

By its terms, this subsection applies to the approval of the final plat, not the preliminary plat. The applicant will address this subsection at the time of final platting.

Staff agrees and includes a condition of approval to ensure compliance. Because the FMP was approved with domestic water provided by Sunriver Water, staff finds option (c) is not available to the developer.

Domestic Water Supply. Prior to final plat approval, the owner shall submit:

- A. A certification by a city-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commission of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed subdivision plat; or
- B. A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed subdivision plat; and the amount of any such bond, irrevocable letter of credit, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in such amount as determined necessary by the city or county.

**(5) *Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision shall be approved by a city or county unless the city or county has received and accepted:***

- (a) ***A certification by a city-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon that a sewage disposal system will be***

*available to the lot line of each and every lot depicted in the proposed subdivision plat;*

- (b) A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed subdivision plat; and the amount of such bond, irrevocable letter of credit, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the city or county considers necessary; or*
- (c) In lieu of paragraphs (a) and (b) of this subsection, a statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed subdivision plat, where the Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal for the subdivision in its evaluation report described in ORS 454.755 (1)(b). A copy of any such statement, signed by the subdivider and indorsed by the city or county shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the commissioner in the public report made for the subdivision under ORS 92.385. If the making of a public report has been waived or the subdivision is otherwise exempt under the Oregon Subdivision Control Law, the subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.*

**FINDING:** The applicant provides the following findings.

By its terms, this subsection applies to the approval of the final plat, not the preliminary plat. The applicant will address this subsection at the time of final platting.

Staff agrees and includes a condition of approval to ensure compliance. Because the FMP was approved with sewer service provided by Sunriver Environmental, staff finds option (c) is not available to the developer.

Sewer Service. Prior to final plat approval, the owner shall submit:

- A. A certification by a city-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed subdivision plat; or
- B. A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed subdivision plat; and the amount

of such bond, irrevocable letter of credit, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the city or county considers necessary.

**(6) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of subdivision or partition located within the boundaries of an irrigation district, drainage district, water control district, water improvement district or district improvement company shall be approved by a city or county unless the city or county has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company.**

**FINDING:** The subject property is not located within the boundaries of an irrigation district. This criterion does not apply.

**IV. SYSTEM DEVELOPMENT CHARGE**

Board Resolution 2013-020 sets a transportation system development charge (SDC) rate of \$4,757 per p.m. peak hour trip. Recreational homes generate 0.28 p.m. peak hour trips; the applicable SDC would be \$1,332 (\$4,757 X 0.28) per OLU. If the rooms can be independently rented, then for SDC purposes the \$1,257 is per room as each room would function an OLU. If the rooms cannot be independently rented, then the SDC is per structure. The SDCs are not due until development occurs. Once development occurs, the SDC is due prior to issuance of certificate of occupancy; if a certificate of occupancy is not applicable, then the SDC is due within 60 days of the land use decision becoming final.

**THE PROVIDED SDC AMOUNT IS ONLY VALID UNTIL JUNE 30, 2022. DESCHUTES COUNTY'S SDC RATE IS INDEXED AND RESETS EVERY JULY 1. WHEN PAYING AN SDC, THE ACTUAL AMOUNT DUE IS DETERMINED BY USING THE CURRENT SDC RATE AT THE DATE THE BUILDING PERMIT IS PULLED.**

**V. CONDITIONS OF APPROVAL**

AT ALL TIMES

1. Application Materials. Approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.
2. Final Plat Phasing. The final plat for each phase shall be filed in accordance with DCC 17.24.020 through 17.24.110.

- 3. Grading of Building Sites. Grading of building sites shall conform to the following standards, unless physical conditions demonstrate the property of other standards:
  - A. Cut slope ratios shall not exceed one foot vertically to one and one half feet horizontally.
  - B. Fill slope ratios shall not exceed one foot vertically to two feet horizontally.
  - C. The composition of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.
  
- 4. Road Name Sign. At all times, at least one road name sign will be provided at each intersection for each road.
  
