



## BOARD OF COMMISSIONERS

### BOARD OF COUNTY COMMISSIONERS MEETING

9:00 AM, WEDNESDAY, JUNE 11, 2025

Barnes Sawyer Rooms - 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

## PLEDGE OF ALLEGIANCE

## CITIZEN INPUT

The Board of Commissioners provides time during its public meetings for citizen input. This is an opportunity for citizens to communicate to the Commissioners on matters that are not otherwise on the agenda. Time is limited to 3 minutes.

The Citizen Input platform is not available for and may not be utilized to communicate obscene or defamatory material.

**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.

## CONSENT AGENDA

- [1.](#) Approval of Resolution No. 2025-030, extending 1.50 Limited Duration FTEs in the District Attorney's Office for three months
- [2.](#) Authorization to apply for a Criminal Justice Commission Restorative Justice Grant
- [3.](#) Approval of an amendment to the Intergovernmental Agreement with the Oregon Department of Transportation for Traffic Signal Maintenance
4. Consideration of Board Signature on letters thanking Jill Adams and appointing Molly Wells-Darling, for service on the Deschutes County Behavioral Health Advisory Committee
5. Consideration of Board Signature on letter thanking Donna Harris, for service on the Wolf Depredation and Financial Assistance Compensation Committee
6. Approval of the minutes of the May 13, 2025 Deschutes County Budget Committee meeting
7. Approval of the Minutes of the May 30, 2025 BOCC Legislative Update

## ACTION ITEMS

- [8.](#) **9:10 AM** Bicycle and Pedestrian Advisory Committee 2024-2025 Annual Report and Safe Sidewalk Awards



- [9.](#) **9:35 AM** Consideration of a Notice of Intent to Award a contract for a Materials Recovery Facility (MRF), Composting, and C&D Consultant Services
- [10.](#) **9:45 AM** Public Hearing - Deschutes County Code Title 12 Text Amendments
- [11.](#) **10:15 AM** Public Hearing: FY 2026 Deschutes County Fee Schedule and consideration of Resolution No. 2025-014 adopting the Fee Schedule

***Convening as the Governing Body for the 9-1-1 Service District***

- [12.](#) **10:25 AM** Public Hearing: FY 2026 Deschutes County 9-1-1 Service District Fee Schedule and consideration of Resolution No. 2025-015 adopting the fee schedule

***Convening as the Governing Body for the OSU Extension and 4H Service District***

- [13.](#) **10:30 AM** Public Hearing: FY 2026 Deschutes County Extension and 4H Service District Fee Schedule and consideration of Resolution No. 2025-016 approving the Fee Schedule

***Convening as the Governing Body for the Black Butte Ranch Service District***

- [14.](#) **10:35 AM** Public Hearing: FY 2026 Black Butte Ranch Service District Fee Schedule and consideration of Resolution No. 2025-018 adopting the Fee Schedule

***Convening as the Governing Body for the Sunriver Service District***

- [15.](#) **10:40 AM** Public Hearing: FY 2026 Sunriver Service District Fee Schedule and consideration of Resolution No. 2025-017 adopting the Fee Schedule

***Reconvening as the Governing Body for Deschutes County***

- [16.](#) **10:45 AM** Consideration of Contract No. 2025-597, a Collective Bargaining Agreement Between Deschutes County and the American Federation of State, County and Municipal Employees Local 3997 (AFSCME)
- [17.](#) **10:55 AM** Request from Mountain View Community Development to lease property at the County's Public Safety Campus for its Safe Parking program
- [18.](#) **11:10 AM** First reading of Ordinance 2025-010 — Plan Amendment and Zone Change for property totaling approximately 279 acres southeast of the City of Bend (60725 Arnold Market Road)

[19.](#) **11:20 AM** Western Rivers Conservancy request for letter supporting BLM's funding request to the Department of the Interior (Paulina Meadows / Little Deschutes River land acquisition)

[20.](#) **11:25 AM** Deliberations: Reconsideration of Deschutes County 2040 Comprehensive Plan Update

## **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 SESSIONS**

*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.*

21. Executive Sessions under ORS 192.660 (2) (h) Litigation and ORS 192.660 (2) (e) Real Property Negotiations

## **ADJOURN**



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 11, 2025

**SUBJECT:** Approval of Resolution No. 2025-030, extending 1.50 Limited Duration FTEs in the District Attorney's Office for three months

**RECOMMENDED MOTIONS:**

Move approval of Resolution No. 2025-030 extending 1.50 Limited Duration FTEs from July 1 to September 30, 2025 within the District Attorney's Office.

**BACKGROUND AND POLICY IMPLICATIONS:**

On May 28, 2025, the Criminal Justice Commission approved a no-cost extension on the Restorative Justice Grant award which funds the District Attorney Office's Emerging Adult Program, allowing the continuation of program activities for an additional three months utilizing the current grant funding.

The resolution authorizes the continued employment of three part-time temporary positions until September 30, 2025. These positions are in the DA's Office and listed as follows:

- 0.50 FTE Deputy District Attorney I
- 0.50 FTE Victims' Advocate
- 0.50 FTE Program Development Technician

**BUDGET IMPACTS:**

Budget appropriations for these positions have already been included in the FY 2026 budget.

**ATTENDANCE:**

Kathleen Meehan Coop, Management Analyst  
Cam Sparks, Budget & Financial Planning Manager

REVIEWED

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LEGAL COUNSEL

REVIEWED

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LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON

## A Resolution Extending FTE

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RESOLUTION NO. 2025-030

WHEREAS, on June 11, 2025, the Board of County Commissioners approved a three-month extension for 1.50 limited duration FTE in the District Attorney's Office to support the Emerging Adult Program, and

WHEREAS, Deschutes County Policy HR-1 requires that the creation of or increase in FTE outside the adopted budget be approved by the Board of County Commissioners; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, as follows:

Section 1. That the following position's duration be extended:

Job Class	Position Number	Type	Duration if Limited Duration
Victims' Advocate (1125)	3145	0.50 LTD	7/1/2025 – 9/30/2025
Program Development Technician (1101)	3143	0.50 LTD	7/1/2025 – 9/30/2025
Deputy District Attorney I (9346)	3144	0.50 LTD	7/1/2025 – 9/30/2025
<b>Total FTE</b>		<b>1.50 LTD</b>	

Section 2. That the Human Resources Director make the appropriate entries in the Deschutes County FTE Authorized Positions Roster to reflect the above FTE changes.

DATED this\_\_\_\_\_ day of June, 2025.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DEBONE, Chair

ATTEST: \_\_\_\_\_  
PATTI ADAIR, Vice-Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 11, 2025

**SUBJECT:** Authorization to apply for a Criminal Justice Commission Restorative Justice Grant

**RECOMMENDED MOTIONS:**

Move to authorize the submittal of an application for a Criminal Justice Commission Restorative Justice Grant.

**BACKGROUND AND POLICY IMPLICATIONS:**

The District Attorney's Office seeks Board authorization to apply for a Criminal Justice Commission (CJC) Restorative Justice grant for the purpose of continuing the Emerging Adult Program (EAP). The EAP is a partnership between the District Attorney's Office, Thrive Central Oregon (Thrive), and Restorative Justice & Equity (RJ&E) which redirect young adults out of the criminal justice system into a restorative justice program that ensures accountability by addressing the harm caused. The program aims to reduce the number of cases going into our court system, connect young adults and their victims to community services to improve life stability, and allow participants the opportunity to amend for their actions while avoiding the unintended consequences of a criminal charge.

The CJC's Restorative Justice Grant program has supported the EAP program since fall 2022, allowing Deschutes County to grow the initiative from 13 pilot participants to a total of 97 individuals. To date we have an 80% graduation rate and a 12% arrest recidivism rate. We anticipate enrolling another 60 young adults into EAP over the next biennium.

If granted, the funds would be used to cover personnel expenses for three 0.5 FTEs at the DA's Office, program evaluation, and meeting expenses, in addition to the service contracts with Thrive and RJ&E. Thrive will provide a 0.5 FTE case manager/support specialist to work directly with the young adults and their victims, connecting them to local services and resources. RJ&E will facilitate the program's restorative circles with two halftime RJ specialists, coordinate team training, and provide the location for program activities.

The grant cycle would be for 24 months starting July 1, 2025 and ending June 30, 2027.

**BUDGET IMPACTS:**

If approved, the application would result in a grant award for over \$1 million, with about half (\$500,000) going to support EAP staffing at the DA's Office (0.5 FTEs - deputy district attorney, program development technician & FTE victim advocate) for two years. The other half would be divided between Thrive and RJ&E for their services (approximately \$250,000 each) for case management and restorative dialogue management.

There is no matching funds requirement.

**ATTENDANCE:**

Kathleen Meehan Coop, Management Analyst

# 25-27 RJ Grant Application Questions

## A. Program Description and Staffing

### 1. Describe your program's goals and objectives, including the long-term impact you are attempting to facilitate. [500 words or less] - 495 words

Traditional criminal prosecution often treats young adults the same as fully mature adults, ignoring key developmental differences. Neuroscience research shows that the human brain does not reach full maturity until the mid-twenties, meaning individuals aged 18 to 25 are more prone to impulsive behavior, less capable of complex decision-making, and more susceptible to peer influence. Yet they face the same legal consequences as a 30- or 60-year-old. This mismatch can have lifelong consequences—reducing access to education, future earnings, and increasing the likelihood of reoffending.

To address this, the Deschutes County District Attorney's Office, in partnership with Restorative Justice and Equity (RJ&E) and Thrive Central Oregon (Thrive), is continuing the Emerging Adult Program (EAP), a pre-charge restorative justice initiative for young adults aged 18 to 25. The program offers a community-based alternative to prosecution, providing participants with the opportunity to take accountability and repair harm through restorative dialogue. Trained RJ practitioners facilitate a process between Responsible Parties (RPs) and, when willing, Harmed Parties (HPs), to develop a restorative plan that promotes healing and transformation.

Over 21 months (October 2025 to June 2027), the EAP will advance the following goals:

#### **Goal 1: Divert young adult cases from traditional prosecution.**

The program will enroll at least 60 new RPs -- screening all police reports involving 18 to 25 year-olds. At least 25% will be felony cases and 25% person crimes. Will maintain a 75% or higher completion rate, demonstrating effective support and accountability.

#### **Goal 2: Strengthen restorative practices.**

RJ&E will conduct an assessment of the current EAP model. Provide staff monthly training and hire dedicated RJ Facilitators to facilitate the restorative circles. The program will improve efficiency by moving all cases to a single track. This goal will be measured through staff and participant surveys, and a reduction in time from RP enrollment to initial circle.

#### **Goal 3: Improve participant preparedness.**

The EAP orientation will be revamped to improve how restorative justice is explained and all RPs will participate in at least one preparation session with an RJ specialist prior



to their initial circle. Measured by an average RP post-survey score of 80% on questions related to understanding the RJ process and feeling prepared.

#### **Goal 4: Increase HP participation.**

The program will increase HP participation in circles from 3% to 10%, by increasing HP touchpoints to at least five and, when appropriate, adding an RJ circle to increase HP input. In addition, new support tools—including an RJ demonstration video (by April 2026) and monthly HP orientation sessions (by December 2025)—will increase engagement.

#### **Long-Term Impact**

The EAP aims to: 1) Improve community safety by maintaining a participant recidivism rate below 25%; 2) Build personal agency, with a 10% increase in RP and HP empowerment and satisfaction from the pre- to post-survey; and 3) Reduce the number of potential court appearances during this time-period by 100.

### **2. Does your program design use evidence-based practices, or a program model that is known to be effective? 99**

The EAP has structured its restorative dialogue using evidence-based practices. Our participants will enter into dialogue with trained RJ Facilitators at RJE outside of the criminal justice system to foster healing and repair harm. The EAP provides resources to HPs and RPs to foster long-term stability and success. The EAP engages in restorative practices in how we collaborate, engage in evaluation and assessment, and participate in training.

The EAP has been in existence since July 2021. Preliminary data shows that our program model is effective. As of April 30, 2025, 95 individuals/98 cases enrolled, 80% graduated, and 12% recidivated.

### **3. How will your program operate? Include a description of what services will be available, and how restorative practices, such as restorative dialogues will be utilized. [500 words or less] – 453 words**

In October 2025, the Emerging Adult Program (EAP) will launch its third phase, continuing its mission to divert young adults from the traditional criminal justice system through restorative justice. While the core model from Phase 2 remains, key improvements will be implemented—most notably, transitioning to a new restorative justice partner, Restorative Justice & Equity (RJE). This shift, requiring a substantial transition, reflects our commitment to deepening the quality of restorative practice and aligning program delivery with the core values of accountability, healing, and community connection.

The EAP team is composed of representatives from four collaborating partners. RJE will lead the restorative justice work, including an RJ Director and two Restorative Justice Facilitators (RJF) – to be hired. Thrive Central Oregon will provide holistic support and direct access to services through a dedicated Support Specialist (SS). A public defender from Deschutes Defenders represents the legal interests of the Responsible Parties (RPs) and provides legal guidance throughout the process and after should an RP fail to graduate. The DA's Office provides the cases, the Deputy District Attorney (DDA), Victim Advocate (VA), Program Coordinator, and grant administration through a program manager.

The EAP is grounded in restorative dialogue and values-based communication. Staff will model and use restorative language in internal meetings and client interactions, creating shared agreements that guide communication and engagement. The team will engage in ongoing training to strengthen RJ practice—focusing on language, presence, and inclusive behavior—and will track team goals to measure implementation progress. Program materials will be updated to reflect lessons learned from earlier phases and support consistency across all staff and client touchpoints.

The EAP process:

**CASE SELECTION** - Police reports involving 18- to 25-year-olds are screened by the EAP DDA and then reviewed by the full team. If a case appears suitable for the EAP, the RP is contacted through the public defender, and the Harmed Party (HP) is engaged by the Victim Advocate.

**ENROLLMENT to GRADUATION** – Eligible RPs are invited to attend an orientation to learn more and decide with the defense attorney, whether to voluntarily enroll in this 6-month program. After enrollment, the RP will: 1) Engage in pre-dialogue preparation with an RJF, 2) Accept responsibility; 3) Participate in facilitated restorative dialogues; 4) Maintain regular check-ins with a Support Specialist for service and resource connection; 5) Complete a personalized RJ plan; and 6) Not acquire any new criminal charges. Successful completion of the program results in a no-file outcome, meaning the case is never formally charged.

**HP INVOLVEMENT** - HPs are informed of the program and invited to participate at their comfort level. HPs may: 1) Attend an HP orientation, 2) Participate in the restorative dialogue, 3) Receive case updates from the VA, and/or 4) Offer input into the RPs' restorative plan, either directly or through alternative formats.

Through structured dialogue and holistic support, the EAP builds a restorative path forward for emerging adults, offering accountability without conviction, and the opportunity for both healing and reintegration for their harmed parties, and the RP.

#### 4. What training will staff and Restorative Justice facilitators receive? [250 words or less] - 212 words

Between now and the launch of Phase 3 in October 2025, Restorative Justice & Equity (RJE), our new RJ partner, will observe EAP circles and meet individually with each team member to identify both personal and group challenges. Insights gathered during this period will inform the design of a comprehensive training plan, developed in partnership with Culture of Care. Initial training topics will likely include an introduction or refresher on restorative practices, circle facilitation (language, structure, and purpose), formal conferencing, trauma-informed approaches, and meditation and mindfulness practices tailored to legal system settings.

A full-team kickoff training will be held in October 2025 to establish shared expectations, common language, and consistent practice standards. Monthly Restorative Dialogue practice sessions will follow, incorporating real-time feedback from program implementation. These sessions will offer opportunities for skill refreshers, guided circle role-play, and rotation through various circle roles so all team members gain confidence and fluency in the entire process.

In addition to this core training, team members will have access to ongoing professional development through local workshops, state conferences, and other relevant continuing education. Topics will be selected to address team development as well as the evolving needs of Responsible Parties (RPs) and Harmed Parties (HPs). This layered, adaptive training approach will ensure that all staff and facilitators are continually supported in delivering high-quality, trauma-informed, and equity-driven restorative justice services.

#### 5. On average, how many staff hours do you anticipate needing for each participant/case? [250 words or less] - 210 words

Cases selected for the Emerging Adult Program (EAP) typically require between 60 and 100 hours of staff time, with an estimated average of **70-80 hours per case**. The range reflects the diversity of eligible cases and the varying levels of support required by RPs and HPs. This estimate encompasses the full scope of individualized casework from selection through graduation.

Staff time includes activities such as case review and screening, outreach, and communication with RPs and HPs, pre-dialogue preparation, restorative circle facilitation, post-circle check-ins, support plan monitoring, team case review meetings, and—when applicable—expungement coordination. Each phase involves multiple staff roles, including the RJ Facilitators, Support Specialist, Victim Advocate, Public Defender, and Coordinator – all of whom will be employed as 0.5 FTEs.

The estimated time does not include hours dedicated to general program operations, evaluation, training, materials development, or administrative planning.

Given our target of enrolling at least 60 new EAP cases over 21 months—plus the continued support and resolution of active cases from Phase 2—we project that more than half of each team member’s weekly hours will be spent directly supporting individual cases.

These time investments reflect the program’s commitment to high-quality, trauma-informed, and relationship-based restorative justice practices that require meaningful staff engagement at every step.

**6. Provide a timeline of when program milestones and activities are anticipated to be completed. [250 words or less] – 250 words**

**2025 Q1 (Jul–Sep):**

Phase 2 activities will use RJ GAP funds - covering Thrive, Community Solutions (current RJ partner), and the DA’s Office enrolling cases through September. Gap funds will also cover Thrive & DA staff time to refine EAP processes, manuals, materials, and documents for Phase 3. Phase 3 funds will support a new service contract for RJ&E to begin planning and transition efforts.

**2025 Q2 (Oct–Dec):**

Phase 3 formally begins in October. Key milestones include shifting to Restorative Justice & Equity (RJ&E) as our new RJ partner, transitioning to a single service location at the Latino Community Association, hiring new RJ Facilitators, refining assessment tools, conducting a full-team kickoff training, and launching regular monthly circle practice sessions. The program will continue participant enrollment under our new structure and will host a semi-annual State of EAP stakeholder meeting.

**2026 Q3–Q6 (Jan–Dec):**

The program will continue enrolling and serving RPs & HPs. By April, we will produce and begin disseminating an informational video to help HPs understand the RJ process. We will conduct semi-annual reviews of participant surveys and host monthly team training. Half of the EAP team will attend the National Association of Community and Restorative Justice Conference; the other half will attend the NW Justice Forum. We will also engage local organizations to raise awareness of the EAP.

**2027 Q7–Q8 (Jan–Jun):**

We will continue facilitating RJ circles and staff training, assessing program outcomes, and securing funding to sustain the EAP beyond 2027.

## B. Engagement and Referrals

### 1. What is your service area? [50 words or less] - 49 words

Our primary service area is Deschutes County. Since Deschutes is a major shopping/recreation hub for all of Central Oregon, young adults from Crook and Jefferson who commit a crime in Deschutes are also eligible to participate in EAP. Thrive's organizational service area also already covers those counties.

### 2. Who are your community and system referral partners, and at what stage in the criminal legal or juvenile system do they occur? [500 words or less] - 265 words

The Emerging Adult Program (EAP) is a pre-charge initiative coordinated by the Deschutes County District Attorney's Office and implemented in partnership with community-based organizations. Restorative Justice & Equity (RJE) facilitates restorative dialogues, Thrive Central Oregon provides wraparound support, and Deschutes Defenders ensures counsel is available for RPs.

Restorative Justice & Equity Group [RJE] is a grassroots non-profit that has gained a reputation as a reliable, professionally competent, and thoughtful community service provider over the last eight years. RJE works with community groups to achieve common goals around racial justice through restorative practices.

Thrive Central Oregon meets with Central Oregonians to connect them with the help they are looking for. There are many resources in Central Oregon, but they can be difficult to access alone. Thrive uses a person-centered approach to services and is committed to promoting equity in Central Oregon.

The EAP activates at the earliest stage in the criminal legal process. When law enforcement submits a police report involving a young adult (ages 18–25), the DA's case management system flags the case and forwards it to the EAP-designated DDA for review. The DDA screens for basic eligibility (e.g., residence, age, charge type), guided by DA policy and EAP criteria.

If a young adult has already been cited or booked, the EAP DDA works to intervene before arraignment; however, post-arraignment referral is still possible. Successful completion of EAP in those cases results in dismissal and eligibility for expungement.

On average, 20 cases are reviewed monthly. About half are screened out due to charge type (e.g., domestic violence, Measure 11 offenses, Driving While Suspended), significant criminal history, eligibility for another program (e.g., Early Disposition Program), or residence outside the tri-county area. The remaining half undergo deeper

analysis, including requests for additional evidence, and assessment of program fit. Eligible cases are advanced for final review by the full EAP team.