- 5. Culverts. The proposed development shall incorporate the following design standards.
  - A. Road culverts shall be concrete or metal with a minimum design life of 50 years.
  - B. All cross culverts shall be 18 inches in diameter or larger.
  - C. Culverts shall be placed in natural drainage areas and shall provide positive drainage.

PRIOR TO, OR CONCURRENT WITH, FINAL PLAT APPROVAL

- 6. Declaration. Prior to, or concurrent with, the OLU plat recording, the owner shall record the Declaration, as amended and detailed in this decision.
  
- 7. Final Plat – OLU and Residential: Prior to the recordation of the final plat of Phase C, the applicant shall submit one of the following to ensure that a minimum of 214 OLU's, or the minimum necessary to meet the 2.3:1 ratio, are provided to demonstrate compliance with this condition of approval:
  - A. Documentation that a minimum of 214 OLU's are constructed; or
  - B. Bonding or other security to ensure that a minimum of 214 OLU's are constructed or otherwise guaranteed.
  
- 8. Plat Designation. The plat shall designate all individually-owned units that will be counted as OLU's.
  
- 9. Subdivision Name. The owner shall submit correspondence from the County Surveyor approving the subdivision name. County Surveyor signature on the plat shall also demonstrate compliance.
  
- 10. Fire Truck Turnaround: Prior to final plat approval, the owner shall submit correspondence from the La Pine Rural Fire Protection District approving a turnaround design at the terminus of Elk Run Drive and Trailwood Loop/Lava Springs Loop.
  
- 11. Utility Easements. Easements shall be provided along property lines when necessary for the placement of overhead or underground utilities, and to provide the subdivision or partition with electric power, communication facilities, street lighting, sewer lines, water lines, gas lines or drainage. Such easements shall be labeled "Public Utility Easement" on the tentative and final plat; they shall be at least 12 feet in width and centered on lot lines where possible,



except utility pole guyline easements along the rear of lots or parcels adjacent to unsubdivided land may be reduced to 10 feet in width.

- 12. Road Improvements. Owner shall complete road improvements according to the approved plans and all applicable sections of DCC 17.48. Improvements shall be constructed under the inspection of a register professional engineer consistent with ORS 92.097 and DCC 17.40.040. Upon completion of road improvements, owner shall provide a letter from the engineer certifying that the improvements were constructed in accordance with the approved plans and all applicable sections of DCC 17.48.
- 13. Easements. All easements of record or existing rights of way shall be noted on the final plat pursuant to DCC 17.24.060(E),(F), and (H).
- 14. Plat Preparation. The surveyor preparing the plat shall, on behalf of owner, submit information showing the location of the existing roads in relationship to the rights of way to Deschutes County Road Department. This information can be submitted on a worksheet and does not necessarily have to be on the final plat. All existing road facilities and new road improvements are to be located within legally established or dedicated rights of way. In no case shall a road improvement be located outside of a dedicated road right of way. If research reveals that inadequate right of way exists or that the existing roadway is outside of the legally established or dedicated right of way, additional right of way will be dedicated as directed by Deschutes County Road Department to meet the applicable requirements of DCC Title 17 or other County road standards. This condition is pursuant to DCC 17.24.060(E),(F), and (G) and 17.24.070(E)(8).
- 15. As-Constructed Plans. Owner shall submit as-constructed improvement plans to Road Department pursuant to DCC 17.24.070(E)(1).
- 16. Road Department Plat Approval. Owner shall submit plat to Road Department for approval pursuant to DCC 17.24.060(R)(2), 100, 110, and 140.
- 17. Street Names. Street names and numbers shall be approved by the County Property Address Coordinator.
- 18. Grading Plans. When filling or grading is contemplated by the subdivider, the owner shall submit plans showing existing and finished grades for the approval of the Community Development Director. In reviewing these plans, the Community Development Director shall consider the need for drainage and effect of filling on adjacent property. Grading shall be finished in such a manner as not to create steep banks or unsightly areas to adjacent property.
- 19. Park Fee. Prior to final plat approval, the owner shall pay the \$11,200 park fee.
- 20. Drainage Swales. The owner shall submit a statement from an engineer licensed in the state of Oregon indicating all drainage swales are designed to adequately control a design storm

as defined in the Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council. The engineer's stamp on the final plat will also demonstrate compliance.

- 21. Final Plat Conformity. The subdivision plat shall substantially conform to the provisions of the tentative plan for the subdivision, as approved.
  
- 22. Domestic Water Supply. The owner shall submit:
  - A. A certification by a city-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commission of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed subdivision plat; or
  - B. A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed subdivision plat; and the amount of any such bond, irrevocable letter of credit, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in such amount as determined necessary by the city or county.
  
- 23. Sewer Service. The owner shall submit:
  - A. A certification by a city-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed subdivision plat; or
  - B. A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed subdivision plat; and the amount of such bond, irrevocable letter of credit, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the city or county considers necessary.
  
- 24. Roads and Utilities. The owner shall either physically construct all streets and utilities, or financially assure them. If the owner chooses to financially assure the streets and utilities, the owner shall secure an Improvement Agreement and surety to the satisfaction of the County, prior to final plat.

PRIOR TO CONSTRUCTION

- 25. Road Improvement Plans. Owner shall submit road improvement plans to Road Department for approval prior to commencement of construction pursuant to DCC 17.40.020 and 17.48.060. The roads shall be designed to the minimum standard for a private road pursuant to 17.48.160, 17.48.180, and 17.48A or pursuant to the approved master plan. Road improvement plans shall be prepared in accordance with all applicable sections of DCC 17.48.

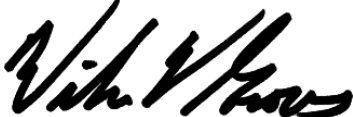
PRIOR TO BUILDING PERMIT ISSUANCE

- 26. Wastewater Treatment Plant Upgrades. Prior to issuance of any building permit for a residential use or an overnight lodging unit beyond 100 EDUs, the Applicant shall submit evidence that Sunriver Environmental has completed the treatment plant upgrades identified in the September 18, 2018 email from DEQ and that DEQ has issued an appropriate WPCF permit, amendment or supplement authorizing the operation of upgraded wastewater treatment facilities serving the expansion area.
- 27. EDU Tracking. Concurrent with each building permit for an OLU in Phase C, the owner of said lot shall submit a report detailing the total number of EDUs previously applied for (building permits) within the annexation property. Once the applicant has provided proof of the necessary treatment plant upgrades, this condition shall no longer be in effect.
- 28. The OLU-designated lots along the north/south spine road shall not be permitted to include any type of OLU other than as proposed by the Applicant through the FMP application (e.g. single family homes with an associated ADU). No inn, hotel, motel or other similar use shall be permitted on these lots.
- 29. The OLUs constructed on the first seven lots on the spine road north of the 4-way intersection shall not exceed 2,500 square feet of total living space on each lot.

**DESCHUTES COUNTY PLANNING DIVISION**



Written by: Haleigh King, Associate Planner



Reviewed by: Will Groves, Planning Manager

Attachments:

- 1. Tentative Plan

# CALDERA SPRINGS OLU, PHASE C TENTATIVE PLAT

BEING A REPLAT OF A PORTION OF DEVELOPMENT TRACT A1, CALDERA SPRINGS, PHASE C, TENTATIVE PLAT LOCATED IN THE SOUTHWEST ONE-QUARTER (SE1/4) OF THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 9 AND THE SOUTHWEST ONE-QUARTER (SW1/4) OF THE SOUTHWEST ONE-QUARTER (SE1/4) OF SECTION 10 AND THE NORTHWEST ONE-QUARTER (NW1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 10 IN TOWNSHIP 20 SOUTH, RANGE 11 EAST WILLAMETTE MERIDIAN, U.S. GEOGRAPHIC SYSTEM, CLATSOP COUNTY, OREGON  
FEBRUARY 2022



INFORMATION SHOWN ON THE PLANS IS  
PRELIMINARY IN NATURE AND SUBJECT TO  
CHANGE AS DETAILED DESIGN IS DEVELOPED.  
**NOT FOR CONSTRUCTION**

PROJECT NAME  
CALDERA SPRINGS  
PHASE C  
SUBDIVISION PLAN  
OVERVIEW



DATE: 02/03/2022  
SCALE: AS SHOWN  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
APPROVED BY: [Name]

27.0/27.0  
SUNRIVER, OR  
PHASE C  
CALDERA SPRINGS  
SUBDIVISION PLAN  
OVERVIEW



DATE: 02/03/2022  
SCALE: AS SHOWN  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
APPROVED BY: [Name]

04/01/2024 Item #4.