By intervening early and engaging system and community partners in every step of the referral process, EAP ensures consistent, equitable, and timely access for eligible emerging adults.

**3. Who is eligible for service, how will they be screened, and what onboarding steps do new participants need to complete? Include type of cases (felony, misdemeanor, person crimes, non-person crimes), and other eligibility criteria. [500 words or less] - 313 words**

To participate in the EAP, an RP must be between the ages of 18 and 25 and reside in Deschutes, Jefferson, or Crook County. Eligibility is determined through a collaborative screening process led by the EAP Deputy District Attorney (DDA) in accordance with the District Attorney's Office's policies, procedures, and program philosophy.

The DDA ensures that only cases that would otherwise be charged are considered for EAP and assesses whether restorative justice is appropriate for the circumstances of each case. Not all technically eligible cases are suitable. For example, charges like Driving While Suspended typically lack meaningful opportunity for restorative outcomes. Additionally, cases may be diverted to more appropriate alternatives such as the Early Disposition Program, Domestic Violence Deferred Sentencing Program, Mental Health Court, or referred as violations per DA Office policy. The DDA retains discretion in making these determinations, but our community partners—Deschutes Defenders, RJ&E, and Thrive—are encouraged to provide input on any factors they believe the DA's Office should consider during eligibility determination.

Eligible case types include both misdemeanor and felony offenses, with the exception of Measure 11 crimes (Oregon's most serious felonies), sex offenses, and Driving Under the Influence of Intoxicants (DUII), all of which are categorically excluded. Prior criminal history does not automatically disqualify an RP, but significant or serious histories may be grounds for exclusion.

Victim (Harmed Party or HP) opposition does not automatically exclude a case, but the HP's concerns are weighed carefully as part of the eligibility review.

If selected, RPs are offered a voluntary opportunity to enroll. They are provided confidential consultation with a public defender, receive a program orientation, and complete an intake form and pre-survey before committing to participate. HPs are similarly offered an orientation and asked to complete an intake and survey. Both RPs

and HPs complete post-surveys following program participation to support continuous program evaluation.

**4. How will your program engage harmed parties, and what supports will be available to them? [250 words or less] - 250words**

EAP is committed to empowering HPs by offering meaningful choices in how they wish to engage. We strive to center their voices and increase participation by creating clear, respectful, and trauma-informed pathways into the restorative process. Our Victim Advocate (VA) currently attempts to contact all HPs by phone or email and mails an information packet detailing the EAP process, options for participation, and restitution forms. Once the RP is enrolled, the VA continues communication with the HP, unless they request otherwise to keep them informed and to solicit RJ plan contributions.

Those practices will continue, and the EAP team will attempt to contact each HP at least three times prior to the RP's enrollment using an enhanced script to explain the restorative process, gather HP input, and offer THRIVE resources. An informational video will also be created and shared with the HPs to better demonstrate what RJ is and what to expect from the process.

In addition, an RJ Facilitator and the Support Specialist will connect with the HPs to ensure their needs, questions, and expectations are addressed. HPs will also be provided with additional time to contribute to the development of the RP's Restorative Justice Plan before it is finalized, allowing both parties to reflect on proposed actions and outcomes. If costs to participate (time off from work/childcare) would prevent participation a stipend can be provided.

Finally, more prep, practice opportunities, and structured feedback will be provided to improve how the team supports HPs throughout this experience.

**5. How many clients were referred to you or do you anticipate being referred to you during the last biennium (2023 – 2025)?**

Between July 2023 and April 2025, 93 RPs were referred to the EAP. We anticipate another 5-8 cases being referred between May and the end of June 2025. Between July 2025 to June 2027, we anticipate approximately 125 cases being referred to the EAP.

***Of those, how many were served by your program, or do you anticipate serving?***



The EAP served 60 RPs between July 2023 and April 2025 and anticipates enrolling an additional four RPs prior to the end of June. During the next biennium, we anticipate enrolling at least 60 participants -- between 2 to 3 RPs per month.

***b. How many successfully completed the program or do you anticipate completing?***

As of April 30, 2025, the Emerging Adult Program (EAP) has served 95 responsible parties (RPs), representing a total of 98 individual cases since its inception in 2021. Of those, 67 RPs successfully completed the program, 16 remain active – 82% graduation rate. Two RPs voluntarily withdrew, and 13 were revoked—10 for non-compliance and 3 due to a new criminal offense. Among all RPs who either graduated or were revoked, 12 have recidivated to date. We anticipate similar results during the next biennium.

***c. How many are still receiving services from the program?***

As of April 30, 2025, 16 RPs were actively enrolled and receiving services, and we anticipate enrolling 10 additional RPs in Phase 2 before the end of September. Program graduates remain eligible for support, and several have reconnected with our Support Specialist post-completion. Our partnership with Thrive Central Oregon ensures that even RPs who do not complete the program—or if EAP-specific funding lapses—can continue accessing services. Thrive offers ongoing support through its broader community programs and specializing in helping community members connect with critical resources, including housing, leveraging the relationships built during their time in EAP.

**6. In the previous biennium, did you encounter any challenges or barriers that impacted the number of clients you served? For implementation applicants, do you anticipate any challenges or barriers that may impact your ability to meet enrollment goals? [500 words or less]**

While we did not experience major challenges that limited the number of responsible parties (RPs) we could serve, our original two-track program design did result in delays in getting participants into their initial restorative dialogue.

One ongoing challenge has been fully engaging harmed parties (HPs), which is common in pre-charge programs like EAP. Many cases lack a clear, individual victim, and participation in the restorative process is voluntary. In addition, we believe that for some HPs on eligible EAP case there are participation barriers due to taking time off from work and general uncertainty about the process can limit involvement.

***6a. If so, what steps are you taking to address those barriers and meet enrollment goals? [250 words or less]***



To address past delays between enrollment and the initial circle, while also ensuring RPs are better prepared, the EAP will transition from a two-track model to a unified process and shift from relying on volunteers to hiring permanent Restorative Justice Facilitators who will prep all participants.

To increase HP involvement, EAP is expanding and personalizing its outreach. For business victims, our Victim Advocate (VA) will not only reach out by phone and email but may also conduct in-person visits to encourage engagement—an approach that proved successful in our other community outreach work. EAP will also test small stipends to help offset any costs associated with participation, such as time off work, childcare, or travel.

To strengthen understanding and trust in the process, we are developing a short video explaining the EAP model and the role HPs can play. Additionally, we are increasing the number of HP touchpoints throughout the program, not just with the Victim Advocate, but also with the Support Specialist and RJ Facilitators. These steps aim to build stronger connections and provide HPs with flexible and meaningful opportunities to participate.

## C. Program data and outcomes

### 1. What does successful completion look like for your program? [500 words or less]

Successful completion of the EAP for an RP, involves the young adult taking accountability for the incident, participating in an orientation and a circle preparation meeting, completing a restorative justice (RJ) agreement over a six-month-period, avoiding new criminal charges, attending all RJ circles in person with one permitted to be virtual, and maintaining regular monthly contact—by phone, Zoom, or in person—with the program's Support Specialist.

The EAP program looks at success on two levels – one being the pure numbers (i.e. success of the cases in the program) - Enrolling at least 30 young adults per year, 2) Continuing a 75% or higher graduation rate, and 3) Maintaining an arrest recidivism rate of 25% or less for program participants. The other is measuring the program's impact on RPs, HPs, and the community. We are striving to see a measurable increase in HP participation in the program. We also want to begin to see through survey data that the program is building personal agency among our RPs and HPs in a way that they feel more personally empowered and more satisfied about the situation from where they were when they entered the program. Those metrics will help us determine the program's long-term impact on the community.

To collect and assess this impact, we will be updating and expanding EAP's evaluation efforts. We will work with an external evaluator to revise our current pre/post survey to effectively measure these points. We will also have participants complete a short survey

after each restorative dialogue. These mini surveys will not only provide additional data to help us better understand our participant's growth in the program, but they will also aid us in gathering additional feedback from RPs who discontinue or are revoked from the program. Currently, we have a zero-survey response rate among RPs who did not complete the program.

The EAP also collects and evaluates data on our HPs and RPs through an intake form, which helps us glean basic information about our participants, such as preferred pronouns, education level, marriage and parental status, veteran status, living situation, employment, disability, and even if they have a driver's license. This information helps prepare the team and informs our Support Specialist of what type of resources may be needed immediately. In addition, through this database, we also track RP progress through and HP involvement in the program. The team tracks HP & RP touch points/communications, RP progress, HP feedback, critical program dates (referral, enrollment, circles, graduation or revocation), restitution payments, and level and type of support provided. All this information is collected and maintained in a database outside of the DA's Office and case management system to ensure confidentiality.

The DA's case management system is used to obtain referred cases as it provides the team with details about the incident and information on the RP and HPs. That system also enables us to track RP recidivism.

## **2. Are clients offered support services after they "graduate"? Yes/no**

Yes

## **3. What data will you collect to demonstrate your program's success? Methods may include participant and staff pre- and post- surveys, service data, recidivism rates, etc. [500 words or less] - 460 words**

The Emerging Adult Program (EAP) collects and analyzes a range of data to assess program effectiveness, participant experiences, and areas for improvement. Data collection begins at case screening and continues through program completion, with strict protocols in place to maintain confidentiality and ensure informed consent.

Participant and case-level information—such as demographics, charge type, and law enforcement narratives—is entered into a dedicated EAP database to keep records separate from other systems. RPs and HPs each complete a comprehensive intake form to support service planning and track baseline needs. We also document the number and type of restorative justice circles, all participant contacts, restitution payment and distribution, and the support services, resources, and funding provided throughout the program.

All RPs complete a Release of Information (ROI) form so staff can coordinate care across agencies. Additionally, we are developing a voluntary release form to allow RPs and HPs to share their stories and program feedback publicly, helping communicate the value of restorative justice and deepen community understanding.

Surveys are administered to RPs, HPs, staff, and stakeholders at multiple points throughout the program. An external evaluator designs these pre- and post-surveys to assess changes in knowledge, accountability, empowerment, and satisfaction. The evaluator also conducts periodic interviews with staff, volunteers, and stakeholders to supplement the quantitative data with qualitative insights.

In addition to formal evaluation tools, the EAP team collects anecdotal evidence from real-time case observations, team debriefs, and peer-to-peer practice discussions. Team members take notes during circles and other touchpoints to document insights into participant growth, interpersonal dynamics, and emerging needs that may not be fully captured through surveys alone.

Recidivism is tracked through the District Attorney's case management system. We conduct routine reviews and pull criminal histories to monitor new arrests or charges for all program participants, regardless of outcome (graduation, withdrawal, or revocation).

Together, these data sources help us assess program quality and impact. We specifically analyze:

- The effectiveness of RJ Facilitators, Support Staff, and overall program coordination.
- Gaps in service delivery or training that may affect outcomes.
- Emerging needs of participants and the barriers they face.
- Trends in participant engagement, graduation rates, and reoffending.
- Feedback and satisfaction levels from HPs, RPs, and team members.

This information is used continuously to refine and improve the program. For example, previous analysis led to streamlining the EAP structure into a single track to reduce delays, hiring dedicated RJ staff, and expanding training for volunteers. Insights from participants also informed new supports, such as creating an EAP demonstration video and piloting monthly HP orientation sessions.

By collecting data that reflects both measurable outcomes and authentic human experiences, the EAP remains responsive, transparent, and committed to growth—ensuring the program evolves to better meet the needs of HPs, RPs, and the communities we serve.

**4. Explain what data on outcomes you have gathered/achieved in the last biennium. [250 words or less]**

With regards to outcomes, the EAP currently has a 12% recidivism rate – compared to the 18-to-30-year-olds (2023/1<sup>st</sup>) arrest recidivism rates for Deschutes County (1 Year – 21.8%; 3 Year – 58.2%). Our recidivism rate takes into account pilot program participants, some enrolled in the EAP in 2021.

Our pre/post-survey results indicated at our midterm point (Fall 2024) with 23 post-surveys completed that EAP was moving in the right direction to achieve our program outcomes. Eighty-three percent of our participants felt well prepared for the RJ process by the post-survey, and 91% felt very satisfied with the RJ process. In addition, compared to the pre-survey, we saw a 70% increase in RPs stating they felt very empowered after going through EAP, and 100% of our RPs responded in the post-survey that they felt somewhat (8%) to very (92%) respected during the RJ process. Finally, 87% felt very positive about the experience at the end compared to only 55% in the pre-survey.

**5. Is there anything else you would like to share about the proposed program, including any information that is important to include that was not addressed above? [500 words or less]**

While the program is administered out of the District Attorney's Office it is a community-based RJ program, and the entire EAP team is dedicated to the program's success and the principles and practices of restorative justice.

Team Information - Stephen our EAP Victim Advocate, served as a victim advocate for the DA's Office for over five years, before switching over to be the dedicated advocate for EAP a year ago. Stephen helped launch the EAP pilot back in 2021. Sarah our DDA, has only been in this position for three months, but was a former EAP defense attorney and has experience working on non-profit grant programs that support legal, education & advocacy work for immigrants and refugees. Amy, our program coordinator, joined the team with a Master's in Public Health and has been part of the EAP team for almost two years. She has extensive experience coordinating community programs across the country. Kathleen, our program manager, has over two decades of experience managing specialty programs and grants. Our new Thrive Support Specialist, Joe, who just joined the team in May is bilingual and asked to be our prior support specialist's replacement. Leslie, our defense attorney, has been supporting the program and our RPs consistently for almost two years. Sorahi, RJE Executive Director joins the team with extensive experience as an RJ practitioner that spans school and community work. In addition, when recruiting for our new RJ Facilitators we will be looking for individuals with experience in the RJ field, and ideally individuals with lived experience.

The EAP program includes a Life Support Fund to help ensure the basic needs of our RPs and HPs are being met to increase the likelihood that the RP will be successful in the program and that the HP is also in a stable situation. Those funds can be used to provide immediate access to food, transportation, housing stability, and communication. They can be used to assist an RP or HP to take a class, help with childcare, complete a certificate, or attend therapy. In addition, the funds can also be used to provide a stipend when needed to assist an HP in being able to participate in a circle.

The EAP also has a small Restitution Fund. This fund ensures that an HP can still be made whole if an RP is actively engaging in the program and has attempted to pay any owed restitution, but full payment would cause instability in the RPs life.

Finally, we anticipate by June 30, 2027, the EPA will have enrolled a total of 152 RPs due to the RJ grant funds. Assuming we achieve our goal of maintaining at least a 75% graduation rate, a minimum of 114 young adults will have avoided conviction due to the EAP RJ grant program.

## D. Program Priorities

**1. Does your program offer services or intend to offer services that engage in and serve rural or other historically underserved regions or areas in Oregon? [check box with text response if yes – If yes, please provide details 150 words or less] - 112 words**

**YES**

While Bend and Redmond are considered suburban communities and constitute the majority of our program participants due to the size of the community's populations, a number of our participants (HPs & RPs) reside in rural areas of Deschutes County, as well as in neighboring Crook and Jefferson Counties—both of which are classified as rural.

To better serve historically underserved communities, we have translated all key program documents into Spanish and provide interpreter services throughout the entire EAP process when English is not the primary language. Our Support Specialist is also bilingual, ensuring more accessible communication and support.

Additionally, a significant number of our participants face socio-economic disadvantages, and we intentionally design our services to meet the needs of those experiencing financial instability, housing insecurity, and limited access to traditional support systems. It is why the EAP program has a restitution and support fund.

**2. Does your program offer services or intend to offer services that engage and provide culturally appropriate services to socially disadvantaged individual(s)? [check box with text response if yes – If yes, please provide details in 150 words or less] – 142 words**

**Yes.**

The majority of EAP participants needing culturally appropriate services community members whose first language is Spanish. To support them, we've translated all core program materials into Spanish and hired interpreters to assist with restorative circles. With our program updates, EAP will be co-located in the Latino Community Association's building to increase accessibility and cultural connection.

Staff and community facilitators receive ongoing training on inclusive practices, including working with neurodivergent participants and using affirming language, such as pronouns.

We also intentionally partner with Thrive Central Oregon for their expertise in supporting socially and economically disadvantaged individuals, and our Support Specialist is bilingual. Many participants face barriers such as food insecurity, unstable housing, or lack of access to communication tools. Life Support Funds are critical to helping participants overcome these challenges—ensuring they are not only able to participate but can build a stable foundation for long-term success.

**3. Does your program currently partner or intend to partner with a researcher or research entity to track and report on any outcome measures associated with the applicant's program? [check box with text response if yes – If yes, please provide details in 150 words or less]**

**Yes.**

Greg Stewart is a researcher through Portland State University, who has worked with EAP on Phase 2 to develop surveys, analyze program data, and provide outcome reporting. Greg brings valuable expertise in evaluation design and ensures that participant data is anonymized and analyzed with rigor. He recently informed us of his plans to retire in the next two to three years, so we are proactively exploring options to either continue working with him during this transition or to establish a relationship with a new research partner. We believe it is essential to work with an experienced evaluator who can ensure our tools are effective and culturally appropriate, and who can help us draw meaningful insights from both qualitative and quantitative data to guide program improvement.

**4. Does your program address or intend to address case types as defined in OAR 213-003- 0001(14) and OAR 213-003-001(15) (definitions describing person**

**felonies and person misdemeanors)? [check box with text response if yes – If yes, please provide details in 150 words or less]**

Yes.

Emerging adults (ages 18–25) with person felonies and misdemeanors, as defined in OAR 213-003-0001(14) and (15), are preliminarily eligible for the Emerging Adult Program (EAP). As of April 30, 2025, we have enrolled 26 participants with pending person felony or person misdemeanor charges, accounting for a total of 39 qualifying charges.

**5. Does your program address or intend to address case types that carry a presumptive sentence of prison pursuant to the criteria in OAR 213-004-0001 through OAR 213-004- 0013 (describing the sentencing guidelines grid)? [check box with text response if yes – If yes, please provide details in 150 words or less] – 40 words**

Yes.

The only cases automatically excluded from EAP include Measure 11 and sexual assault. As of the end of April 2025, EAP had enrolled 25 participants with felony cases to the program, which represents 33 felony counts referred into the program.

**6. Does your program prioritize funding for direct services to the party harmed and the person who committed the harm? [check box with text response if yes – If yes, please provide details in 150 words or less] – 128 words**

Yes

The EAP prioritizes funding for direct services to both the RP and the HP.

RPs are required to connect with our EAP Support Specialist at least once per month during the program. Both enrolled participants and successful graduates remain eligible to receive ongoing support, access program funds, and be referred to additional services as needed.

All HPs are also eligible for these services. Although uptake has been limited to date, we are working to increase engagement. Moving forward, both our Support Specialist and Victim Advocate will conduct personalized outreach to each HP to ensure they are aware of and can access available supports. Our goal is to ensure that every participant—whether harmed or responsible—has access to the resources they need to heal, stabilize, and move forward.

**7. Does your program disqualify program participants based on prior criminal history? [check box with text response if no– If no, please provide details in 150 words or less] – 98 words**

No.

Prior criminal history is not an automatic disqualifier. Most of our participants have prior juvenile and/or adult criminal history. We expanded EAP eligibility in Phase 2 after initially limiting participation to individuals with only juvenile records during the pilot phase, which restricted referrals too much.

While we do not disqualify participants solely based on their record, individuals with extensive prior criminal history may be screened out if we determine the program does not have the necessary resources or wraparound services to support their successful participation or ensure the safety and well-being of the harmed party.

### Data Attestation

**Collect and submit to CJC program information, including but not limited to expenditures, outcome measures, program evaluations, demographic information pertaining to eligible and enrolled participants, satisfaction metrics for both the responsible and harmed parties, and data collected in partnership with a researcher or research entity.”**

Yes





## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 11, 2025

**SUBJECT:** Approval of an amendment to the Intergovernmental Agreement with the Oregon Department of Transportation for Traffic Signal Maintenance

**RECOMMENDED MOTION:**

Move approval of Document No. 2025-588, an amendment to an Intergovernmental Agreement with the Oregon Department of Transportation for Traffic Signal Maintenance.

**BACKGROUND AND POLICY IMPLICATIONS:**

Deschutes County Road Department operates three intersections controlled by traffic at the following locations:

- South Century Drive at Venture Lane (Sunriver)
- Huntington Road at Burgess Road (La Pine)
- Huntington Road at First Street (La Pine)

It is not feasible for the Department to employ full-time electrician staff to maintain, program, or repair traffic signals; as such, the County's traffic signals are maintained by the Oregon Department of Transportation (ODOT) Region 4 electrical crew under Agreement No. 2019-603. ODOT provides traffic signal maintenance services for most city and county road agencies in Oregon who operate traffic signals.