EXHIBIT D  
Bond Instrument



BOND NO.: 1001124983  
PREMIUM: \$23,912.00

SUBDIVISION PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That Caldera Springs Real Estate, LLC, as Principal and U.S. Specialty Insurance Company, a corporation licensed to transact surety business in the State of Oregon, as Surety, are held and firmly bound unto the Deschutes County, Oregon, as obligee, in the penal sum of One Million Five Hundred Ninety-four Thousand One Hundred Sixteen & 35/100 (\$1,594,116.35), for the payment of which sum well and truly to made, we bind ourselves, our heirs, executors, successors and assigns, jointly and severally by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas said Principal, the owner of a tract of land representing a subdivision entitled Caldera Springs Phase C-2, and

WHEREAS, the map of said tract on which Principal desires to construct

Caldera Springs Phase C-2 Improvements

hereinafter referred to as improvements, and petition the obligee to accept the improvements, and

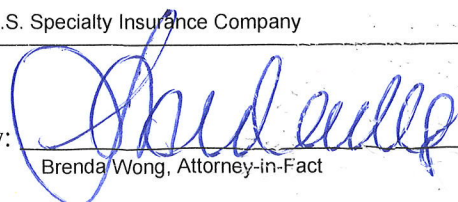
WHEREAS, said obligee requires a bond conditioned for the improvements of said tract, and

WHEREAS, the Principal proposes at its own cost and expense to improve said tract within the limits of said subdivision.

NOW, THEREFORE, if the said Principal shall well and truly cause said improvements, as herein before specified, within the limits of said subdivision to be improved, then this obligation shall cease and be void, otherwise it shall remain in full force and effect, and the Surety on this bond binds itself to said Obligee, to the amount on the herein above stated penal sum, that said improvements shall be completed in accordance with the agreement between Principal and Obligee.

IN WITNESS WHEREOF, said Principal has hereunto set its hands and seals, and said Surety has caused these presents to be executed by its officers thereunto authorized this 20th day of March, 2024.

Caldera Springs Real Estate, LLC, an Oregon limited liability company  
By:   
Thomas O'Shea, Authorized Signer (Name & Title)

U.S. Specialty Insurance Company  
By:   
Brenda Wong, Attorney-in-Fact





TOKIOMARINE  
H C C

**POWER OF ATTORNEY**  
**AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY**  
**UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, Texas Bonding Company, an assumed name of American Contractors Indemnity Company, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

Brenda Wong, Tenzer V. Cunningham, Martha Gonzales or Sohka Evans of Los Angeles, California

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver **any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed** \*\*\*\*\*Seventy Five Million\*\*\*\*\* Dollars (\*\*\*75,000,000.00\*\*\*). This Power of Attorney shall expire without further action on April 23<sup>rd</sup>, 2026. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 18<sup>th</sup> day of April 2022.

**AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY**  
**UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

State of California  
County of Los Angeles



By: [Signature]  
Daniel P. Aguilar, Vice President

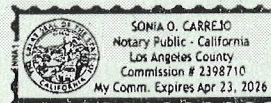
A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

On this 18<sup>th</sup> day of April 2022, before me, Sonia O. Carrejo, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (seal)



I, Kio Lo, Assistant Secretary of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 20 day of March, 2024.

Corporate Seals  
Bond No. 1001124983  
Agency No. 16422



[Signature]  
Kio Lo, Assistant Secretary





BOARD OF  
COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** April 1, 2024

**SUBJECT:** Community Development Department FY 2025 Budget Direction and Options for Fee Increases

**BACKGROUND AND POLICY IMPLICATIONS:**

The Community Development Department seeks direction from the Board of County Commissioners as it pertains to its budget proposal for FY 2025. Three options are presented for consideration.

**BUDGET IMPACTS:**

None.