Agreement 2019-603 expires on June 30, 2025; the proposed amendment will extend said agreement until June 30, 2027.

**BUDGET IMPACTS:**

The cost of traffic signal maintenance services provided under this agreement shall not exceed \$15,000 per calendar year. The Department has budgeted for this cost for Fiscal Year 2026 and will continue to budget for this cost in subsequent years.

**ATTENDANCE:**

Cody Smith, County Engineer/Assistant Road Department Director

Misc. Contracts and Agreements  
 No. 73000-00048303  
 (Formerly Acmt No. 33248)  
**A136-G0092418**

**AMENDMENT NUMBER 01  
 TRAFFIC SIGNAL MAINTENANCE AGREEMENT  
 Deschutes County**

This is Amendment No. 01 to the Agreement between the **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as "State," and **Deschutes County**, acting by and through its elected officials, hereinafter referred to as "Agency," entered into on 12 August, 2019.

This Agreement is now identified as Agreement No. 73000-00048303. All terms remained unchanged, except as amended herein.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to extend the expiration date and assign the Agreement a new agreement number in the Oregon Buys system.

New language is indicated by underling and italics and deleted language is indicated by strikethrough.

1. **Effective Date.** This Amendment shall become effective on the date it is fully executed and approved as required by applicable law.

2. **Amendment to Agreement.**

a). **TERMS OF AGREEMENT, Paragraph 5, page 2 shall be amended to read as follows:**

5. This Agreement shall become effective on the date that all required signatures are obtained and shall terminate on June 30, ~~2025~~ 2027 unless extended by a fully executed Amendment to this Agreement. Any pre-existing maintenance and electrical energy responsibilities shall survive termination of this Agreement.

b). **Insert new RECITALS, Paragraphs 5 and 6, to read as follows:**

5. State anticipates the introduction of an updated Traffic Signal Maintenance agreement template within the next two (2) years. Until said updated Traffic Signal Maintenance agreement template becomes available the Parties wish to extend the existing Agreement by two (2) years.
6. Parties intend that when the updated Traffic Signal Maintenance agreement template becomes available, to enter into a new agreement and which time this Agreement will be terminated.

ODOT/Deschutes County  
Agreement No. 73000-00048303

c). **STATE OBLIGATIONS, Paragraph 6, shall be deleted in its entirety and shall be identified as Reserved.**

d). **STATE OBLIGATIONS, Paragraph 7, shall be amended to read as follows:**

7. State's ~~secondary~~ contact for this Agreement is the David Hirsch – Region Traffic Operations Engineer, 4670, Bldg K, 673055 N Highway 97, Bend, Oregon 97703, (541) ~~388-6472~~ 604-4977, [david.hirsch@odot.state.or.us](mailto:david.hirsch@odot.state.or.us), [david.hirsch@odot.oregon.state](mailto:david.hirsch@odot.oregon.state), or assigned designee upon individual's absence. State shall notify the other party in writing of any contact information changes during the term of this Agreement.
3. **Counterparts.** This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
4. **Original Agreement.** Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Agency certifies that the representations, warranties and certifications in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.
5. **Electronic Signatures.** The Parties agree that signatures showing on PDF documents, including but not limited to PDF copies of the Agreement and amendments, submitted or exchanged via email are "Electronic Signatures" under ORS Chapter 84 and bind the signing Party and are intended to be and can be relied upon by the Parties. State reserves the right at any time to require the submission of the hard copy originals of any documents.

**THE PARTIES**, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

**SIGNATURE PAGE FOLLOWS**

ODOT/Deschutes County  
Agreement No. 73000-00048303

**DESCHUTES COUNTY**, by and through  
its elected officials

By \_\_\_\_\_  
Commission Chair  
Date \_\_\_\_\_

By \_\_\_\_\_  
Commissioner

Date \_\_\_\_\_

By \_\_\_\_\_  
Commissioner

Date \_\_\_\_\_

**LEGAL REVIEW APPROVAL (If  
required in Agency’s process)**

By \_\_\_\_\_  
Agency Counsel

Date \_\_\_\_\_

**Agency Contact:**  
Cody Smith – County Engineer  
6150 SE 27th Street  
Bend, OR 97702  
(541) 322-7113  
cody.smith@deschutes.org

**State Contact:**  
David Hirsch – Region Traffic  
Operations Engineer  
63055 N Highway 97, Bldg K  
Bend, OR 97703  
(541) 604-4977  
[david.hirsch@odot.oregon.gov](mailto:david.hirsch@odot.oregon.gov)

**STATE OF OREGON**, by and through  
its Department of Transportation

By \_\_\_\_\_  
Mark Barrett Region 4 Traffic Design and  
Ops Manager per R4M-02-06

Date \_\_\_\_\_

**APPROVED AS TO LEGAL  
SUFFICIENCY**

By\_\_Exempt\_\_\_\_\_  
Assistant Attorney General

Date: \_\_\_\_\_



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 11, 2025

**SUBJECT:** Bicycle and Pedestrian Advisory Committee 2024-2025 Annual Report and Safe Sidewalk Awards

**RECOMMENDED MOTION:**

N/A

**BACKGROUND AND POLICY IMPLICATIONS:**

The mission of Deschutes County Bicycle and Pedestrian Committee (BPAC) is to promote and encourage safe bicycling and walking as a significant means of transportation in Deschutes County. This presentation will summarize BPAC's major projects and initiatives over the past year and will also present the Safe Sidewalk Awards to recognize property owners and businesses who go above and beyond the legal requirements to remove snow, ice, and debris from sidewalks.

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Tanya Saltzman, Senior Planner

Jennifer Letz, BPAC Chair

David Green, BPAC Vice Chair

# 2024-2025 ANNUAL REPORT

## DESCHUTES COUNTY BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

11 June 2025

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### 1. Overview

The mission of Deschutes County Bicycle and Pedestrian Committee (BPAC) is to promote and encourage safe bicycling and walking as a significant means of transportation in Deschutes County. The committee serves to advise Deschutes County, the cities of Bend, La Pine, Redmond, and Sisters, as well as the Oregon Department of Transportation (ODOT). BPAC is comprised of 13 volunteer citizen members with regional representation from across Deschutes County. The committee holds monthly meetings to discuss current bicycle and pedestrian projects and programs, provide input, and advise local agencies concerning bicycling and walking interests and priorities. Each year, one meeting is held in La Pine, Sisters, and Redmond to make sure all parts of the county have a chance to participate. BPAC meetings are open to the public and include agency representatives as non-voting participants.

## 2. Safe Sidewalk Awards

BPAC created the Safe Sidewalks Awards in 2006 to recognize those businesses and property owners who go beyond the legal requirements to remove snow, ice and debris from sidewalks. This year we are honored to present Safe Sidewalks Awards to the following individuals and organizations:

Cliff Stevens	NW Bend
Dennis Crotwell	SE Bend
Bill Colton	NW Bend
Bob Snyder	NE Bend
Chris Hoffner	NE Bend
Bruce Hanlon	SE Bend
Brooke Snavelly	SE Bend
Bill Dierdorff	NW Bend
Doug Kaess	NE Bend
Charles W Spresser	NW Bend
Tim Shull	Sisters
Circle of Friends	Sisters
Lyle Speirs	NW Bend
Collier Ehlers	NE Bend
Leon Vannett	NE Bend
Perry Johnson	NE Bend
Ronnie Rasmussen	NE Bend
Sebastian	NE Bend
Tony Salida	SE Bend
Chuck Boyer	NW Bend
Guy Johnson	NW Bend
South Red Carpet Carwash	SE Bend

### 3. Central Oregon Bicycle and Pedestrian Summit

The 11th Central Oregon Bicycle & Pedestrian Summit was held in Bend on April 10th, 2025 and was attended by over 80 people. This unique event brings together Central Oregon residents, transportation planners, city and county officials and experts from around the state to review what has been accomplished and what still needs to be done to make walking, bicycling, and using transit safe, comfortable, and accessible for everyone in Central Oregon. Since the summit started in 2011 it has been held in communities all across Jefferson, Crook, and Deschutes counties.

Topics at this year’s Summit included:

Welcome to Bend	Mayor Kebler
Keynote: Status of Regional Transportation	Phil Chang (OTC Commissioner)
Panel: Regional Transportation Efforts	Bob Townsend (CET) David Amiton (ODOT) Brennan Morrow (Madras) Tarik Rawlings (Deschutes County) Randy Winders (COTA-Prineville)
People Streets: Bend’s Interface with the Hawthorne Overpass	Susanna Julber (City of Bend) and Kristin Reidelberger (Central Oregon Landwatch)
Bike and Pedestrian Infrastructure: Complete Streets	Talia Jacobson (Toole Design)
Infrastructure Tour <ul style="list-style-type: none"><li>• Small Scale Street Maintenance Equipment</li><li>• Deschutes River Trail through the Old Mill</li><li>• Riverfront Street–Connecting the Deschutes River Trail</li></ul>	Chris Blake (City of Bend) Peter McCaffrey (Old Mill) Brad Tower (City of Bend)

Partners providing financial support or other help for the event were:

- Cascades East Transit
- Bend Metropolitan Planning Organization
- Commute Options
- Bend Park and Recreation District



## 4. Events

BPAC organized a **Permeable Pavement Workshop** for agencies to discuss how permeable pavement can help with storm drainage and how costs of installation and maintenance compare with standard pavement. Participants included:

- ODOT Region 4
- Bend Parks and Recreation District
- City of Bend

## 5. Community Connections

The idea of community connections as described in the county's new Transportation System Plan is gaining momentum.

Planning for the path from **Bend to Lava Butte** is complete. ODOT is expecting another appeal of the project to the State Land Use Board of Appeals (LUBA). ODOT plans to begin construction in Fall of 2026. ODOT led the project planning and will be managing the construction. Deschutes National Forest, and Deschutes County are partners. A BPAC representative was on the citizen's advisory committee.

The path from **Lava Butte to La Pine** is in the planning process. ODOT has selected a preferred alignment but no funding for construction has been awarded. ODOT is the lead agency and the Deschutes National Forest and Deschutes County are involved. BPAC has a representative actively engaged in the citizen's advisory committee.

ODOT has begun preliminary work on the **Sisters-Redmond-Bend** active transportation plan. The focus is on using the right-of-way for major roads between these cities. They plan to hire a consultant to help develop the plan. Other agencies will be involved in the planning effort. BPAC will be engaged in this effort.

## 6. BPAC Representation on Transportation Related Committees

BPAC provides representation to many committees to ensure that bicycle and pedestrian interests are considered as transportation issues are discussed or projects are planned. We have had active representation on the following committees in the past year:

- Deschutes County
  - Federal Lands Access Program (FLAP) project nomination committee
  - Transportation Safety Action Plan; Safety Working Group
- Oregon Department of Transportation (ODOT), Region 4
  - Bend to Lava Butte Trail Planning
  - Lava Butte to La Pine Trail Planning
  - US20/Greenwood Ave Facilities Planning
  - Revere Corridor Facilities Planning (in partnership with City of Bend)
- Central Oregon Area Commission on Transportation (COACT) and Central Oregon Intergovernmental Council (COIC)
  - Crash Prevention Committee
- Bend Metropolitan Planning Organization (BMPO)
  - Technical Advisory Committee (TAC)
- Bend-La Pine School District
  - Safe Routes to School Coalition
- Oregon Bicycle & Pedestrian Advisory Committee (OBPAAC)

## 7. Agencies and Organizations Involved With BPAC

One of the important functions BPAC provides is a forum for agencies and organizations involved in transportation planning in Deschutes County. These agencies and organizations can discuss projects, grants and funding, and design and construction techniques. This is one of the few opportunities for representatives of these agencies and organizations to discuss these topics in an informal but regularly scheduled setting. The following agencies and organizations regularly participate with BPAC:

- Deschutes County
- City of Bend
- City of Sisters
- City of Redmond
- City of La Pine
- Sunriver
- Oregon Department of Transportation (ODOT) Region 4
- Cascades East Transit (CET)
- Commute Options
- Bend Parks and Recreation District (BPRD)
- Bend Metropolitan Planning Agency (BMPO)

## 8. E-Bikes and Micro-mobility Situation Update

E-Bikes and other electric powered micro-mobility devices continue to be both areas of contention and valuable transportation options for many people. In the 2024 Legislative session, Oregon adopted the standard three class definition of e-bikes and restricted use of e-bikes to those 16 years of age and older. Other electric micro-mobility devices such as e-scooters, e-unicycles, and a host of other devices were not considered. Representative Emerson Levy of Bend sponsored this legislation.

The three classes of e-bikes are used both by the legislature and agencies developing specific use rules for e-bikes on their facilities. The three classes of e-bikes are:

- Class 1: Pedal assist only. Do not have a throttle. The maximum pedal-assist speed is 20 mph.
- Class 2: Have a throttle and must have operating pedals. The maximum speed is 20 mph.
- Class 3: Pedal assist only. Do not have a throttle. The maximum pedal-assist speed is 28 mph.

It is important to remember that e-bikes that have been modified to go faster or devices that may look like e-bikes but designed to go faster are not e-bikes. These devices are considered to be e-motorcycles and are regulated as such.

In the current session, two e-bike and micro-mobility bills are under consideration.

- HB 2963 would grant rebates of up to \$1,200 for the purchase of e-bikes by income qualified people.
- HB 3626, sponsored by Representative Levy, would
  - Define “powered micro-mobility device.”
  - Allow children aged 14 and 15 to use Class 1 e-bikes.
  - Require children under age 16 to wear protective headgear when using a bicycle, electric assisted bicycle, motor assisted scooter, powered micro-mobility device and certain non-motorized vehicles.
  - Provide education for users of e-bikes and other micro-mobility devices.

Locally, the rules regarding use of e-bikes are still unsettled. Class 1 e-bikes are generally allowed on Bend Parks and Recreation facilities where bicycles are allowed. The Deschutes National Forest is still considering a proposal to allow Class 1 e-bikes on selected national forest trails. E-bikes are allowed on BLM roads and motorized trails but not on non-motorized trails unless specifically allowed. Smith Rock State Park only allows e-bikes on roads or trails 8 ft or wider which essentially bans e-bikes from all trails in the park except the paved trail descending a short distance from the visitor center. E-bikes are allowed in bike lanes and travel lanes on city streets but, unlike pedal-only bikes, are not allowed on sidewalks.



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 11, 2025

**SUBJECT:** Consideration of a Notice of Intent to Award a contract for a Materials Recovery Facility (MRF), Composting, and C&D Consultant Services

**RECOMMENDED MOTION:**

Move approval of Document No. 2025-329, a Notice of Intent to Award a contract for a Materials Recovery Facility (MRF), Composting, and C&D Consultant Services Project to JR Miller & Associates.

**Goods and/or Services:** Deschutes County issued RFP 2025-328 to hire a consultant to help the Department of Solid Waste and the County determine a comprehensive scope of work for new solid waste recovery programs for the county and region. The consultant should collaborate with the County to weigh multiple financial and operational options and ultimately develop a detailed plan that includes the following deliverables:

1. An analysis of available financing mechanisms to **design, build, and operate** a new separation and diversion facility (or facilities) focused on a single-stream, commingled recyclable processing facility (CRPF), organic residuals (including food discards), and construction and demolition debris. This analysis should include capital project costs, sources of recurring revenue, and operating expenses. Financing options include debt financing (bonds), public-private partnership, and/or revenue from tip fees, sales of recovered items, and associated operating expenses.
2. A comparative economic analysis of building and operating a **local CRPF vs. transporting** recyclables to the Portland CRPF including operating expenses and revenue generated from recovered materials and pickup/acceptance fee.
3. An analysis of all available options' **impacts on rate structures** and modeling scenarios at differing tip and contamination fees per facility.
4. An analysis of aforementioned facilities' equipment needs, traffic flow, site planning, feasibility, operational requirements, and other factors.
5. An RFP template and criteria for identifying and selecting potential facility operators including, but not limited to, private companies, county staff, non-profit operators (i.e., producer responsibility organizations), or other third parties.
6. Assistance in developing facility design to include tip floor space, traffic flow, size and shape, or any other aspects of design that impact or are informed by operations.
7. Assistance with the procurement process of the aforementioned including operating contract development and contract negotiation support.

**Background & History:** In 2019 the Board of County Commissioners adopted the Solid Waste Management Plan (SWMP) that outlined the various aspects for managing the various material waste streams generated in Deschutes County. Within the SWMP the Recovery Goal of 45% was approved, establishing several recommendations for pathways to achieve the diversion of materials in the waste stream. The recommendations included:

- the development of programs to expand recovery and processing of Construction and Demotion (C&D) materials,
- expand programs and develop a new compost facility to process the full stream of vegetative waste generated recovered in the County,
- expand the education and recovery of comingled recyclable material throughout the County

Subsequent to the adoption of the SWMP, the State of Oregon passed the Plastics Pollution Reduction and Recycling Modernization Act (RMA) in 2021 in which producers of consumer products and packaging sold in the state must begin to share responsibility for the disposal/recovery of those materials beginning in 2025. This financial and structural involvement by these businesses will provide opportunities for jurisdictions throughout the State, including Deschutes County, to look at the development of Comingled Recycling Processing Facilities (CRPF's) that are financially supported and provide opportunities to expand recycling programs in this region, including the processing of Construction and Demolition (C&D) debris.

C&D wastes currently comprise almost 40% of the overall waste-stream in Deschutes County. The current recovery rate in the County is approximately 27%, well below the established Recovery Goal of 45%, so some recovery of these materials will be required to achieve that rate of recovery.

Additionally, currently Deschutes Recycling, the County's licensee to process compostable waste, is only able to process 60% of the overall collected yard-debris and food-waste from throughout the County due to space limitation at the current Knott Landfill site. IF the remainder of those materials were to be composted instead of disposed, the County's Recovery Rate would increase by almost 10%.

In December of 2024 the Solid Waste department staff solicited a proposal from GreenerU, in conjunction with Casella Waste Management, to provide services to develop an RFP to secure future consulting services to serve as an Owners Representative (OR). The OR would assist the Solid Waste department in examining and developing the parameters for future RFP solicitations for the development of new Recovery Facilities necessary to achieve the 45% Recovery Goal set forth in the SWMP.

In March, 2025, the Solid Waste Department issued RFP# 2025-328 for the scope of services listed above. The County received three (3) responses from three separate teams of consultant firms. All three proposals were deemed responsive and complete and were moved forward for evaluation. The three responses were from:

- ARUP - in conjunction with Gershman, Brickner & Bratton (GBB)
- JR Miller & Associates – in conjunction with Bell & Associates, Swordfish Consulting, and Parametrix
- RRS – in conjunction with HDR Engineering and Crowe LLP

The County assembled a review committee consisting of staff from the Solid Waste, Facilities, Finance, and Property Management departments, along with outside industry experts from Casella Waste Management who were part of the RFP development team. The review process was facilitated by Jennifer Haugh - GreenerU VP of Planning. Members of the Review Team were:

- Solid Waste -
  - Tim Brownell – Director, Jeff Merwin – Compliance and Infrastructure Manager
- Facilities -
  - Eric Nielsen – Capital Improvements Manager
- Finance –
  - Robert Tintle – Chief Financial Officer
- Property Management –
  - Kristie Bollinger – County Property Manager
- GreenerUConsultants -
  - Paul Ligon – SVP for Sustainable Growth, Erin Banfield – Director of Municipal Services, and Megan Weeden – Business Development Manager

The responses from each proposal were reviewed and scored based upon:

1. Experience, capabilities, and resources of the proposing firm(s) (30 points)
2. Experience of project team members and subconsultants (20 points)
3. Demonstrated understanding of scope of work and thoroughness of proposal (30 points)
4. Proposal clarity, quality, and organization (10 points)
5. Value/Cost (10 points)

The proposal review was followed by an Interview with and presentation from each of the three (3) proposers and their partner firms. These Interviews were worth up to an additional **(25 points)**.

The committee was very pleased by the substance, content, and competencies of all three firms.

However, throughout both the proposal review and the interview process, JRMA was ranked as providing the best proposal to meet the needs of the project and was recommended by the full review committee to move forward with the Intent to Award.

References provided by JRMA have been contacted and all have affirmed their satisfaction with the work that has been provided by JRMA and their other subcontractors.

It should be mentioned that Deschutes County Solid Waste has a significant history working with JRMA, as they have provided significant consulting services in the past for the following:

- 2019 Solid Waste Master Plan
- 2021 Transfer System Analysis Study
- 2023 Diversion Master Plan Study

All of these projects were successfully delivered to the County both on-time and within Budget.

#### **BUDGET IMPACTS:**

The contract will be awarded in the amount of \$445,315. Funds for the current portion of the project are included in the FY26 Operations Planning Fund.