**ATTENDANCE:**

Peter Gutowsky, CDD Director  
Sherri Pinner, Senior Management Analyst



COMMUNITY DEVELOPMENT

MEMORANDUM

**TO:** Deschutes County Board of Commissioners

**FROM:** Peter Gutowsky, AICP, Director  
 Sherri Pinner, Senior Management Analyst

**DATE:** March 27, 2024

**SUBJECT:** FY 25 / Budget Direction / Options for Fee Increases

**I. DIRECTION**

The Community Development Department (CDD) seeks direction from the Board of County Commissioners (Board) as it pertains to its budget proposal for FY 2025. Three options are presented for consideration (Attachment). Each one requires reserve funds throughout the five-year budget projection. While CDD’s budget is not vulnerable immediately, it is quite possible in the next five years that the department’s reserve funds, especially Fund 300, will not cover revenue deficiencies.<sup>1</sup> The Board should begin thinking about future service levels it wants CDD to provide for the community, especially if reserve funds diminish significantly. If the expectation is to maintain current levels of service, higher fee increases and/or general fund contributions may be necessary.<sup>2</sup>

**II. BACKGROUND AND CURRENT BUDGET TRENDS**

CDD facilitates orderly growth and development in the Deschutes County community through coordinated programs of Land Use Planning, Onsite Wastewater, Building Safety, Code Enforcement, education, and service to the public. The department is funded primarily through development fees. For the current fiscal year, the department is experiencing permitting volume decreases of 1% to 30%, with revenue projected to be \$2.3M less than anticipated. CDD is maintaining its level of service albeit with layoffs, reduced

<sup>1</sup> Fund 300 provides reserves for Administration, Coordinated Services, Planning, Code Enforcement and the Onsite Wastewater Divisions. Funds 301 and 302 provide reserves for Building Safety and Electrical Programs.

<sup>2</sup> CDD operates under a departmental reserve fund policy stating reserve funds should maintain a target balance of twelve months operating expenditures with a lower limit of ten months and an upper limit of eighteen months. Fund 300 does not meet the lower limit of ten months operating reserves therefore CDD recommends Fund 300 maintain a minimum balance \$1.5M.

lobbying hours and fewer staff.<sup>3</sup> Unlike year’s past, permit volumes are no longer compensating for modest fee increases. Going forward, cost of living increases in Central Oregon, inflation, and interest rate hikes may temper higher permit volumes that Deschutes County experienced (excluding the Great Recession) from 2000 to 2021.<sup>4</sup>

**III. BALANCED BUDGET OPTIONS**

Three options are presented for the Board’s consideration (Attachment). For all of them, budgeted expenditures are an estimated \$1.4M more than base budget revenues.

- **Option 1** – Fee increases generate \$1.08M with reserve funds transferring in \$104K. Estimated reserve balances are:
  - Fund 300, 5.1 months
  - Fund 301, 23.5 months
  - Fund 302, 8.8 months

The cost of a dwelling permit for a 2,700 and 4,000 square foot home in the rural county increases approximately 13.6%, from \$8,996 to \$10,220 and \$13,986 to \$15,882, respectively.

On July 1, Fund 300 balance will be an estimated \$2.25M. Based on Option 1, the five-year budget forecast projects a need for \$889K or 39.5%, leaving a balance at the end of FY 2029 of \$1.68M, including interest earned.

- **Option 2** – Fee increases generate \$929K with reserve funds transferring in \$244K. Estimated reserve balances are:
  - Fund 300, 4.9 months
  - Fund 301, 23.5 months
  - Fund 302, 8 months

The cost of a dwelling permit for a 2,700 and 4,000 square foot home in the rural county increases approximately 12%, from \$8,996 to \$10,076 and \$13,986 to \$15,658, respectively.

On July 1, Fund 300 balance will be an estimated \$2.25M. Based on Option 2, the five-year budget forecast projects a need for \$1.27M or 56.5%, leaving a balance at the end of FY 2029 of \$1.28M, including interest earned.

<sup>3</sup> CDD has eliminated fourteen FTE since January 2023. Eight are proposed to be eliminated for FY 2025.

<sup>4</sup> Deschutes County is experiencing one of the highest cost of living increases in Oregon, impacting recruiting and retention efforts and reorganization opportunities.