#### **ATTENDANCE:**

Tim Brownell, Director of Solid Waste



## BOARD OF COMMISSIONERS

June 11, 2025

**Sent via email & First Class Mail**

RE: Project - Contract for MRF, Composting, and C&D Consultant Services

**NOTICE OF INTENT TO AWARD CONTRACT**

On June 11, 2025, the Board of County Commissioners of Deschutes County, Oregon, considered proposals for the above-referenced project. The Board of County Commissioners determined that the successful proposer for the project was JR Miller & Associates of Portland, OR.

This Notice of Intent to Award Contract is issued pursuant to Oregon Revised Statute (ORS) 279B.135. A copy of this Notice is being provided to each firm or person that submitted a bid or proposal for the project. Any firm or person which believes that they are adversely affected or aggrieved by the intended award of contract set forth in this Notice may submit a written protest within seven (7) calendar days after the issuance of this Notice of Intent to Award Contract to the Board of County Commissioners of Deschutes County, Oregon, at Deschutes Services Building, 1300 NW Wall Street, Bend, Oregon 97703. **The seven (7) calendar day protest period will expire at 5:00 PM on Monday, June 18, 2025.**

JRMA.  
June 11,2025  
Page 2

Any protest must be in writing and specify any grounds upon which the protest is based. Please refer to Oregon Administrative Rules OAR 137-047-0740 for contracts other than construction. If a protest is filed within the protest period, a hearing will be held at a regularly scheduled business meeting of the Board of County Commissioners of Deschutes County Oregon, acting as the Contract Review Board, in the Deschutes Services Building, 1300 NW Wall Street, Bend, Oregon 97703 within two (2) weeks of the end of the protest period.

If no protest is filed within the protest period, this Notice of Intent to Award Contract becomes an Award of Contract without further action by the County unless the Board of County Commissioners for good cause, rescinds this Notice before the expiration of the protest period.

If you have any questions regarding this Notice of Intent to Award Contract, or the procedures under which the County is proceeding, please contact Deschutes County Legal Counsel Bend, OR 97703, telephone (541) 388-6625 or FAX (541) 383-0496, or email to: david.doyle@deschutes.org.

Be advised that if no protest is received within the stated time period that the County is authorized to process the contract administratively.

Sincerely,

DESCHUTES COUNTY, OREGON

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[Authorized signature]

cc w/enc: Transmitted by email and First Class Mail on June 4,2025 to all Proposers (3 pages)  
See attached List



## Contract for MRF, Composting, and C&amp;D Consultant Services

J.R. Miller and Associates  
319 SW Washington St., Suite 607  
Portland, OR 97204  
[kevinm@jrma.com](mailto:kevinm@jrma.com)  
Phone: (650) 248-7440

Arup  
560 Mission St, Suite 700,  
San Francisco, CA 90105  
[alfonso.mendez@arup.com](mailto:alfonso.mendez@arup.com)  
(415) 659-4981

Tetra Tech, Inc.  
416 Longshore Dr,  
Ann Arbor, MI, 48105  
[jd@recycle.com](mailto:jd@recycle.com)  
(734) 646-3303

Attachment A

RFP 2025-328 Scoring Summary  
Aggregate Score

Reviewer	Proposing Firm	Proposal Score	Presentation Score	Total Score	Rank
#1	Arup	80	20	100	3
	JRMA	89	23	112	1
	RRS	88	22	110	2
#2	Arup	84	16	100	2
	JRMA	81	20	101	1
	RRS	79	20	99	3
#3	Arup	76	18	94	3
	JRMA	95	18	113	1
	RRS	88	23	111	2
#4	Arup	67	18	85	3
	JRMA	84	19	103	1
	RRS	76	18	94	2
#5	Arup	65	18	83	3
	JRMA	93	18	111	1
	RRS	73	18	91	2
#6	Arup	80	18	98	3
	JRMA	87	19	106	1
	RRS	83	21	104	2
#7	Arup	65	15	80	3
	JRMA	89	22	111	1
	RRS	87	19	106	2
#8	Arup	65	7	72	3
	JRMA	96	24	120	1
	RRS	88	16	104	2
Totals	ARUP	582	130	712	3
	JRMA	714	163	877	1
	RRS	662	157	819	2



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 11, 2025

**SUBJECT:** Public Hearing - Deschutes County Code Title 12 Text Amendments

**RECOMMENDED MOTIONS:**

- 1 Following the public hearing, move to close the record and proceed to deliberations.
- 2) Move first and second reading by title only of Ordinance No. 2025-012.
- 3) Move emergency adoption (effective June 25, 2025) of Ordinance No. 2025-012.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Road Department has prepared draft amendments to Deschutes County Code (DCC) Title 12 ("Roads, Sidewalks, and Public Places") for consideration by the Board of County Commissioners. The proposed text amendments are summarized as follows:

- DCC 12.04 "General Provisions and Definitions"– This chapter currently provides general provisions and definitions pertaining only to utilities within public rights-of-way under the County's jurisdiction. The proposed amendments are to modify and modernize DCC 12.04 to provide general provisions and definitions for all of DCC Title 12.
- DCC 12.08 "Utilities Within the Public Right-of-Way"– This chapter, together with DCC 12.12, 12.16, and 12.20, currently provides provisions regarding utilities within public rights-of-way under the County's jurisdiction. The proposed amendments consolidate utility provisions into a single chapter, update certain provisions to align with current practices and standards, and provide for clarification and ease of use and interpretation.
- DCC 12.12, 12.16, and 12.20 – These chapters are proposed for repeal, as applicable provisions from these chapters are moved to DCC 12.08 as proposed.
- DCC 12.25 "Road Design and Construction Specifications" – This is a new proposed chapter that moves the County Road Standards from DCC Title 17 ("Subdivisions") to DCC Title 12 ("Roads, Sidewalks, and Public Places"), as the County Road Standards are not merely associated with land divisions subject to the requirements of DCC Title 17. This proposed chapter aligns with the "clear and objective" housing development standards effort by the Community Development Department, which proposes repeal of the County Road Standards from DCC Title 17. Additionally, the proposed DCC 12.25 updates certain provisions to align with current practices and standards and provide for clarification and ease of use and interpretation.

- DCC 12.28 – “Driveways and Access to Public Roads” – This chapter provides the regulations and standards regarding access to public roads under the County’s jurisdiction. The proposed amendments include the addition of certain access-related provisions that are proposed for repeal in DCC Title 17. Additionally, the proposed amendments update certain provisions to align with current practices and standards and provide for clarification and ease of use and interpretation.

The Board of County Commissioners will hold a public hearing to consider the proposed DCC Title 12 text amendments, which were presented to the Board during a work session at their June 4<sup>th</sup> meeting. Within the proposed amendments, added language is shown underlined and deleted text is shown as strikethrough.

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Cody Smith, County Engineer/Assistant Road Department Director

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

## BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 12, Roads, Sidewalks,  
and Public Places.

\*  
\*  
\*

ORDINANCE NO. 2025-012

WHEREAS, the Deschutes County Code (DCC) contains rules and regulations duly enacted through ordinance by Deschutes County and the Deschutes County Board of Commissioners; and

WHEREAS, from time-to-time the need arises to make amendments, including new enactments to the DCC; and

WHEREAS, staff from the Road Department have identified a need to amend DCC Title 12 to better align with applicable county rules, practices and state code provisions; and

WHEREAS, the Board of County Commissioners of Deschutes County considered this matter at a duly noticed Board meeting on June 11, 2025, and determined that DCC Title 12 should be amended; now therefore,

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

Section 1. AMENDMENT. DCC Title 12 is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 2. EMERGENCY. This Ordinance being necessary for the preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on June 25, 2025.

///

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2025

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DeBONE, Chair

\_\_\_\_\_  
PATTI ADAIR, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner

Date of 1st Reading: \_\_\_\_\_, June 2025.

Date of 2nd Reading: \_\_\_\_\_, June 2025.

Commissioner

Yes

No

Record of Adoption Vote  
Abstained      Excused

Patti Adair  
Phil Chang  
Anthony DeBone

Effective date: 25<sup>th</sup> day of June, 2025.

# EXHIBIT A

(Ordinance No. 2025-012)

~~CHAPTER 12.04 GENERAL PROVISIONS AND DEFINITIONS FOR UTILITIES IN THE PUBLIC RIGHT-OF-WAY~~  
~~ROADS, CHAPTER 12.04 GENERAL PROVISIONS AND DEFINITIONS FOR ROADS, SIDEWALKS, AND PUBLIC PLACES~~

12.04.010 Short Title

12.04.020 Purpose

12.04.030 Statutory Authority

12.04.040 Editorial Revision

12.04.050 Interpretation Of Provisions

12.04.060 Definitions

HISTORY

Adopted by Ord. 2020-005 §1 on 1/1/2021

12.04.010 Short Title

Chapter 12.04 through 12.24 and amendments thereto may be collectively known as the "Deschutes County Road Utility Permit Ordinance."

HISTORY

Adopted by Ord. 203-7 §1.010 on 2/4/1976

Amended by Ord. 2020-005 §1 on 1/1/2021

**12.04.020 Purpose**

In accordance with the authority granted under applicable state law, it is considered in the public interest for utility facilities to be accommodated on the rights of way of all County roads and local access roads when such use and occupancy of the right of way do not interfere with the free and safe flow of traffic or otherwise impair the highway or its visual quality. the Board of County Commissioners to adopt rules and regulations for the control, administration, operations, improvement, and use of public road rights of way and other public places under the County's jurisdiction. In accordance with that determination and the provisions set forth in DCC 12.04.030, DCC 12.04 is adopted to provide a policy and procedure for such accommodation.

HISTORY

Adopted by Ord. 203-7 §1.020 on 2/4/1976

Amended by Ord. 2020-005 §1 on 1/1/2021

12.04.030 Statutory Authority

The Board is authorized by ORS 374.305 through 374.330, 758.010 and 758.020 to adopt reasonable rules and regulations and to issue permits for the use of all County road and local access road rights of way by public utility facilities, including privately owned lines. The United States Department of Transportation, Federal Highway Administration Regulations require regulation of such utility facilities occupying federal aid highway projects on County roads constructed after October 1, 1969, on a continuous basis in accordance with a satisfactory utility accommodation policy for the type of highway involved.



## HISTORY

Adopted by Ord. [203-7](#) §1.025 on 2/4/1976

Amended by Ord. [2011-026](#) §1 on 1/30/2012

Amended by Ord. [2020-005](#) §1 on 1/1/2021

**12.04.040 Editorial Revision**

The County Legal Counsel may at any time direct such changes regarding currently maintained copies of DCC 12 and amendments as the legislative counsel is authorized to perform regarding acts of the Legislature, pursuant to ORS 173.160; provided, that such editorial revision be directed by written memorandum filed with the County Clerk, but subject to disapproval by the Board at its next regular meeting thereafter.

## HISTORY

Adopted by Ord. [203-7](#) §1.060 on 2/4/1976

Amended by Ord. [2011-026](#) §1 on 1/30/2012

**12.04.050 Interpretation of Provisions**

1. The provisions of DCC 12 shall be liberally construed to effect the purposes set forth in DCC 12.04. Each provision requiring an applicant to furnish information shall be construed as intended to provide the County with all information which may be of assistance in evaluating the safety, utility, convenience, necessity and reliability of the applicant and its proposed facility.
2. The provisions of DCC 12 are declared to be minimum requirements. ~~fulfilling the applicant's obligations and where~~ Where any provisions of DCC 12 may be less restrictive than conditions imposed by any other provision of DCC 12, by and other law, rule or regulation of the County or another governmental unit, then the more restrictive shall apply.
3. DCC 12 shall at all times be interpreted to be consistent with the County Comprehensive Plan.

## HISTORY

Adopted by Ord. [203-7](#) §1.030 on 2/4/1976

**12.04.060 Definitions**

The following definitions apply whenever the indicated term is used in DCC 12. Words used in the present tense include the future. Words used in the singular number include the plural and words used in the plural include the singular. The word "shall" is mandatory and not directory.

"AASHTO Standards" refers to the road safety and design standards set forth in the publication entitled American Association of State Highway and Transportation Officials Policy on Geometric Designs of Highways and Streets, current edition.

"Abandoned Facility" means an underground facility that is no longer in service and is physically disconnected from the operating facility that is in service.

"Access" means the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

"Accessibility Requirements" means the measures and standards to uphold the accessibility of the county road system, including sidewalks and pedestrian areas, for individuals with disabilities in accordance with current ADA accessibility requirements.

"Applicant" means a corporation, company, firm, business, Municipal Corporation, partnership, individual or individuals named as such in the permit, together with their agents, employees, representatives, contractors, heirs and assigns.

"Apron" means the portion of the driveway approach extending from the property side of the curb to the sidewalk section and lying between the end slopes of the driveway approach.

"Backfill" means replacement of soil around and over a pipe.

"Bicycle" means a vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter or having three wheels in contact with the ground, any of which is more than 14 inches in diameter.

"Bicycle facilities" means a general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities, all bikeways, and shared roadways not specifically designated for bicycle use.

"Bike route" means a segment of a bikeway system designated with appropriate directional and information markers by the jurisdiction having authority.

"Bikeway" means Any road, path or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeway are: bike path, bike lane, shoulder bikeway, shared roadway and mountain bike trail.

1. Bike Path. A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway or road right of way or within an independent right of way.
2. Bike Lane. A portion of a roadway which has been designated by striping, signing and permanent markings for the preferential or exclusive use of bicyclists.
3. Shoulder Bikeway. A bicycle facility where the bicycle travels on the paved shoulder of the roadway.
4. Shared Roadway. A bicycle facility where the bicycle shares the normal vehicle lanes with motorists.

"Block" means an area of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights of way, lines or shore lines or waterways, or corporate boundary lines of a city.

"Board" means the Deschutes County Board of Commissioners.

"Boring" means directional boring or horizontal directional drilling (HDD), a trenchless technique for installing underground utilities like pipes, conduits, and cables.

"Buried cable" means any and all cables, wires, conduits, pedestals or related fixtures authorized in the permit.

"Carrier" means pipe directly enclosing a transmitted fluid, liquid or gas.

"Casing" means a larger pipe enclosing a carrier or conduit.

"Clear roadside policy" means the policy employed by a highway authority to increase safety, improve traffic operation and enhance the appearance of highways by designing, constructing and maintaining highway roadsides as wide, flat and rounded, as practical and as free as practical from physical obstructions above the ground.

"Conductive" means having the property or capability of conducting electricity.

"Conduit" means an enclosed tubular runway for protecting wires or cables.

"Contiguous" means that which touches or connects, including that which only connects or touches a common point; the touching together of two or more tracts of land which lie alongside one another or which touch or connect with one another for any length or distance whatsoever, no matter how finite.

"Cross-section" means a profile of the ground surface perpendicular to the centerline of a street, stream or valley bottom.

"Cul-de-sac" means a short street having one end open to traffic and terminated by a vehicle turnaround.

"Deschutes County Transportation System" means the comprehensive network of transportation infrastructure within Deschutes County, including roads, bridges, and related facilities.

"Direct burial" means installing a utility facility underground without carrier or conduit enclosing the facility.

"Driveway" means an area on private property where automobiles and other vehicles are operated or allowed to stand.

"Driveway approach" means an area, construction or improvement between the roadway of a public street and private property, intended and used for ingress and egress of vehicles from the roadway of a public street to a definite area of the private property, such as a parking area, a driveway or a door. The component parts of the driveway approach are termed the apron, the end slopes or the curb return, and the sidewalk section.

"Easement" means a grant of the right to use a parcel of land for specific purposes, but in which ownership of the land is not transferred.

"End slopes" means the portions of the driveway approach which provide a transition from the normal curb and sidewalk elevations to the grade of the apron, either by means of a sloping surface or by means of a curb return together with the area between the projected tangents of the curb return.

"Facility" means the public or private utility that is installed within the public right-of-way.

"Frontage" means that portion of a parcel of property which abuts a dedicated public street or highway or an approved private way (except an alley).

"Jacking" means a trenchless method of installing pipes by applying force to push the pipe through the ground while controlled excavation occurs.

"Improvements" mean and include, but are not limited to, streets, alleys, curbs, gutters, roadbed, road surface, storm drains and appurtenances, sidewalks, street lights, street signs, fire hydrants, sanitary sewers and appurtenances, public water supply and water distribution systems and other utilities.

"Improvement plans" means the plans, profiles, cross-sections and drawings or reproductions thereof, approved by a registered professional engineer, which show the details of the work to be done on improvements.

"Interests" means and includes a lot or parcel, share, undivided interest or membership which includes the right to occupy land overnight, and a lessee's interest in land for more than three years or less than three years if the interest may be renewed under the terms of the lease for a total period more than three years. "Interest" does not include any interest in a condominium or any security interest under a land sales contract, trust deed or mortgage. "Interest" does not include divisions of land created by lien foreclosure or foreclosure of recorded contracts for the sale of real property.

"Intersection return" means the curved portion of a street curb at street intersections or the curved portion of a curb in the end slopes of a driveway approach.

"Land development" means the subdividing or partitioning of land for any purpose into parcels or the creation of units or parcels for the purpose of sale or lease for a term of one year or more. "Land development" includes intent to dispose of any land, whether contiguous or not, including any land divided, lots, parcels, unit or interests offered as a part of a common promotional plan of advertising by a single developer or a group of developers acting in concert. If the land is contiguous or is known, designated or advertised as a common unit or by a common name, the land shall be presumed, without regard to the number of lots covered by each individual offering, to be offered for disposition as part of a common promotional plan.

"Manhole" means an opening in an underground system which workmen or others may enter for the purpose of making installations, inspections, repairs, connections and tests.

"Monument" means a permanent and fixed survey marker conforming to the requirements established by state law and the regulations of the County.

"MUTCD" means the Manual of Uniform Traffic Control Devices, Federal Highway Administration.

"New utility installations" means both the initial installation and replacement of existing facilities with those of a different type or the replacement at a new location. Any replacement of an existing facility or portion thereof with another of the same type at the same location shall be considered maintenance rather than new utility installation.

"Normal" means crossing at a right angle.

"OTTCH" means *The Oregon Temporary Traffic Control Handbook* which provides a reference for the standards and practices related to establishing temporary traffic control work zones in place continuously for three days or less on public roads in Oregon.

"Owner" means the owner of the title to real property or the authorized agent thereof having written notarized authorization recorded with the County Clerk, or the contract purchaser of real property of record as shown on the last available complete tax assessment roll or County Clerk's records. "Owner" does not include an interest created for security purposes.

"Partition" means the act of partitioning land or an area or tract of land partitioned.

"Permit Administrator" means the Road Department Director or the Director's authorized representative.

"Person" means an individual, firm, partnership, corporation, company, association, syndicate or any legal entity, whether he, she or it is acting for himself, herself or itself, or as the servant, employee, agent or representative of another.

"Pipe" means a tubular product made as a production item for sale as such. Cylinders formed from plate in the course of the fabrication of auxiliary equipment are not pipe as defined in DCC 12.08.

"Pipeline" means any and all pipelines, hydrants, valve boxes, manholes, conduits or related fixtures authorized in the permit.

"Plat" means a final map, diagram, drawing, replat or other writing containing all descriptions, specifications, locations, dedications, provisions and information concerning a subdivision or partition.

"Pole line" means any and all poles, wires, guys, anchors or related fixtures authorized in the permit.

"Pressure" means relative internal pressure in psig (pounds per square inch gauge).

"Property line" means the division line between two units of land.

"Right of way" means the area within the boundary line of a public roadway, including an alley.

"Rigid pipe" means a welded or bolted metallic pipe or reinforced, prestressed or pretensioned concrete pressure pipe designed for diametric deflection of less than one percent.

"Road" or "street" means a public or private way that is created to provide ingress and egress to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining or agricultural purposes.

1. "Alley" means a public way through the middle of a block, giving access to the rear of parcels or buildings.
2. "Arterial" includes three types of arterials, Principal Arterial, Urban Minor and Rural Minor Arterial, defined as follows:
  1. "Principal Arterial" means a road which carries the major portion of trips entering and leaving the urban areas and outlying rural and recreation areas (state highways).

2. "Urban Minor Arterial" means a road that interconnects with and augments the principal arterial system and provides service to intra-urban/intra-community areas.
3. "Rural Minor Arterial" means a road that connects with the principal arterial system and forms the rural road network that links cities and unincorporated communities (as that term is defined in DCC Title 18).
3. "Collector" means a restricted access street supplementary to the arterial street system used or intended to be used primarily for the movement of traffic between arterials and local streets.
4. "Frontage road" means a street parallel and adjacent to an arterial providing access to abutting properties, but protected from through traffic.
5. "Industrial road" means a street to or through property zoned industrial.
6. "Local street" means a street which provides access to property abutting the public right of way; this includes vehicular and pedestrian access. Moving traffic is a secondary function of a local street and it should not carry through traffic.
7. "Modernization" means the widening or reconstruction of an existing County road to an adopted County standard.
8. "Special pedestrian way" means a sidewalk or pathway not located within a public road right of way which enables pedestrian access to a street, school, park or other similar facility or service.
9. "Stubbed street" means a street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands.

"Road and street project" means the construction and maintenance of the roadway, bicycle lanes, sidewalks or other facilities related to a road or street. Road and street projects shall be a Class I, Class II or Class III project.

1. Class I Project. Land use permit required. "Class I Project" is a major project such as:
  1. A new controlled-access freeway;
  2. A road or street project of four or more lanes on a new location; and
  3. A major project involving the acquisition of more than minor amounts of rights of way, substantial changes in access control, a large amount of demolition, displacement of a large amount of residences or businesses, or substantial change in local traffic patterns.
2. Class II Project. Land use permit required. "Class II Project" is a
  1. Modernization where a road or street is widened by more than one lane;
  2. Traffic safety or intersection improvement which changes local traffic patterns;
  3. System change which has significant land use implications; or,

4. The construction of a new County road or street within a dedicated public right-of-way, where none existed before.

3. Class III Project. No land use permit required. "Class III Project" is a modernization, traffic safety improvement, maintenance, repair or preservation of a road or street.

"Roadbed" means the graded portion of a highway within top and side slopes, prepared as a foundation for the pavement structure and shoulders.

"Roadside" means the area adjoining the outer edge of the roadway. Extensive areas between the roadways of a divided highway may also be considered roadside.

"Roadway" means that portion of a street developed for vehicular traffic.

"Sidewalk" means a pedestrian walkway with permanent surfacing.

"Sidewalk section" means the portion of the driveway approach lying between the back, or property edge of the sidewalk and the end slopes measured at the front, or street, edge of the sidewalk.

"Special provisions" means those provisions shown under the heading "Special Provisions" in the permit. In all cases of conflict between the special provisions and general provisions, the special provisions shall have precedence.

"Street" means a highway as defined in DCC 12.08.060.

"Structure" means any bridge, box culvert, culvert pipe, storm sewer pipe, catch basin or manhole.

"Subdivision" means the act of subdividing land or an area or a tract of land subdivided, as defined in DCC 17.08.030.

"Traveled way" means the portion of the roadway for the movement of vehicles, inclusive of shoulders and auxiliary lanes.

"Trenched" means installed in a narrow open excavation.

"Tunneling" means a trenchless method of sewer construction. The tunneling process is remotely controlled and can be used to install larger diameter pipes and longer pipe runs than the Jack and Bore method.

"Use" means the purpose for which land or a structure is designated, arranged or intended, or for which it is occupied or maintained.

"Utility" means a public utility, as defined in ORS 757.005, or a telecommunications utility or competitive telecommunications provider, as those terms are defined in ORS 757.005.

"Vent" means an appurtenance to discharge gaseous contaminants from casings.

~~"Administrator" means the Road Department Director or the Director's authorized representative.~~

~~"Applicant" means a corporation, company, firm, business, Municipal Corporation, partnership, individual or individuals named as such in the permit, together with their agents, employees, representatives, contractors, heirs and assigns.~~

~~"Auxiliary lanes" means the portion of the roadway adjoining the traveled way for parking, speed change, turning, storage for turning, weaving, truck climbing, and other purposes supplementary to through traffic movement.~~

~~"Backfill" means replacement of soil around and over a pipe.~~

~~"Bedding" means organization of soil to support a pipe.~~

~~"Board" means the Deschutes County Board of Commissioners.~~

~~"Buried cable" means any and all cables, wires, conduits, pedestals or related fixtures authorized in the permit.~~

~~"Bury" means the depth of the top of the pipe below grade of roadway or ditch.~~

~~"Cap" means rigid structural element surmounting a pipe.~~

~~"Carrier" means pipe directly enclosing a transmitted fluid, liquid or gas.~~

~~"Casing" means a larger pipe enclosing a carrier.~~

~~"Clear roadside policy" means the policy employed by a highway authority to increase safety, improve traffic operation and enhance the appearance of highways by designing, constructing and maintaining highway roadsides as wide, flat and rounded, as practical and as free as practical from physical obstructions above the ground, such as trees, drainage structures, massive sign supports, utility poles and other ground-mounted obstructions.~~

~~"Coating" means material applied to or wrapped around a pipe.~~

~~"Conduit" means an enclosed tubular runway for protecting wires or cables.~~

~~"County" means Deschutes County, a political subdivision of the State of Oregon.~~

~~"County road" means a public road under the jurisdiction of a county that has been designated as a county road under ORS 368.016 and maintained by Deschutes County.~~

~~"Cradle" means rigid structural element below and supporting a pipe.~~

~~"Direct burial" means installing a utility facility underground without encasement, by plowing.~~

~~"District Attorney" means the District Attorney of the State of Oregon for Deschutes County.~~

~~"Drain" means an appurtenance to discharge liquid contaminants from casings.~~

~~"Duct" means a conduit as defined in DCC 12.04.060.~~

~~"Encasement" means the structural element surrounding a pipe.~~

~~"Encroachment" means unauthorized use of highway rights of way or easements as for signs, fences, buildings, etc.~~

~~"Facility" means the public or private utility that is installed within the public right-of-way.~~



~~"Flexible pipe" means a plastic, fiberglass or metallic pipe having large ratio of diameter to wall thickness which can be deformed without undue stress.~~

~~"Gallery" means an underpass for two or more pipelines.~~

~~"Grounded" means connected to earth or to some extended conducting body which serves instead of the earth whether the connection is intentional or accidental.~~

~~"Grout" means cement and sand mortar.~~

~~"Highway" means a public way for purposes of vehicular travel, including the entire area within the right of way.~~

~~"Jacket" means an encasement by concrete poured around a pipe.~~

~~"Local Access Road" means any public street or road which is not maintained by the County but over which the County has jurisdictional authority.~~

~~"Manhole" means an opening in an underground system which workmen or others may enter for the purpose of making installations, inspections, repairs, connections and tests.~~

~~"New utility installations" means both the initial installation and replacement of existing facilities with those of a different type or the replacement at a new location. Any replacement of an existing facility or portion thereof with another of the same type at the same location shall be considered maintenance rather than new utility installation.~~

~~"Normal" means crossing at a right angle.~~

~~"Oblique" means crossing at an acute angle.~~

~~"Overfill" means backfill above a pipe.~~

~~"Pavement structure" means the combination of subbase, base course and surface course placed on a subgrade to support the traffic load and distribute it to the roadbed.~~

~~"Pipe" means a tubular product made as a production item for sale as such. Cylinders formed from plate in the course of the fabrication of auxiliary equipment are not pipe as defined in DCC 12.04.~~

~~"Pipeline" means any and all pipelines, hydrants, valve boxes, manholes, conduits or related fixtures authorized in the permit.~~

~~"Pole line" means any and all poles, wires, guys, anchors or related fixtures authorized in the permit.~~

~~"Pressure" means relative internal pressure in psig (pounds per square inch gauge).~~

~~"Right of way" means land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.~~

~~"Rigid pipe" means a welded or bolted metallic pipe or reinforced, prestressed or pretensioned concrete pressure pipe designed for diametric deflection of less than one percent.~~

~~"Road" means a highway as defined in DCC 12.04.060.~~

~~"Roadside" means the area adjoining the outer edge of the roadway. Extensive areas between the roadways of a divided highway may also be considered roadside.~~

~~"Roadway" means the portion of a highway, including shoulders, for vehicular use. A divided highway has two or more roadways.~~

~~"Road construction project limits" means the entire construction area, whether inside or outside the right of way.~~

~~"Semi-rigid pipe" means a large diameter concrete or metallic pipe designed to tolerate diametric deflection up to three percent.~~

~~"Sidefill" means backfill alongside a pipe.~~

~~"Slab (floating)" means a slab between but not contacting pipe or pavement.~~

~~"Sleeve" means short casing through pier or abutment of highway structure.~~

~~"Special provisions" means those provisions shown under the heading "Special Provisions" in the permit. In all cases of conflict between the special provisions and general provisions, the special provisions shall have precedence.~~

~~"Street" means a highway as defined in DCC 12.04.060.~~

~~"Structure" means any bridge, box culvert, culvert pipe, storm sewer pipe, catchbasin or manhole.~~

~~"Traveled way" means the portion of the roadway for the movement of vehicles, inclusive of shoulders and auxiliary lanes.~~

~~"Trenched" means installed in a narrow open excavation.~~

~~"Untrenched" means installed without breaking ground or pavement surface, such as by jacking or boring.~~

~~"Use and occupancy agreement" means the document by which the highway authority regulates and/or gives approval of the use and occupancy of highway rights of way by utility facilities or private lines.~~

~~"Utility" means a public utility, as defined in ORS 757.005, or a telecommunications utility or competitive telecommunications provider, as those terms are defined in ORS 757.005.~~

~~"Vent" means an appurtenance to discharge gaseous contaminants from casings.~~

~~"Walled" means partially encased by concrete poured alongside the pipe.~~

#### ~~HISTORY~~

~~Adopted by Ord. 203-7 §§1.500-1.950 on 2/4/1976~~

~~Amended by Ord. 95-035 §1 on 5/17/1995~~

~~Amended by Ord. 2011-026 §1 on 1/30/2012~~

~~Amended by Ord. 2020-005 §1 on 1/1/2021~~

**CHAPTER 12.08 ~~PERMIT PROCEDURES FOR~~ UTILITIES WITHIN THE PUBLIC RIGHT-OF-WAY**

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**12.08.010 Short Title**

Chapter 12.08 shall apply to and govern the location, installation, construction, maintenance and use of pole lines, buried cables, pipelines, signs, miscellaneous operations upon Deschutes County right-of-way and properties under the jurisdiction of the board of county commissioners set forth in DCC 12.08.030.

**12.08.020 Purpose**

It is considered in the public interest for utility facilities to be accommodated on the rights-of-way of all County roads and local access roads when such use and occupancy of the right-of-way do not interfere with the free and safe flow of traffic or otherwise impair the highway or its visual quality. In accordance with that determination and the provisions set forth in DCC 12.08.030, DCC 12.08 is adopted to provide a policy and procedure for such accommodation.

**12.08.030 Statutory Authority**

The Board is authorized by ORS 374.305 through 374.330, 758.010 and 758.020 to adopt reasonable rules and regulations and to issue permits for the use of all county road and local access road rights-of-way by public utility facilities. The authority to administer permits related to these activities is hereby delegated from the Board to the Permit Administrator, who shall have the power to review, approve, and enforce compliance with the provisions outlined herein.

**12.08.040 Editorial Revision**

The County Legal Counsel may at any time direct such changes regarding currently maintained copies of DCC 12 and amendments as the legislative counsel is authorized to perform regarding acts of the Legislature, pursuant to ORS 173.160; provided, that such editorial revision be directed by written memorandum filed with the County Clerk, but subject to disapproval by the Board at its next regular meeting thereafter.

**12.08.050 Interpretation of Provisions**

- A. The provisions of DCC 12 shall be liberally construed to effect the purposes set forth in DCC 12.08. Each provision requiring an applicant to furnish information shall be construed as intended to provide the County with all information which may be of assistance in evaluating the safety, utility, convenience, necessity and reliability of the applicant and its proposed facility.
- B. The provisions of DCC 12 are declared to be minimum requirements fulfilling the applicant's obligations and where any provisions of DCC 12 may be less restrictive than conditions imposed by any other provision of DCC 12, by and other law, rule or regulation of the County or another governmental unit, then the more restrictive shall apply.

—DCC 12 shall at all times be interpreted to be consistent with the County Comprehensive Plan.

C. \_\_\_\_\_

**12.08.060 Violation**

1. In case any facility or structure is constructed or proposed to be constructed, maintained, repaired, altered or used in violation of DCC 12.24, such violation shall constitute a nuisance and the county may institute legal proceedings to prevent, enjoin, temporarily or permanently abate, remove or correct the nuisance.
2. Violation of the provisions of DCC 12.08 through DCC 12.24 is a Class B violation.

#### **12.08.070 Insurance**

Prior to any work within a public right-of-way, the applicant or their contractor, shall procure and continue to carry insurance coverages, including but not limited to commercial general liability and commercial automobile liability, from a responsible insurance provider with minimum coverage amounts as determined by the Permit Administrator. Deschutes County, its Board, and affiliates shall be named as additional insured parties with the same minimum coverage limits specified by the County.

#### **12.08.080 Bonds**

- A. A bond shall be required when, in the opinion of the Road Department Director, an existing public way is endangered by an applicant, such applicant shall be required to file an agreement and security with the County.
- B. Type of Security. The applicant shall file with the agreement, to assure the applicant's full performance thereof, a surety bond executed by a surety company authorized to transact business in the state in a form approved by the County.
- C. Amount Required. Such assurance of full performance shall be for a sum approved by the Road Department Director as sufficient to cover the cost of improvements and repairs, including related engineering, inspection and incidental expenses.
- D. Default Status.
  1. If the applicant fails to carry out provisions of the agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement.
  2. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the County, it shall release the remainder.
  3. If the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the applicant shall be liable to the County for the difference.
- E. The bonds shall not be released by the County until County inspectors have inspected the improvements and approved them in writing.

#### **12.08.090 Ecological and Cultural Oversight**

The Applicant bears all responsibility and liability for:

- A. Investigating the presence/absence of legally protected or regulated environmental resources in the action area;
- B. Identifying and adhering to any restrictions or requirements associated with the proposed actions, such as those related to hazardous materials, water quality constraints, wetlands, archaeological or historic resources, state and federal threatened or endangered species, etc.;
- C. Ensuring compliance with all federal, state, and local laws and obtaining all required permits and approvals.

In the event that the Applicant affects a legally protected or regulated resource, the Applicant is obligated to bear all costs related to the impact. This includes, but is not limited to, expenses for mitigation and rehabilitation. The Applicant must indemnify and absolve Deschutes County of any liability for such impacts, taking responsibility for any associated costs or claims that the county may incur.

#### **12.08.100 Accessibility Considerations**

While performing permitted utility work, the Applicant must implement measures to uphold the accessibility of the county road system, including sidewalks and pedestrian areas for individuals with disabilities, in accordance with current accessibility requirements.

The Applicant is responsible for restoring or replacing any curb ramps or sidewalks damaged or altered by the permitted activity to comply with the standards of a new installation set forth in DDC 12.25. Any review or inspection conducted by county staff concerning the curbs or curb ramps does not exempt the Applicant from their obligation to provide compliant pedestrian features.

#### **12.08.110 Permit; Limitations**

- A. Only a public utility, as defined in ORS 757.005, can be installed in the Right of Way utilizing the permit process. Privately owned lines are only allowed to occupy the right-of-way only when there is no other feasible location for the facility involved.
- B. The provisions of DCC 12.08 are declared to be minimum requirements fulfilling the applicant's obligations and where any provisions of DCC 12.08 may be less restrictive than conditions imposed by any other provision of DCC 12.08, by and other law, rule or regulation of the County or another governmental unit, then the more restrictive shall apply.

#### **12.08.120 Permit; Variances**

Variances by the Permit Administrator may be granted for an individual permit when it can be shown such variation is economically justified and will not adversely affect the integrity of the County road, its maintenance, efficiency and the safety of the road user.

#### **12.08.~~010~~-130 Permit; Application Required**

Application for a permit for work in the right-of-way under DCC 12 shall be made to the Road Department, using the permit approved by the Administrator. One copy of the form shall be submitted

and the Administrator may require additional information, such as engineered drawings, when the Administrator deems it necessary or convenient to a decision upon the permit. The Permit Administrator is granted the authority to determine when a permit application submittal is acceptable based on the following criteria:

- A. Completeness: The Permit Administrator shall evaluate the completeness of a permit application to ensure that all required information and documentation have been provided by the applicant.
- B. Compliance: The permit application must comply with all relevant county, state, and federal requirements, incorporate the appropriate industry standards.
- C. Accuracy: All information provided in the permit application must be accurate and verifiable.
- D. Proper Form: The application must be submitted in the prescribed format and include all necessary forms and attachments.

#### HISTORY

*Adopted by Ord. [203-7](#) §5.510 on 2/4/1976*

*Amended by Ord. [95-035](#) §1 on 5/17/1995*

*Amended by Ord. [2011-026](#) §2 on 1/30/2012*

*Amended by Ord. [2013-013](#) §1 on 7/25/2013*

*Amended by Ord. [2020-005](#) §1 on 1/1/2021*

#### **12.08.020-140 Permit; Application; Exhibits Maps**

The application form shall be accompanied by an exhibit map/engineered drawings unless waived by the Administrator. The exhibit maps/engineered drawings shall be done in accordance with DCC 12.16.150. An application will not be considered complete by the county unless the following items are provided by the applicant or waived by the Permit Administrator:

- A. A project exhibit or plan sheets that clearly depict the scope, location, dimensions, and specifications of the proposed project. The exhibit or plan sheets must provide sufficient detail for comprehensive review by the Permit Administrator and comply with all relevant sections of DCC 12.08.
- B. A Traffic Control Plan that outlines measures to manage vehicular, pedestrian, and bicycle traffic during the execution of the project. The Traffic Control Plan should adhere to established safety standards and include provisions for the accommodation of bicycles and pedestrians and comply with the current Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) or the Oregon Temporary Traffic Control Handbook (OTTCH) for work less than three days.
- C. A detailed project schedule outlining the timeline for commencement, completion, and key milestones of the proposed project is required as part of the complete permit package.

## HISTORY

Adopted by Ord. [203-7](#) §5.520 on 2/4/1976

Amended by Ord. [2011-026](#) §2 on 1/30/2012

Amended by Ord. [2020-005](#) §1 on 1/1/2021

**12.08.030-150 Permit; Approval ~~And~~ and Issuance**

The Administrator shall review the application for conformance with DCC 12.08, shall add any special provisions considered necessary or appropriate, and if it complies with the provisions of DCC 12.08, ~~including the policy considerations set forth in DCC 12.20,~~ may approve and issue the completed permit.

## HISTORY

Adopted by Ord. [203-7](#) §5.530 on 2/4/1976

**12.08.040 Board Review**

~~If the permit is denied by the Administrator or if the special provisions imposed are unsatisfactory to the applicant, or in any case referred by the Administrator, at the request of applicant or Administrator the Board may review the application for permit. The Board's decision thereon shall be final and subject only to review pursuant to ORS 34.010.~~

## HISTORY

~~Adopted by Ord. [203-7](#) §5.540 on 2/4/1976~~

~~Amended by Ord. [2011-026](#) §2 on 1/30/2012~~

**12.08.050-160 Permit; Termination Conditions**

A permit once issued shall terminate as follows:

1. Failure of the applicant within a reasonable time after written notice from the Administrator to comply with any of the terms and conditions of the permit shall be sufficient cause for immediate cancellation of the permit.
2. The permit and privileges granted and the obligation of the permittee created thereby shall be binding upon the successors and assigns of the permittee. The permittee shall give the Administrator written notice of any such assignment or transfer within a reasonable time thereafter.
3. If the applicant fails to commence work on the project covered by the permit within 30 days from the date the permit is issued, such permit shall be deemed null and void and all privileges thereunder forfeited, unless a written extension of time is obtained from the administration.

## HISTORY

Adopted by Ord. [203-7](#) §5.550 on 2/4/1976

Amended by Ord. [2011-026](#) §2 on 1/30/2012

Amended by Ord. [2020-005](#) §1 on 1/1/2021

**12.08.060 Civil Rights Act Provisions**



~~In those instances where the section of County road covered by the permit is part of a federally assisted highway and the permit covers utilities which do not come under the provisions of ORS 758.010 and 758.020, the applicant and his contractors shall agree to comply with the provisions of Title VI of the Civil Rights Act of 1964.~~

#### ~~HISTORY~~

~~Adopted by Ord. 203-7 §5.570 on 2/4/1976~~

### **12.08.~~070-170~~ Permit; Rights Granted**

Nothing in the permit is intended to grant rights or imply approval in areas not falling within the authority and jurisdiction of the County. It is the responsibility of the applicant to determine the need for and to obtain such licenses, permits or other forms of approval which may be required by state agencies, federal agencies, cities, municipal corporations, utility companies, railroads or private property owners.