- **Option 3** – Fee increases generate \$866K with reserve funds transferring in \$308K. Estimated reserve balances are:

- Fund 300, 4.7 months
- Fund 301, 23.5 months
- Fund 302, 8.2 months

The cost of a dwelling permit for a 2,700 and 4,000 square foot home in the rural county increases approximately 9.8%, from \$8,996 to \$9,885 and \$13,986 to \$15,362, respectively.

On July 1, Fund 300 balance will be an estimated \$2.25M. Based on Option 3, the five-year budget forecast projects a need for \$1.7M or 76.6%, leaving a balance at the end of FY 2029 of \$802K, including interest earned.

Attachment

FY 25 Fee Increase Discussion PPT

## FY24-25 Fee Increase Discussion

# Community Development

Presenter(s):

Peter Gutowsky, Director

Sherri Pinner, Sr. Mgmt. Analyst



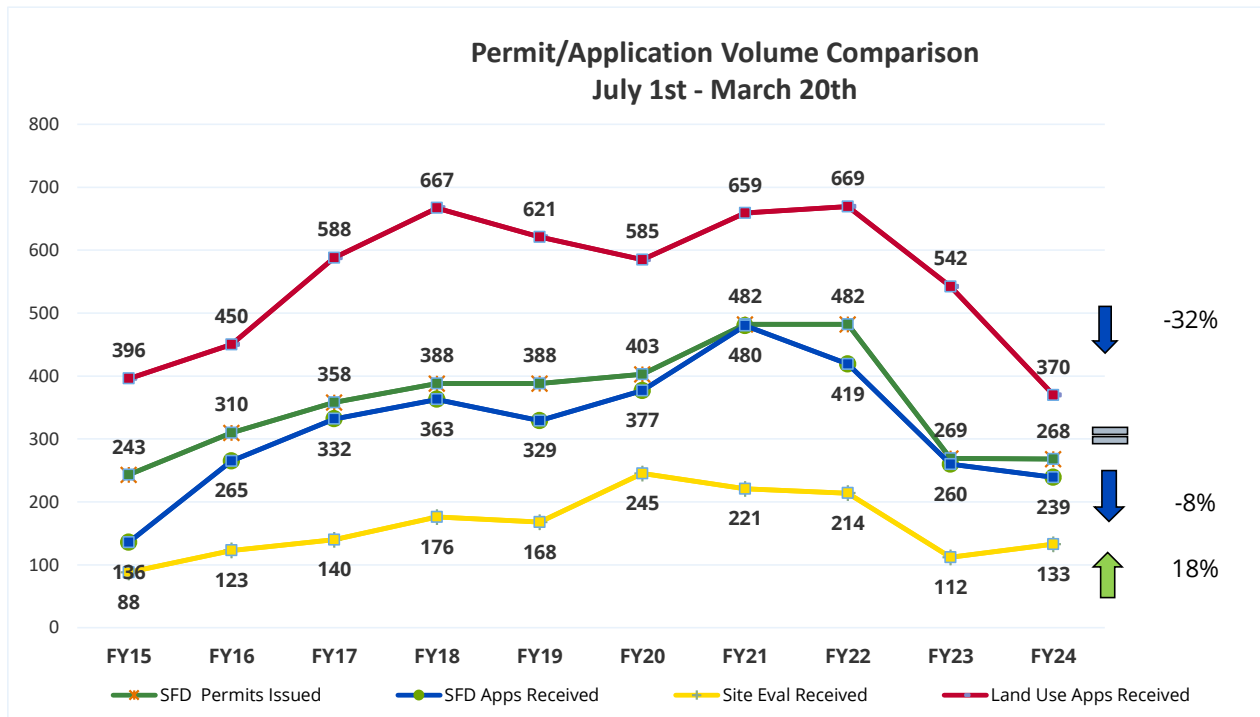
Board Meeting | April 1, 2024

# Fund 295 FY24 Financial Summary

- Experiencing permitting volume decreases of 1% to 30%; revenue projections are \$2.3M less than anticipated.
- FY 24 Fee Increase History:
  - Building Safety (supplemental permits) – 4%
  - Electrical permits – 15%
  - Code Enforcement – 0.02%
  - Public Info. Counter & Adv. Planning – 0.05%
  - Land Use applications – 15%
  - Onsite Wastewater permits – 20%
- Expenditure projections are \$1.7M less than original adopted budget;
  - removal of 22 FTE since January 2023 (incl. 8 FY 25 reduction)
- Spent \$322 – Fund Balance **plus** est. \$699 Reserve Fund(s)