#### ~~HISTORY~~

~~Adopted by Ord. 203-7 §5.580 on 2/4/1976~~

~~Amended by Ord. 2011-026 §2 on 1/30/2012~~

### **~~12.08.080 (Repealed)~~**

#### ~~HISTORY~~

~~Repealed by Ord. 2020-005 §1 on 1/1/2021~~

### **~~12.08.090 (Repealed)~~**

#### ~~HISTORY~~

~~Repealed by Ord. 2020-005 §1 on 1/1/2021~~

### **~~12.08.100 (Repealed)~~**

#### ~~HISTORY~~

~~Repealed by Ord. 2011-026 §2 on 1/30/2012~~

### **12.16.180 Existing Facilities; Removal, Relocation, or Repair**

- A. Existing pipelines, pole lines, power or communication cables or other facilities or appurtenances relocated or repaired within the limits of the county ROW shall conform to the requirements of a new installation.
- B. The permit is issued pursuant to the laws of the state which authorizes the Board to subsequently require the applicant to remove, relocate or repair the pole line, buried cable or pipeline covered by the permit at the sole cost of the applicant and by applying, the applicant consents and agrees to such condition.

- C. Upon receiving written notice from the Board to remove, relocate or repair the pole line, buried cable or pipeline, the applicant shall within 60 days remove, relocate or repair same, at the facility owner's sole cost, in accordance with the written notice. Under unusual circumstances, the Administrator may grant a written extension in time if the applicant can show the need for an extension.
- D. Should the applicant fail to remove, relocate or repair the pole line, buried cable or pipeline the County may remove, relocate or repair the same and submit a statement of total costs for the work to the applicant. The applicant upon receiving such statement will immediately, or within a period of time agreed upon between the applicant and the Board, pay to the County the full amount of such removal, relocation or repair costs.

#### **12.08.190 Existing Facilities; Abandonment**

- A. All abandon utility facilities must be completely removed from the ROW unless explicit permission to abandon the facilities in place is first obtained from the Permit Administrator.
- B. When a utility facility is abandoned in place, the following provisions must be adhered to:
  - 1. All abandoned utilities must be physically disconnected from any active systems to prevent any potential hazards or interference with active utilities.
  - 2. Any pipes, conduits, or other hollow structures must be filled with pressurized grout to prevent collapse or subsidence.
  - 3. Upon completion, the utility owner must provide documentation, including as-built drawings, certifying that the abandonment was carried out according to the approved plan and standards.

#### **12.08.200 Overhead Utilities; Placement of Poles**

The installation of all utility poles shall comply with the placement requirements listed below:

- A. Limited to single-pole type of construction with joint use encouraged in all instances. Only one pole line on each side of the road is permitted.
- B. Subject to terrain limitations, poles should be placed as close to the edge of right-of-way line as possible.
- C. Location behind guardrail shall be a minimum of five feet from its face.
- D. Overhead roadway crossings shall be constructed a minimum of 50 feet from the ends of any bridge.
- E. Location on a cut-slope shall be the minimum horizontal distance from centerline required to place the base of the pole at least five feet above the elevation of the top of the roadway.
- F. Variance as required to maintain a reasonable uniform pole alignment will be allowed where irregularly shaped portions of the right-of-way extend beyond the normal right-of-way limits.

- G. Location from edge of travel lane (fog line) shall be a minimum of 10 feet, unless otherwise approved by the Administrator.
- H. On sections of County roads traversing business or residential areas having a posted or statutory speed limit of forty miles per hour or less, controls will of necessity be governed by roadside development, however, all poles and ground-mounted appurtenances shall be located as far as practical behind the curb or outside the shoulder and/or parking area if there is no curb.
- I. When two or more utilities jointly occupy the same pole or poles, each occupant may obtain a separate permit, or a joint permit may be issued and executed by each company. Identification of the pole owner should be contained in the permit application.
- J. When placed near road intersections and driveways poles must be positioned to avoid obstructing the line of sight for drivers, ensuring visibility is maintained as per AASHTO sight distance requirements.

#### **12.08.210 Overhead Utilities; Placement of Overhead Lines and Guys**

The installation of all overhead utility lines and guys shall comply with the placement requirements listed below:

- A. All crossings of the traveled portion of the highway including service drops shall be installed and maintained at a minimum height of 18 feet as measured from the highest point of the traveled way under the crossing.
- B. All overhead power and communication lines which are constructed parallel to the roadway shall be located downstream of bridges when crossing any stream that is prone to carry debris during flooding conditions. Overhead roadway crossings shall be constructed a minimum of 50 feet from the ends of any bridge.
- C. Guy wires to ground anchors and stub poles and other related ground-mounted appurtenances should not be placed between a pole and the traveled way where they encroach upon the clear roadside area.
- D. No overhead utility components shall be placed within 7 feet of the vertical extents, or the entirety of the horizontal extents, of any sidewalk, multi-use path, curb ramp, or other pedestrian feature.
- E. To the extent feasible and practicable, crossings of the County Road should be on a line generally normal (90 degrees) to the road alignment.

#### **12.08.220 Underground Utilities; General Placement Considerations**

The installation of all underground utilities shall comply with the placement requirements listed below.

- A. Utility lines should be located to minimize need for later adjustment to accommodate future road improvements and to allow servicing such lines with minimum interference to highway traffic.
- B. To the extent feasible and practicable, crossings should be on a line generally normal (90 degrees) to the road alignment.

- C. Pedestals and meters installed as part of a buried cable, water or gas installation are to be located one foot from the right-of-way line unless special permission is obtained from the Administrator to locate elsewhere. In no case shall the pedestals and/or meters be located within the County road maintenance operating area, including mowing operations, or between the pavement edge and any official road sign in the same general location.
- D. Longitudinal installations should be located on a uniform alignment outside of the normal maintenance operating area (beyond ditch or curb line) and as near the right-of-way line as terrain and existing utilities will reasonably allow, but upon older road with narrow rights-of-way underground facilities may be allowed in the shoulder area if there is no other feasible location.
- E. Any non-conductive, un-locatable, underground facility shall have a tracer wire or other similar conductive marking tape or device placed the full length of the installed underground facility in compliance with the Oregon Utilities Notification Center rules, OAR Chapter 952.
- F. Any surface-installed underground utility features in the ROW shall be kept away from transportation facilities to the greatest extent practical. These features shall be equipped with traffic-rated lids and installed with the top surface flush with the grade. Examples of such features include vaults, pull boxes, handholes, valve covers, meter pits, and junction boxes.

#### **12.08.230 Underground Utilities; Burial Depth**

The buried cable or pipe depth shown on the permit form represents the distance from the top of the surface or ground line to the top of the cable or pipe. All underground installations shall be buried a minimum of 30 inches unless permission is first obtained from the Administrator. Minimum depth may be increased when warranted by conditions such as possible increases in ditch depths from scouring or road maintenance, clearance of existing drainage structures or other utilities, or other considerations.

#### **12.08.240 Underground Utilities; Attachments to Structures**

Review by the County Engineer is required for all proposed bridge and structure attachments and for any facilities to be installed within sixteen feet of bridge foundations, supports, walls or related elements, or within the influence zone of bridge facilities.

#### **12.08.250 Underground Utilities; Casing Requirements**

All communication and power cables shall be encased in conduit meeting the material requirements of DCC 12.08.260; no direct bury of communication or power cables is allowed. Casing requirements will be determined by the Administrator on an individual basis for all other utilities not listed above.

Casing pipe should extend a minimum of two feet beyond the slope, ditch or curb line. When sealed and vented, vents shall be located outside the maintenance operating area, preferably at the right-of-way line.

### **12.08.260 Underground Utilities; Pipe and Conduit Material Requirements**

All utility installations on, over or under the right-of-way and attachments to road structures shall be of durable materials and designed for long service life expectancy and relatively free from routine servicing and maintenance.

- A. Corrugated metal pipe, concrete pipe, and other conduit or casing pipes used for gravity flow carrier systems shall, at a minimum, conform to the appropriate ASTM or ASSHTO standard.
- B. Smooth iron or steel pipe used as a conduit or casing pipe shall conform to the appropriate and current ASTM Specifications used for pressure pipe.
- C. Plastic pipe, fittings and components shall conform to the appropriate and current ASTM or AWWA Specifications written for the specific type of usage that the pipe will receive.

### **12.08.270 Underground Utilities; Trenching**

No trench shall be installed in the right-of-way unless special permission is first obtained from the Administrator to open cut the roadway surface; upon approval for trenching, the following provisions must be followed:

- A. All trenching construction shall comply with the requirements specified in the Deschutes County Road Department Utility Trench Standard Drawing.
- B. Trenching for any of these methods shall be set back at least two feet from the toe of the fill slope in fill sections or from the point where the outer edge of the surfacing meets the subgrade in other sections.
- C. Road cuts will not be permitted on any pavements within the county's road cut moratorium unless special approval is obtained from the Administrator. If the road cut is not approved, the Contractor will be required complete the installation using a trenchless method.
- D. When trenching across a County Road, no more than one-half of the traveled way surface may be excavated at a time, unless special permission is obtained to detour traffic. The first half of the trench must be fully backfilled and restored to a condition acceptable to the Permit Administrator before excavation of the remaining half may proceed.
- E. Closure of intersecting streets, road approaches or other access points will not be permitted unless special approval is obtained from the Administrator.
- F. No more than three hundred feet of trench longitudinally along the roadway shall be open at one time and no trench shall be left in an open condition overnight, unless properly lighted and protected in an approved manner.

**12.08.280 Underground Utilities; Backfilling**

The backfilling of all trenches, bore pits, and tunnels must be accomplished immediately after the facility authorized by the permit has been placed therein and must be well tamped and fully compacted so as to allow the least possible amount of subsequent settlement. Compaction requirements within the right-of-way shall be those required by the applicable standard drawing or the Oregon Standard Specification for Construction where no standard drawing exists.

**12.08.290 Underground Utilities; Boring, Jacking, and Tunneling**

- A. When the jacking, driving or boring method is used, it shall be by approved means which will hold disturbances of surrounding material to a minimum. Sluicing and jetting is not permitted.
- B. Bore pits shall be located behind the ditch line unless otherwise specified in the permit. Unattended pits shall be protected in manner acceptable to the Permit Administrator
- C. If the tunneling method is used, it shall be by an approved method which supports the surrounding materials so as to prevent caving or settlement. Areas around the installed pipe or conduit shall be backfilled with moist sand, granular material or cement grout, filling all voids and packed in place with mechanical tampers or other approved devices. Lagging, bulkheading and timbering shall be removed as the backfilling progresses.

**12.08.300 Underground Utilities; Cable Plowing**

Unless special permission is first obtained from the Administrator, direct burial of cable placed by the ploughing method shall not be allowed within the rights-of-way.

**12.20.310 Underground Utilities; Warning Signs**

Standard warning signs for buried power or communication cable and for pipelines carrying gas or flammable liquids shall be placed at each crossing under the County Road and at intervals along longitudinal installations as required by Federal Pipeline Safety Regulations 49 CFR or as specified by the Permit Administrator. Signs shall be offset as near the right-of-way line as practical and installed in accordance with DCC 12.25.

**12.08.320 Construction; Restoration of Surface**

- A. All roadbed surfaces disturbed by utility installations, adjustments or repairs covered by permit, will be repaired or replaced within the same shift, except if specifically allowed for by special provisions listed in the permit.
- B. All roadbed surfaces disturbed by utility installation, adjustments or repairs covered by permit that result in hazards to the traveling public will be repaired immediately.
- C. Any replacement or repair not accomplished by the applicant under DCC 12.08.310 (A) or DCC 12.08.310 (B), within the specified time will be undertaken by the County without prior notice to the applicant and at the expense of the applicant. The County will also make any immediate repairs, alterations or additions to any barricading, signing or warning for a hazardous area when such barricading, signing or warning is found to be inadequate, inappropriate or ineffective without prior notice to the applicant.

- D. The applicant will reimburse the County for the actual cost of materials, labor, equipment and overhead.
- E. For a period of one year following the patching of any paved surface, the applicant shall be responsible for the condition of such pavement patches, and during that time shall, upon request from the Administrator, repair to the County's satisfaction any of the patches which become settled, cracked, broken or otherwise faulty.
- F. The applicant is solely responsible for replacing any pavement markings damaged by the utility installation.

#### **12.08.330 Construction; Cleanup**

All debris, refuse and waste of all kinds which may have accumulated within the right-of-way as a result of the operations of the applicant, shall be removed immediately upon completion of the operations, and the right-of-way must be restored to at least as good condition as it was prior to such operations.

#### **12.08.340 Construction; Trees and Shrubs**

When any branch is cut from a tree or shrub, the following rules shall be adhered to:

- A. All branches shall be cut perpendicular to the length of the branch, and shall leave the smallest cut face possible.
- B. All branches shall be cut to the nearest joint, no stubbing of branches is allowed.
- C. All debris shall be removed from the right-of-way immediately after cutting of any trees, branches, or vegetation.

#### **12.08.350 Construction; Documentation**

The applicant's completed facility shall be in substantial conformance with permit exhibit maps or engineered drawings unless special permission is obtained from the Administrator to vary from the same during installation. When such permission is obtained, the applicant shall furnish the Permit Administrator a set of "as constructed" maps or drawings detailing any such variance within 30 days of completion of the installation.

## **CHAPTER 12.12 ADMINISTRATIVE PROVISIONS RELATING TO UTILITIES IN THE PUBLIC RIGHT OF WAY**

12.12.010 Applicability

12.12.020 Authority

12.12.030 Allocation Of Costs

12.12.040 Reimbursement Of Expenses

12.12.050 Reimbursement For Damage

12.12.060 Hold Harmless Agreement

12.12.070 Protective Measures

12.12.080 Traffic Interference Restrictions

12.12.090 Traffic Control And Safety Devices

12.12.100 Inspections Necessary

12.12.110 Supervision And Control

12.12.120 Decisions Of The Board

12.12.130 Insurance

12.12.140 Bond Or Cash Deposit Required

### **HISTORY**

*Amended by Ord. 2020-005 §1 on 1/1/2021*

### **12.12.010 Applicability**

DCC 12.12 shall apply to all public and private utilities, including electric power, communications, television, water, gas, oil, petroleum products, steam, chemicals, sewage, drainage, irrigation and similar lines and structures that are to be located, adjusted or relocated within the right of way of County roads or local access roads. No such utility facility shall be constructed or relocated upon any County road right of way or local access road right of way without first obtaining a permit applied for and issued in accordance with DCC 12.12.

### **HISTORY**

*Adopted by Ord. 203-7 §2.010 on 2/4/1976*

*Amended by Ord. 2020-005 §1 on 1/1/2021*

### **12.12.020 Authority**

Wherever DCC 12 provides for review, decision or action by the Board, the authority is delegated to the Administrator subject to review by the Board and to be exercised in



accordance with the policies set forth in DCC 12.16 and for this purpose the Administrator is designated as the authorized representative of the Board. However, only the Board sitting in regular session may exercise the authority provided in DCC 12.08.040, 12.08.050(A) and 12.12.130.

#### HISTORY

*Adopted by Ord. 203-7 §2.020 on 2/4/1976*

*Amended by Ord. 2020-005 §1 on 1/1/2021*

#### **12.12.030 Allocation Of Costs**

The entire cost of installing, maintaining, repairing, operating or using the pole line, buried cable or pipeline and of any other expense whatsoever incident to the facilities or operations authorized by the permit shall be paid by the applicant.

#### HISTORY

*Adopted by Ord. 203-7 §2.100 on 2/4/1976*

#### **12.12.040 Reimbursement Of Expenses**

The applicant shall, in addition to DCC 12.12.030, reimburse the County for any reasonable and necessary expenses that the County may incur in connection with the facilities or operations authorized by the permit, including but not limited to the actual cost of inspection by County personnel. The reimbursement shall be made by the applicant within 30 days after receiving a statement therefor from the County.

#### HISTORY

*Adopted by Ord. 203-7 §2.101 on 2/4/1976*

#### **12.12.050 Reimbursement For Damage**

The applicant when billed by the County, shall pay the current market value for any existing forest products on any land belonging to the County which are damaged or destroyed as a result of operations authorized by the permit.

#### HISTORY

*Adopted by Ord. 203-7 §2.102 on 2/4/1976*

#### **12.12.060 Hold Harmless Agreement**

- 1.—The applicant shall indemnify and hold harmless the County, the Board, the members thereof, and all officers or employees of the County against any and all damages, claims, demands, actions, causes of action, costs and expenses of whatsoever nature which may result from any injury to or the death of any persons

or from the loss of or damages to property of any kind or nature, including the County, road and County road facilities or structures, property or equipment used or owned by the County, and facilities which now or may hereafter occupy the right of way of the County road, when such injury, death, loss or damage arises out of the construction, installation, maintenance, repair, removal, relocation, operation or use of the pole line, buried cable or pipeline authorized by the permit.

- 2.—The County, its officers or employees shall not be held responsible or liable for injury or damage that may occur to facilities covered by the permit or any connection or connections thereto by reason of County road maintenance and construction operations or resulting from motorist or road user operations, or County road contractor or permittee operations.

#### HISTORY

*Adopted by Ord. 203-7 §2.200 on 2/4/1976*

#### **12.12.070 Protective Measures**

During the initial installation or construction of the facilities authorized by the permit, or during any future repair, removal or relocation thereof, the applicant shall at all times maintain such flagmen, signs, lights, flares, barricades and other safety devices as the Administrator may reasonably deem necessary to properly protect traffic and the general public upon the County road, and to warn and safeguard the public against injury or damage. The applicant shall maintain such signs, lights, flares, barricades, and other safety devices during nonwork hours and the Administrator may request and be furnished the telephone number and address of the person in charge of such maintenance.

#### HISTORY

*Adopted by Ord. 203-7 §2.210 on 2/4/1976*

#### **12.12.080 Traffic Interference Restrictions**

The applicant shall so conduct his operations that there will be a minimum of interference with or interruption of traffic upon and along the County road. Except in emergencies there shall be no interference with or interruption of traffic upon and along the County road until a plan for the satisfactory handling of traffic has been worked out and approved by the Administrator. In emergencies the applicant shall notify the Administrator as soon as practicable.

#### HISTORY

*Adopted by Ord. 203-7 §2.250 on 2/4/1976*

#### **12.12.090 Traffic Control And Safety Devices**

All traffic control and safety devices used for protection of the work areas shall conform to the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, as adopted by the Federal Highway Administration.

#### HISTORY

*Adopted by Ord. 203-7 §2.251 on 2/4/1976*

#### **12.12.100 Inspections Necessary**

To insure compliance with the terms and conditions of the permit, the County reserves the right to inspect the job during such periods as the Administrator deems necessary, to check compliance with the terms of the permit by the applicant, and to require the applicant to correct all deviations from those terms and conditions. The cost of the first inspection will be borne by the County, and additional required inspections shall be paid by the applicant under the terms outlined in DCC 12.12.040.

#### HISTORY

*Adopted by Ord. 203-7 §2.270 on 2/4/1976*

#### **12.12.110 Supervision And Control**

Any supervision and/or control exercised by the Administrator shall in no way relieve the applicant of any duty or responsibility to the general public nor shall such supervision or control relieve the applicant from any liability for loss, damage or injury to persons or property as provided in DCC 12.12.060.

#### HISTORY

*Adopted by Ord. 203-7 §2.275 on 2/4/1976*

#### **12.12.120 Decisions Of The Board**

The decision of the Board shall be final with respect to any of the conditions, terms, stipulations and provisions of the permit. This shall not foreclose applicant's right of appeal.