# Fund 295 FY24 Permitting Volumes Comparison



# Fund 295 FY25 Budget Highlights

## Resources:

- Anticipate 0-3% permit and application volume increase.
- Includes International Code Council building valuation decrease of 1%.
- Strategies to balance include a combination of requested fee increases, reserve fund transfers, general funds and transient room tax request.
- Includes general fund for ACS - hearings officer services.

## Expenditures:

- Eliminated fourteen (14) FTE since January 2023.
- FY 25 reduce eight (8) FTE; 50 remaining FTE.
- Includes increases for 4% COLA, 15% HBT, 20.3% inter-fund charges, step increases and general inflationary materials & services, and hearings officer services.





# Fund 295 FY25 Budget Summary

- Budgeted expenditures are an estimated \$1.4M more than base budgeted revenues; **if** balanced through fee increases:
  - Code Compliance - .07%
  - Building Safety – 0%
  - Electrical – 25%
  - Onsite Wastewater – 14%
  - Current Planning – Land Use Applications – 18%
    - Public Information Counter .09%
  - Advanced Planning Fee - .12%
- 50 FTE – succession planning, staff turnover & training, complex applications, non-fee generating inquiries, analyze future vacancies;
- Presenting three (3) options to balance for Board direction;



# Balanced Budget Option #1

Fee Increases generate \$1.08M

- Code Compliance increase .07%
- Building Safety - 0%
- Electrical Permits- 25%
- Onsite Wastewater - 14%
- Land Use Applications - 18%
- Public Information Counter - .09%
- Advanced Planning - .12%

Reserve Transfer \$104K

- Est. reserve balances:
  - Fund 300 - 5.1 months
  - Fund 301 - 23.5 months
  - Fund 302 - 8.8 months

Contingency = 10.2%

Cost Increase to DWL Permit:

- Average 2,700 sq. ft. livable space:
  - Increase of \$1,223
  - From \$8,996 to \$10,220 - 13.6%
- 4,000 sq. ft. livable space:
  - Increase of \$1,894
  - From \$13,986 to \$15,882 - 13.6%



# Balanced Budget Option #2

Fee Increases generate \$929K

- Code Compliance increase .07%
- Building Safety - 0%
- Electrical Permits- 16%
- Onsite Wastewater - 14%
- Land Use Applications - 16%
- Public Information Counter - .09%
- Advanced Planning - .09%

Reserve Transfer \$244K

- Est. reserve balances:
  - Fund 300 - 4.9 months
  - Fund 301 - 23.5 months
  - Fund 302 - 8.0 months

Contingency = 10.2%

Cost Increase to DWL Permit:

- Average 2,700 sq. ft. livable space:
  - Increase of \$1,080
  - From \$8,996 to \$10,076 - 12%
- 4,000 sq. ft. livable space:
  - Increase of \$1,672
  - From \$13,986 to \$15,658 - 12%



# Balanced Budget Option #3

Fee Increases generate \$866K

- Code Compliance increase .07%
- Building Safety - 0%
- Electrical Permits- 18%
- Onsite Wastewater - 14%
- Land Use Applications - 18%
- Public Information Counter - .07%
- Advanced Planning - .07%

Reserve Transfer \$308K

- Est. reserve balances:
  - Fund 300 - 4.7 months
  - Fund 301 - 23.5 months
  - Fund 302 - 8.2 months

Contingency = 10.2%

Cost Increase to DWL Permit:

- Average 2,700 sq. ft. livable space:
  - Increase of \$889
  - From \$8,996 to \$9,885 - 9.8%
- 4,000 sq. ft. livable space:
  - Increase of \$1,376
  - From \$13,986 to \$15,362 - 9.8%



---

# Thank you