#### HISTORY

*Adopted by Ord. 203-7 §2.299 on 2/4/1976*

#### **12.12.130 Insurance**

The applicant or his contractor shall obtain and carry, for the period of time required for the complete installation of the facilities authorized by the permit, including the repair and restoration of the County road facilities, and also during such future periods of time when operations are performed involving the repair, relocation or removal of such facilities

~~authorized by the permit, a liability and property damage insurance policy or policies providing the coverage against any claim, demand, suit or action for property damage, personal injury or death resulting from any activities of the applicant, his officers, employees, agents or contractors in connection with the construction, installation, repair or removal of the facilities authorized by the permit and the repair and restoration of the County road facilities, and the policy or policies, in addition, shall include as named insureds the County, Board and members thereof, its officers, agents and employees. The insurance shall provide coverage in amounts required by the County. The insurance policy or policies shall be in an insurance company duly authorized and licensed to do business in the state. A copy of the policy or policies, or a certificate evidencing the same, shall be submitted to the Administrator and approved by him before any work is commenced under the permit.~~

#### **HISTORY**

*Adopted by Ord. 203-7 §2.300 on 2/4/1976*

*Amended by Ord. 2020-005 §1 on 1/1/2021*

#### **12.12.140 Bond Or Cash Deposit Required**

- ~~1.—In order to assure full and faithful compliance with all of the terms, conditions and obligations of the permit agreement, the Administrator may require the permittee or his contractor to furnish for the period of time required for the complete installation of such facility, including the repair and restoration of the highway facilities, and, also, during such period of time when future maintenance may be performed upon the facility, a bond or cash deposit in the amount specified in the permit. If a bond is furnished it must be written by a surety company duly qualified and licensed to do business in the state and in a form satisfactory to the Administrator. No work shall be commenced under the permit agreement until the bond has been submitted to and approved by, or the cash deposit has been received by the Administrator.~~
- ~~2.—In lieu of posting a cash deposit, the permittee or his contractor may file an assignment agreement form assigning his savings account with a federally licensed savings institution in an amount equal to the required cash deposit, with the Administrator. Alternatively, in lieu of posting a cash deposit, the permittee may deposit with the Administrator a certified check payable to the County road fund drawn on a federally insured bank in an amount equal to the required cash deposit.~~
- ~~3.—The amount of the deposit shall be that necessary to restore the affected area of the roadway to a safe and serviceable condition at least as good as it was in before it was cut. Unless the Administrator requires a greater sum, based on unusual~~

~~conditions, the amount of deposit required for pavement cuts shall be defined in the County fee schedule.~~

- ~~4.—The bond, deposit or surety agreement shall guarantee that the roadway surface shall be repaired within 24 hours after completion of backfilling the last portion of the roadway cut. It shall further provide that in the event the repairs are not completed within the time limit set forth in DCC 12.12, the Administrator may repair the road to his reasonable satisfaction in accordance with the standards of this title and the standard specifications for design and construction of the County Road Department with County forces, or at his option, by letting a public contract, and recover the costs of such repair from the surety or deposit without notice or demand on the permittee.~~

#### HISTORY

~~Adopted by Ord. 203-7 \$2.400 on 2/4/1976~~

~~Amended by Ord. 203-7 on 11/19/1979~~

~~Amended by Ord. 2020-005 \$1 on 1/1/2021~~

## **CHAPTER 12.16 UTILITY POLICY GUIDELINES AND VARIANCES**

12.16.010 Determinations

12.16.020 Private Lines Permitted When

12.16.030 Location And Construction Controls

12.16.040 Utility Lines; General Considerations

12.16.050 Special Considerations; Pipelines

12.16.060 Special Considerations; Underground Electric Power And Communication Lines

12.16.070 Special Considerations; Overhead Power And Communication Lines

12.16.080 Relocation Of Existing Facilities

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12.16.110 Attachments To Bridges; Loads

12.16.120 Variances; Generally

12.16.130 Variances; Residential And Business Areas

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12.16.150 Exhibit Map/Engineered Drawings; Contents

12.16.160 Exhibit Map; General Information

12.16.170 Exhibit Map; Pipelines And Buried Cable

12.16.180 Exhibit Map; Aerial Pole Lines

### **HISTORY**

*Amended by Ord. 2020-005 §1 on 1/1/2021*

### **12.16.010 Determinations**

In determining the locations where and the conditions under which utility facilities and private lines will be allowed to occupy County road rights of way, the provisions of DCC 12.16 apply in conjunction with the appropriate general provisions of DCC 12 and such special provisions as may be imposed. When acting as the authorized representative of the Board, these guidelines shall be followed by the Administrator.

### **HISTORY**

*Adopted by Ord. 203-7 §4.000 on 2/4/1976*

### **12.16.020 Private Lines Permitted When**

Privately owned lines are allowed to occupy a County right of way only when there is no other feasible location for the facility involved.

### **HISTORY**

*Adopted by Ord. 203-7 §4.005 on 2/4/1976*

### **12.16.030 Location And Construction Controls**

The following general and special considerations supplement those set forth in DCC 12.20.

**HISTORY**

*Adopted by Ord. ~~203-7~~ §4.100 on 2/4/1976*

**12.16.040 Utility Lines; General Considerations**

- ~~1.—Utility lines should be located to minimize need for later adjustment to accommodate future road improvements and to allow servicing such lines with minimum interference to highway traffic.~~
- ~~2.—To the extent feasible and practicable, crossings of the County road should be on a line generally normal (90 degrees) to the road alignment.~~
- ~~3.—All utility installations on, over or under the County road right of way and attachments to road structures shall be of durable materials and designed for long service life expectancy and relatively free from routine servicing and maintenance.~~
- ~~4.—Provisions for future expansion of utility facilities so as to minimize hazards or disruptions of traffic during future installations is encouraged.~~
- ~~5.—All utility installations within the right of way, both public and private service, are required to include the installation of a locate wire.~~

**HISTORY**

*Adopted by Ord. ~~203-7~~ §4.110 on 2/4/1976*

*Amended by Ord. ~~2020-005~~ §1 on 1/1/2021*

**12.16.050 Special Considerations; Pipelines**

In the case of pipeline permits:

- ~~1.—The minimum depth to the top of the pipe will be 30 inches from the ground line or top of wearing surface and 30 inches from bottom of road drainage ditch line. Depth may be increased when warranted by conditions such as possible increases in ditch depths from scouring or road maintenance, clearance of existing drainage structures or other utilities, code requirements, etc. All pipelines shall be located under drainage structures or under drainage ways except that pipelines may be attached to bridges at locations specified by the Administrator.~~
- ~~2.—Longitudinal installations should be located on a uniform alignment outside of the normal maintenance operating area (beyond ditch or curbline) and as near the right of way line as terrain and existing utilities will reasonably allow, but upon older road with narrow rights of way underground facilities may be allowed in the shoulder area if there is no other feasible location.~~
- ~~3.—Where a buried crossing is sought:
 
  - ~~1.—To expedite insertion, removal or replacement of carrier pipes, to protect carrier pipe from external loads or shock, and to carry leaking fluids or gases away from the roadway, it is considered desirable to place pressure pipeline crossings of the County roads in conduit or casing pipe. Exceptions may be made for coated and/or cathodic protected~~~~

~~steel pipe placed by the trenching method, ductile iron pipe and other durable type pipe having a long term life expectancy, leak proof joints and capable of withstanding the external loads applied through the use of the roadways. Coated pipe placed by the boring or jacking method should be placed in a casing pipe unless the coating is of a type resistant to abrasions.~~

- ~~2.—Casing pipe should extend a minimum of two feet beyond the slope, ditch or curbline. When sealed and vented, vents shall be located outside the maintenance operating area, preferably at the right of way line.~~
- ~~3.—When no casing pipe is specified, one grade heavier wall thickness than normal may be required as a precautionary measure.~~
- ~~4.—Conditions which are generally unsuitable or undesirable for underground crossings should be avoided. These include locations such as in deep cuts, near footings, bridges and retaining walls, across intersections at grade, at cross drains where flow of water drift or stream bed load may be obstructed, and in wet or rocky terrain where it is difficult to obtain minimum bury.~~

#### HISTORY

*Adopted by Ord. ~~203-7~~ §4.120 on 2/4/1976*

*Amended by Ord. ~~2020-005~~ §1 on 1/1/2021*

#### **12.16.060 Special Considerations; Underground Electric Power And Communication Lines**

In case of permits for underground electric power and communication lines:

- ~~1.—All lines installed in ducts or multiple duct systems are subject to the same controls as pipelines.~~
- ~~2.—Power and communication cable placed by the direct burial (ploughing) method shall be subject to the following controls:~~
  - ~~1.—Longitudinal installations shall be located inside the roadbed section only if the terrain is such that a cable installation outside the ditch line would be extremely difficult and costly, or if the section of road traverses a scenic area where an overhead installation would detract from the aesthetic values.~~
  - ~~2.—When allowed in the roadbed section, longitudinal buried cable shall be placed a uniform distance from the pavement edge as near the outside edge of the ditch as possible without interfering with drainage facilities. In no case shall it be less than one foot from the pavement edge.~~
  - ~~3.—When located outside the roadbed section, the cable shall be placed as near the right of way as possible while maintaining a generally uniform distance from the highway centerline or right of way line so as to be easily identified by warning signs.~~



4. ~~The minimum depth for communication cables shall be 24 inches. The minimum depth for power cables shall be 30 inches. Under no circumstances shall the depth of power cable be less than 30 inches unless contained in conduit pipe or equivalent protective covering.~~
5. ~~All crossings shall be contained in conduit placed in the same manner and under the same controls as required for pipelines, except: communication cable may be installed without conduit when soil conditions will allow installation by boring a hole approximately the same diameter as the cable and pulling the cable through.~~
6. ~~Direct burial of power and communication cable under the same ploughing operation will require issuance of a separate permit to each utility company or one permit issued jointly and executed by each company.~~

#### HISTORY

*Adopted by Ord. 203-754.130 on 2/4/1976*

#### ~~12.16.070 Special Considerations: Overhead Power And Communication Lines~~

~~In case of permits for overhead power and communication lines longitudinal installations:~~

1. ~~Limited to single pole type of construction with joint use encouraged in all instances. Only one pole line on each side of the road is permitted.~~
2. ~~Subject to terrain limitations, poles should be located approximately one foot from the right of way line unless protected by a retaining wall, guardrail, steep slope, deep ditch, or the like, or located so as not to encroach on the roadside area.~~
  1. ~~Location behind guardrail shall be a minimum of five feet from its face.~~
  2. ~~All overhead power and communication lines which are constructed parallel to the roadway shall be located downstream of bridges when crossing any stream that is prone to carry debris during flooding conditions. Overhead roadway crossings shall be constructed a minimum of 50 feet from the ends of any bridge.~~
  3. ~~Location on a cut slope shall be the minimum horizontal distance from centerline required to place the base of the pole at least five feet above the elevation of the top of the roadway.~~
  4. ~~Variance as required to maintain a reasonable uniform pole alignment will be allowed where irregularly shaped portions of the right of way extend beyond the normal right of way limits.~~
  5. ~~Location from edge of travel lane (fog line) shall be a minimum of 10 feet, unless otherwise approved by the Administrator.~~

3. ~~Guy wires to ground anchors and stub poles and other related ground-mounted appurtenances should not be placed between a pole and the traveled way where they encroach upon the clear roadside area unless they are protected as in DCC 12.16.070(B).~~
4. ~~Excepted from these controls are poles or other ground-mounted appurtenances required for roadway lighting and other traffic control devices. Such poles and appurtenances shall be of breakaway design serviced by underground cable.~~
5. ~~On sections of County roads traversing business or residential areas having a posted or statutory speed limit of forty miles per hour or less, controls will of necessity be governed by roadside development; however, all poles and ground-mounted appurtenances shall be located as far as practical behind the curb or outside the shoulder and/or parking area if there is no curb.~~
6. ~~When two or more utilities jointly occupy the same pole or poles, each occupant may obtain a separate permit, or a joint permit may be issued and executed by each company. Identification of the pole owner should be contained in the permit application.~~
7. ~~All crossings of the traveled portion of the highway including service drops shall be maintained at a minimum height of 18 feet as measured from the highest point of the traveled way under the crossing.~~

#### HISTORY

*Adopted by Ord. 203-7 §4.140 on 2/4/1976*

*Amended by Ord. 2020-005 §1 on 1/1/2021*

#### **12.16.080 Relocation Of Existing Facilities**

1. ~~Existing pipelines, pole lines, power or communication cables or other facilities or appurtenances within the limits of a road construction project shall be relocated in plan and/or grade to conform to the requirements of a new installation. All facilities shall be relocated to a minimum of two feet clear of the proposed roadway neat lines and a minimum of two feet clear of all proposed structures.~~
2. ~~Any departure from the above-described minimum clearances will be allowed only upon approval of a written request for deviation accompanied by a statement describing why such clearances cannot reasonably be met and a drawing showing the proposed alternate to the two-foot clearance requirement.~~
3. ~~The County will require the contractor to make a documented request of the utility company to locate and field mark any affected underground facilities 24 hours in advance of digging.~~
4. ~~The utility company or operator will be required to mark such facilities per state rules.~~
5. ~~The County will require the contractor to refrain from digging or otherwise disturbing the earth within two feet of any such field marker, except in the presence of a utility representative, when required by the utility company. Such representative shall be assigned by the utility company and shall be on the job site at the appointed time.~~

- ~~6.—The utility company will be required to field mark their facilities for the contractor, without reimbursement from the contractor, one time only.~~

#### HISTORY

*Adopted by Ord. 203-7 §4.150 on 2/4/1976*

*Amended by Ord. 2020-005 §1 on 1/1/2021*

#### **12.16.090 Scenic Enhancement**

- ~~1.—The controls specified in DCC 12.16.090 may apply only to active federal or federal aid highway projects, and those sections of County roads where federal or federal aid funds have been expended after October 1, 1969, for the construction or improvement of the road or related facilities or for the acquisition of rights of way, including highway beautification projects.~~
- ~~2.—No new utility installations are allowed within scenic strips, overlooks, rest areas, recreation areas, the County road rights of way adjacent thereto, or on County road rights of way passing through public parks and historic sites as described under section 138, Title 23, U.S.C., when such areas or rights of way were acquired or improved with federal highway or federal aid highway funds, except as follows:~~
  - ~~1.—Underground utility installations which do not require extensive removal or alteration of trees visible to the highway user or impair the visual quality of the area.~~
  - ~~2.—Aerial pole lines if it can be established that:~~
    - ~~1.—Other locations are not available or are extremely difficult and unreasonably costly or are less desirable from the standpoint of visual quality;~~
    - ~~2.—Underground installations are not technically feasible or are unreasonably costly;~~
    - ~~3.—The proposed installation will be made at a location and will employ suitable designs and materials which give the greatest weight to the visual qualities of the area being traversed. Suitable designs will include, but are not limited to, self-supporting, armless, single pole construction with vertical configuration of conductors and cable.~~
  - ~~3.—Utilities located on County road right of way on the side opposite the above described areas when the right of way is adjacent to rather than passing through such areas.~~
- ~~3.—The provisions of DCC 12.16.090 also apply to utility installations that are needed for road or highway purposes, such as highway lighting, service to a weigh station or rest or recreational area.~~

#### HISTORY

*Adopted by Ord. 203-7 §4.200 on 2/4/1976*

#### **12.16.100 Attachments To Structures**

~~Attachment of pipelines, electric power or communication lines to structures should be avoided where it is feasible and reasonable to locate elsewhere, particularly in the case of timber structures which are subjected to frequent and extensive maintenance by replacement of various bridge components.~~

#### ~~HISTORY~~

~~Adopted by Ord. 203-7 §4.300 on 2/4/1976~~

#### ~~12.16.110 Attachments To Bridges; Loads~~

~~Attachment to bridges which are adequate to support the additional load and accommodate the utility without compromise of highway features, including reasonable ease of bridge maintenance, will be permitted with the following controls:~~

- ~~1.—If utility holes in crossbeams or other areas are provided, utilities shall occupy these areas.~~
- ~~2.—If there are no such provisions, the utility may be carried on suitable padded or coated rollers, saddles or hangers attached to the structure between the outside beams or girders in a location which will not affect the vertical clearance.~~
  - ~~1.—Hanger or roller attachment shall be by means of suitable inserts or clamps and shall not be bolted to or through the bridge floor.~~
  - ~~2.—Adequate provision for expansion or contraction shall be provided.~~
- ~~3.—Attachment to the exposed area along or below the parapet or railing is only permitted when it is not feasible to attach to an interior location. Exposed attachments will be allowed only on the downstream side of bridges. When appropriate pipe or conduit exposed to view shall be painted to blend with the structure.~~
- ~~4.—Pipes or conduits carried through concrete abutments shall be contained in sleeves and tightly sealed with mastic. When carried through timber bulkheads, the cut timber edges shall be treated with creosote or its equivalent and the bulkhead restored to the equivalent of its original condition by splicing.~~
- ~~5.—The utility shall be aligned outside the roadway at each end of the structure in as short a distance as operationally practical.~~
- ~~6.—Communication and electric power cable attachments shall be suitably insulated, grounded and carried in protective conduit from the point of exit from the ground to reentry.~~
- ~~7.—All pipe conduit and supporting hardware shall be protected against corrosion.~~
- ~~8.—Design is to be done by a Licensed Engineer and drawings will be submitted to the Road Department for approval prior to installation.~~

#### ~~HISTORY~~

~~Adopted by Ord. 203-7 §4.300 on 2/4/1976~~

~~Amended by Ord. 2020-005 §1 on 1/1/2021~~

**12.16.120 Variances; Generally**

The controls outlined in DCC 12.16 are intended as guidelines. Variances by the Administrator may be granted for an individual permit when it can be shown such variation is economically justified and will not adversely affect the integrity of the County road, its maintenance, efficiency and the safety of the road user.

**HISTORY**

*Adopted by Ord. 203-7 §4.500 on 2/4/1976*

**12.16.130 Variances; Residential And Business Areas**

It is recognized that the controls outlined in DCC 12.16 cannot be logically applied to many sections of road functioning as city streets serving developed residential and business areas. On such sections, utility location and installation details will be determined on an individual basis taking into consideration utility systems, roadside development, minimum disruption of road and street facilities and traffic and other controlling factors.

**HISTORY**

*Adopted by Ord. 203-7 §4.510 on 2/4/1976*

**12.16.140 Variances And Procedures**

Requests for a variance involving sections of County road:

- 1.—Upon which federal aid highway funds have been expended after October 1, 1969, or are programmed for expenditure, must be in writing and contain supporting data in justification. They should be submitted through the Administrator for review and approval by the current Federal Highway Administration directives;
- 2.—Upon all other roads, may be approved by the Administrator.

**HISTORY**

*Adopted by Ord. 203-7 §4.520 on 2/4/1976*

**12.16.150 Exhibit Map/Engineered Drawings; Contents**

The exhibit map/engineered drawings should adequately detail the proposed facility to the satisfaction of the Administrator. The data may be presented by a set of plan/profile sheets stamped by a licensed engineer or in the case of a short simple crossing, by a rough sketch and description at the discretion of the Administrator. The exhibit map should include, but not be limited to, the following information set forth in DCC 12.16.160, 12.16.170 and 12.16.180.

**HISTORY**

*Adopted by Ord. 203-7 §4.710 on 2/4/1976*

*Amended by Ord. 2020-005 §1 on 1/1/2021*

**12.16.160 Exhibit Map; General Information**

The exhibit map should disclose:

1. The section, township and range;
2. The County road name or names;
3. The name of the applicant.

#### HISTORY

Adopted by Ord. 203-7 §4.711 on 2/4/1976

#### **12.16.170 Exhibit Map; Pipelines And Buried Cable**

When a permit is sought for pipeline or buried cable, the exhibit map/engineered drawings should disclose:

1. Limits of longitudinal installation and distance from existing road centerline and rights of way line;
2. Location and angle of crossings of the County road;
3. Type and size of the pipe or cable;
4. Design or test pressure and maximum operating pressure for pressure pipelines;
5. Type and size of conduit or casing pipe, location and lengths to be used;
6. Minimum depth of burial under roadway and outside roadway area;
7. Method of installation for crossings;
8. Location and attachments details if to be carried upon County road, bridge or structure.

#### HISTORY

Adopted by Ord. 203-7 §4.712 on 2/4/1976

Amended by Ord. 2020-005 §1 on 1/1/2021

#### **12.16.180 Exhibit Map; Aerial Pole Lines**

When a permit is sought for aerial pole lines, and the exhibit map has not been waived, the exhibit map should disclose:

1. Limits of longitudinal installation and location and angle of crossing;
2. Location of poles or related ground-mounted appurtenances in relation to road centerline and right of way line;
3. Minimum vertical clearance over roadway. (See DCC 12.16.070(G).)

#### HISTORY

Adopted by Ord. 203-7 §4.713 on 2/4/1976

## **CHAPTER 12.20 SPECIFICATIONS FOR UTILITY LOCATION, CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, RELOCATION AND REMOVAL**

12.20.010 Maps And Drawings

12.20.020 Standards Of Work

12.20.030 Depth

12.20.040 AC Transite Pipe

12.20.050 Corrugated Metal Pipe And Concrete Pipe

12.20.060 Plastic Pipe

12.20.070 Locator Wire For Nonmetallic Pipe

12.20.080 Trench Width

12.20.090 Backfilling

12.20.100 Crossing Under Surface

12.20.110 Open Cutting; Backfill, Resurfacing

12.20.120 Burying Of Cable

12.20.130 Pedestals And Meters

12.20.140 Cleanup

12.20.150 Restoration Of Surface; Repairs

12.20.160 Maintenance And Operation

12.20.170 Warning Signs

12.20.180 Trees And Shrubs

12.20.190 Removal, Relocation Or Repair; Required When

12.20.200 Removal, Relocation Or Repair; Notice

12.20.210 Removal, Relocation Or Repair; Bond

12.20.220 County Removal, Relocation Or Repair; Conditions And Costs

12.20.230 Removal, Relocation Or Repair; Recovery Of Attorney's Fees

### **HISTORY**

*Amended by Ord. 2020-005 §1 on 1/1/2021*

### **12.20.010 Maps And Drawings**

The applicant's completed facility shall be in substantial conformance with permit exhibit maps or engineered drawings unless special permission is obtained from the Administrator to vary from the same during installation. When such permission is obtained, the applicant shall furnish the Administrator a set of "as constructed" maps or drawings detailing any such variance within 30 days of completion of the installation.

### **HISTORY**

*Adopted by Ord. 203-7 §3.050 on 2/4/1976*

*Amended by Ord. 2001-016 §2 on 3/28/2001*

*Amended by Ord. 2011-026 §3 on 1/30/2012*

*Amended by Ord. 2020-005 §1 on 1/1/2021*

**12.20.020 Standards Of Work**

All work in connection with the facility authorized by the permit shall be done in a neat and workmanlike manner to the entire satisfaction of the Administrator, and the details of construction of the same shall conform to the established rules and regulations now in effect or which may hereafter be put in effect by the Public Utility Commissioner of the state, the Oregon State Board of Health, or other governmental agencies having regulatory authority over such facility.

**HISTORY**

*Adopted by Ord. 203-7 §3.100 on 2/4/1976*

**12.20.030 Depth**

The buried cable or pipe depth shown on the permit form represents the distance from the top of the surface or ground line to the top of the cable or pipe.

**HISTORY**

*Adopted by Ord. 203-7 §3.630 on 2/4/1976*

**12.20.040 AC-Transite Pipe**

AC-transite pipe, fittings and components shall conform to the appropriate and current ASTM or AWWA Specifications written for the specific type of usage that the pipe will receive. Nonpressure pipe crossing a roadway will be a Class 2400 minimum. Pressure pipes crossing a roadway will be enclosed in an approved casing pipe.

**HISTORY**

*Adopted by Ord. 203-7 §3.170 on 2/4/1976*

**12.20.050 Corrugated Metal Pipe And Concrete Pipe**

Corrugated metal pipe and concrete pipe used as a conduit or casing pipe or a gravity flow carrier pipe shall, as a minimum, conform to the requirements of the current issue of State of Oregon Standard Specifications for Highway Construction. Smooth iron or steel pipe used as a conduit or casing pipe shall conform to the appropriate and current ASTM Specifications used for pressure pipe.

**HISTORY**

*Adopted by Ord. 203-7 §3.150 on 2/4/1976*

**12.20.060 Plastic Pipe**

Plastic pipe, fittings and components shall conform to the appropriate and current ASTM or AWWA Specifications written for the specific type of usage that the pipe will receive.

**HISTORY**

*Adopted by Ord. 203-7 §3.160 on 2/4/1976*

**12.20.070 Locator Wire For Nonmetallic Pipe**



~~On all installations, both public and private service, of plastic, AC transite or clay carriers of water, gas or sewage, an insulated copper wire shall be buried with and in close proximity to the carrier. Wire shall be No. 16 or larger. The wire shall be buried the entire length of all such carriers and shall be brought to the surface and connected to ground rods or other suitable grounding devices at sufficient locations to make it possible to connect toning devices to the system for locating.~~

#### **HISTORY**

~~Adopted by Ord. 203-7 §3.180 on 2/4/1976~~

~~Amended by Ord. 2020-005 §1 on 1/1/2021~~

#### **12.20.080 Trench Width**

~~No trench shall be excavated with a top width in excess of 24 inches more than the outside diameter of the pipe, conduit or cable to be installed unless permission is first obtained from the Administrator.~~

#### **HISTORY**

~~Adopted by Ord. 203-7 §3.200 on 2/4/1976~~

#### **12.20.090 Backfilling**

~~The backfilling of all trenches and tunnels must be accomplished immediately after the facility authorized by the permit has been placed therein and must be well tamped and fully compacted so as to allow the least possible amount of subsequent settlement. Compactive requirements within the roadway prism shall be those required by County specifications outlined in DCC 12.20.110.~~

#### **HISTORY**

~~Adopted by Ord. 203-7 §3.210 on 2/4/1976~~

#### **12.20.100 Crossing Under Surface**

~~Unless special permission is first obtained from the Administrator to open cut the roadway surface, pipeline or conduit which crosses under the surfaced portion of the highway, including shoulders, road or street connections, or road approaches or driveways, shall either be tunneled, jacked or driven, or placed in a hole bored under the surface for that purpose in accordance with the following provisions:~~

- ~~1.—Trenching in connection with any of these methods shall be no nearer the toe of the fill slope in fill sections or the point where the outer edges of the surfacing meets the subgrade in other sections than two feet or as specified in the special provisions, whichever is greater.~~
- ~~2.—If the tunneling method is used, it shall be by an approved method which supports the surrounding materials so as to prevent caving or settlement. Areas around the installed pipe or conduit shall be backfilled with moist sand, granular material or cement grout, filling all voids and packed in place with mechanical tampers or other approved devices. Lagging, bulkheading and timbering shall be removed as the backfilling progresses.~~
- ~~3.—When the jacking, driving or boring method is used, it shall be by approved means which will hold disturbances of surrounding material to a minimum. Sluicing and jetting is not permitted.~~

~~Voids or displacement outside the outside perimeter of the pipe, conduit or cable where greater than 0.1 foot, shall be filled with sand or cement grout packed in place.~~

- ~~4. Road cuts will not be permitted on any pavements that are under 5 years old unless special approval is obtained from the Administrator. Unless the Administrator approves the road cut, the Contractor will be required to bore and jack the installation.~~

#### HISTORY

*Adopted by Ord. ~~203-7~~ §3.400 on 2/4/1976*

*Amended by Ord. ~~2011-026~~ §3 on 1/30/2012*

#### **12.20.110 Open Cutting, Backfill, Resurfacing**

- ~~1. When special permission is granted to open cut the surfaced portion of the highway, the following provisions shall be adhered to:
 
  - ~~1. Trenches shall be cut to have vertical faces, where soil and depth conditions permit, and shall be shaped where necessary.~~
  - ~~2. The trench edges in paved areas shall be sawed or cut to neat lines by methods satisfactory to the Administrator to a depth sufficient to permit removal of pavement without damage to the pavement to be left in place. Pavement within the cutting limits together with all other excavated material shall be removed and disposed of outside the County road right of way.~~
  - ~~3. In trenching across the County road, no more than one half of the traveled way is to be opened at one time. The opened half shall be completely backfilled before opening the other half.~~
  - ~~4. Closure of intersecting streets, road approaches or other access points will not be permitted. Upon trenching across such facilities, steel running plates, planks or other satisfactory methods shall be used to provide for traffic to enter or leave the highway or adjacent property.~~
  - ~~5. No more than three hundred feet of trench longitudinally along the highway shall be open at one time and no trench shall be left in an open condition overnight, unless properly lighted and protected in an approved manner.~~
  - ~~6. Immediately after the facility authorized by the permit has been placed in the trench, the trench shall be backfilled.~~~~
- ~~2. The trench shall be backfilled as follows, unless otherwise specified by the permit:
 
  - ~~1. Bedding shall be provided to a minimum depth of four inches below the pipe and 12 inches above the pipe. Bedding shall consist of granular material, free of lumps, clods, stones and frozen materials and shall be graded to a firm but yielding surface without abrupt change in bearing value. Unstable soils and rock ledges shall be subexcavated~~~~

from the bedding zone and replaced by suitable material. The bottom of the trench shall be prepared to provide the pipe with uniform bedding throughout the length of the installation.

2. ~~Trenches shall be backfilled as outlined in DCC 17.48.270.~~

3. ~~Wearing surface and foundation material shall be as follows:~~

1. ~~Where original surface was asphalt concrete or bituminous treatment or mix replace according to DCC 17.48.270.~~

2. ~~Where original surface was portland cement concrete:~~

1. ~~Wearing surface, either portland cement or asphalt concrete placed to a thickness of six inches or the thickness of the removed pavement, whichever is greater;~~

2. ~~Foundation material, same as for asphaltic concrete.~~

3. ~~Where original surface was crushed rock or gravel replace according to DCC 17.48.270.~~

4. ~~All materials in DCC 12.20.110 and DCC 12.20.110(B), and their placement, shall conform to the requirements of the current ODOT/APWA Oregon Standard Specifications for Construction.~~

#### HISTORY

*Adopted by Ord. 203-7 §3.500 on 2/4/1976*

*Amended by Ord. 2001-016 §1 on 3/28/2001*

*Amended by Ord. 2011-026 §3 on 1/30/2012*

*Amended by Ord. 2020-005 §1 on 1/1/2021*

#### **12.20.120 Burying Of Cable**

Unless special permission is first obtained from the Administrator, direct burial of cable placed by the ploughing method shall be limited to areas outside the surfaced portion of the highway.

#### HISTORY

*Adopted by Ord. 203-7 §3.600 on 2/4/1976*

#### **12.20.130 Pedestals And Meters**

Pedestals and meters installed as part of a buried cable, water or gas installation are to be located one foot from the right of way line unless special permission is obtained from the County engineer to locate elsewhere. In no case shall the pedestals and/or meters be located within the County road maintenance operating area, including mowing operations, or nearer the pavement edge than any official road sign in the same general location.

**HISTORY**

*Adopted by Ord. 203-7 §3.620 on 2/4/1976*

*Amended by Ord. 203-7 on 10/30/1979*

**12.20.140 Cleanup**

All debris, refuse and waste of all kinds which may have accumulated upon the County road right of way by reason of the operations of the applicant, shall be removed immediately upon completion of the operations, and the County road right of way must be restored to at least as good condition as it was prior to such operations.

**HISTORY**

*Adopted by Ord. 203-7 §3.300 on 2/4/1976*

**12.20.150 Restoration Of Surface; Repairs**

1. All roadbed surfaces disturbed by utility installations, adjustments or repairs covered by permit, will be repaired or replaced within 24 hours after completion of backfilling of the final phase of the roadway cut, except if specifically allowed for by special provisions listed in the permit.
2. All roadbed surfaces disturbed by utility installation, adjustments or repairs covered by permit that result in hazards to the traveling public will be either replaced or repaired immediately or adequately barricaded and signed to warn the public that a hazard exists. When such a hazard exists and is suitably barricaded and signed, repair or replacement will be accomplished within one week, or as permitted in DCC 12.20.150(A).
3. Any replacement or repair not accomplished by the applicant under DCC 12.20.150(A) or DCC 12.20.150(B), within the specified time will be undertaken by the County without prior notice to the applicant and at the expense of the applicant. The County will also make any immediate repairs, alterations or additions to any barricading, signing or warning for a hazardous area when such barricading, signing or warning is found to be inadequate, inappropriate or ineffective without prior notice to the applicant.
4. The applicant will reimburse the County for the actual cost of materials, labor, equipment and overhead.
5. For a period of one year following the patching of any paved surface, the applicant shall be responsible for the condition of such pavement patches, and during that time shall, upon request from the Administrator, repair to the County's satisfaction any of the patches which become settled, cracked, broken or otherwise faulty.

**HISTORY**

*Adopted by Ord. 203-7 §3.550 on 2/4/1976*

*Amended by Ord. 2011-026 §3 on 1/30/2012*

**12.20.160 Maintenance And Operation**

The applicant shall at all times ~~keep facilities authorized by the permit in a good state of repair.~~

#### ~~HISTORY~~

~~Adopted by Ord. 203-7 §3.700 on 2/4/1976~~

#### **12.20.170 Warning Signs**

~~Standard warning signs for buried power or communication cable and for pipelines carrying gas or flammable liquids shall be placed at each crossing under the County road and at intervals along longitudinal installations as required by current State Public Utility Commissioner order or as specified by the Administrator:~~

- ~~1.—Signs shall be offset as near the right of way line as practical.~~
- ~~2.—Signs for installations located within the County road roadbed may be placed behind existing guardrail.~~

#### ~~HISTORY~~

~~Adopted by Ord. 203-7 §3.610 on 2/4/1976~~

#### **12.20.180 Trees And Shrubs**

~~Except in case of an emergency no trees or branches larger than six inches in diameter shall be cut without previous permission from the Administrator.~~

#### ~~HISTORY~~

~~Adopted by Ord. 203-7 §3.710 on 2/4/1976~~

#### **12.20.190 Removal, Relocation Or Repair; Required When**

~~The permit is issued pursuant to the laws of the state which authorizes the Board to subsequently require the applicant to remove, relocate or repair the pole line, buried cable or pipeline covered by the permit at the sole cost of the applicant and by applying, the applicant consents and agrees to such condition.~~

#### ~~HISTORY~~

~~Adopted by Ord. 203-7 §3.900 on 2/4/1976~~

#### **12.20.200 Removal, Relocation Or Repair; Notice**

~~Upon receiving written notice from the Board to remove, relocate or repair the pole line, buried cable or pipeline, the applicant shall within 60 days remove, relocate or repair same, at his sole cost, in accordance with the written notice. Under unusual circumstances the Administrator may grant a written extension in time if the applicant can show the need for an extension.~~

#### ~~HISTORY~~

~~Adopted by Ord. 203-7 §3.905 on 2/4/1976~~

#### **12.20.210 Removal, Relocation Or Repair; Bond**

~~Before commencing such removal, relocation or repair, the applicant shall furnish such insurance and post such bond as the Board may consider necessary at that time in the manner provided for in DCC 12.24.100.~~

~~HISTORY~~

~~Adopted by Ord. 203-7 §3.910 on 2/4/1976~~

~~**12.20.220 County Removal, Relocation Or Repair; Conditions And Costs**~~

~~Should the applicant fail to remove, relocate or repair the pole line, buried cable or pipeline, as provided in DCC 12.24.190 and DCC 12.24.200, the County may remove, relocate or repair the same and submit a statement of total costs for the work to the applicant. The applicant upon receiving such statement will immediately, or within a period of time agreed upon between the applicant and the Board, pay to the County the full amount of such removal, relocation or repair costs.~~

~~HISTORY~~

~~Adopted by Ord. 203-7 §3.915 on 2/4/1976~~

~~**12.20.230 Removal, Relocation Or Repair; Recovery Of Attorney's Fees**~~

~~The applicant agrees that, in the event he fails, as provided in DCC 12.20, to pay the costs incurred by the County for the removal, relocation or repair of the pole line, buried cable or pipeline, and it becomes necessary for the County to commence an action or proceeding in a court of competent jurisdiction to recover the removal, relocation or repair costs that the County shall be entitled to recover in addition to the statutory court costs and disbursements, such additional sum as the court may adjudge reasonable for attorney's fees to be allowed in such action or proceeding.~~

~~HISTORY~~

~~Adopted by Ord. 203-7 §3.920 on 2/4/1976~~

## **CHAPTER 12.25 ROAD DESIGN AND CONSTRUCTION SPECIFICATIONS**

### **12.25.010 Minimum Standards Established**

#### **12.25.015 Authority**

#### **12.25.020 Implementation Of Requirements**

#### **12.25.025 Land Development Requirements**

#### **12.25.030 Additional Design Requirements**

#### **12.25.040 Road Names**

#### **12.25.100 Road Design**

#### **12.25.105 Improvement Plans**

#### **12.25.110 Horizontal Alignment**

#### **12.25.115 Vertical Alignment**

#### **12.25.120 Intersections**

#### **12.25.130 Minimum Right Of Way Width**

#### **12.25.140 Turn Lanes**

#### **12.25.150 Pedestrian Ways**

#### **12.25.155 Bikeways**

#### **12.25.160 Bridges and Structures**

#### **12.25.170 Arterial Roads**

#### **12.25.180 Collector Roads**

#### **12.25.190 Local Roads**

#### **12.25.200 Private Roads**

#### **12.25.210 Cul-De-Sacs**

#### **12.25.220 Traffic Control Devices**

#### **12.25.230 Drainage**

#### **12.25.240 Surveying**

#### **12.25.250 Driveway Access**

#### **12.25.300 Fees**

#### **12.25.310 Right of Way Activity Permit**

#### **12.25.320 Road Improvement Agreements**

#### **12.25.330 Insurance**

#### **12.25.340 Indemnification**

#### **12.25.350 Local, State, and Federal Permits**

#### **12.25.400 Construction; General Specifications**

#### **12.25.410 Construction; Quality Control**

#### **12.25.420 Construction; Temporary Traffic Control**

#### **12.25.500 Road And Street Project**

### **12.25.010 Minimum Standards Established**

Except as otherwise noted, the standard specifications for design and construction contained within DCC 12.25 and standard drawings as determined by the Road Department Director are the minimum standards governing construction of roads and other improvements and facilities.

#### **12.25.015 Authority**

The Board is authorized by ORS 368.036 to adopt standards for work performed on public roads under the County's jurisdiction.

#### **12.25.020 Implementation of Requirements**

- A. It is the duty of the Road Department Director ("Director"), or the Director's authorized representative, to implement the provisions and requirements of these standards in such a way as to carry out their intent and purpose.
- B. For the purposes of this chapter, all references to the Director shall include the County Engineer.

#### **12.25.025 Land Development Requirements**

In addition to the standard specifications for design and construction contained within DCC 12.25 and standard drawings as determined by the Director, the requirements of DCC 17.48 are the minimum standards governing construction of roads and other improvements and facilities associated with land development, including subdivisions and partitions.

#### **12.25.030 Additional Design Requirements**

The Director may impose additional design requirements as are reasonably necessary to protect the interests of the public.

#### **12.25.040 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.

#### **12.25.100 Road Design**

- A. The design of roads (including bridges, drainage facilities, and other appurtenant facilities) under the jurisdiction or administration of Deschutes County are to be prepared by a State of Oregon-licensed professional engineer, as the Engineer of Record, and shall, at a minimum, conform to the design standards for new or existing roads set forth in DCC 12.25 and shall otherwise conform with applicable state and/or federal standards.
- B. Prior to the start of construction of any road improvements, road improvement design, including plans, reports, and other required submittals, shall be approved by the Director.
- C. Road base and pavement depths set forth in DCC 12.25 may be increased by the Director if necessitated by anticipated traffic volumes or site soil characteristics or to match existing road base and pavement depths.

#### **12.25.105 Improvement Plans**

- A. Improvement plan sheets shall be stamped and signed by the Engineer of Record. Engineer stamps and signatures shall comply with applicable Oregon Administrative Rules.
- B. The improvement plans shall become the property of the County and will remain at the Road Department.



C. The improvement plans which shall be 24 by 36 inches must be legible and clearly readable when printed at half scale (11 by 17 inches) and shall include, but not be limited to:

1. A plan view showing:

- a. Centerline alignment showing points of curve and point of tangent stationing on all curves, necessary curve data and bearing of tangents;
- b. Dimensioning necessary to survey and relocate the roadway;
- c. Right of way boundaries, including existing right of way boundaries and proposed right of way boundaries as shown or described in proposed conveyance instruments, including final plats and dedication deeds;
- d. Existing easements and recording references;
- e. Type, location and size of all existing and proposed drainage and irrigation structures and utilities within the right of way;
- f. Location and type of all existing and proposed signs and barricades;
- g. Vicinity map showing the complete roadway network complete with names of roads;
- h. Toe and fills and top of cuts;
- i. Scale;
- j. North arrow; and
- k. Stamp and signature of the registered engineer.

2. A profile showing:

- a. Centerline grades and vertical curves, complete with point of intersection elevations and stations and length of vertical curves;
- b. Original ground at centerline and extending 500 feet past the construction limits and at ditch lines if a significant transverse slope exists;
- c. Curb profiles, where curbs are required;
- d. Superelevation transition diagrams for horizontal curves;
- e. Type, location and size of all existing and proposed drainage and irrigation structures and utilities within the right of way; and
- f. Scale.

3. Typical roadway cross-section showing:

- a. Width, depth and type of base;

b. Width, depth and type of paving;

c. Curbs, if required;

d. Side slopes;

e. Ditch section;

f. Crown slope; and

g. Utilities.

4. For bridge and other roadway structure improvements:

a. Plan view, elevation views, and cross section views of structure;

b. Reinforcement and other structural details;

c. Foundation design and data sheet;

d. General notes indicating design lane loading, seismic design factors, and other applicable design criteria;

e. Containment and work area isolation plans as applicable.

5. A signature box with spaces provided for County approval and for approval by all affected utility companies and irrigation districts.

6. Any other information required by the Road Department Director.

#### **12.25.110 Horizontal Alignment**

A. Horizontal curves and tangent distances shall meet current AASHTO minimum standards for all streets except arterials, which shall conform to current ODOT standards.

B. The centerline of road improvements shall coincide with the centerline of the right of way.

C. Superelevation shall be designed in accordance with current AASHTO specifications with the maximum superelevation being six percent.

#### **12.25.115 Vertical Alignment**

A. Vertical curves shall be designed to be consistent with and complimentary to the horizontal curves. Vertical curves shall be designed in accordance with current AASHTO standards or, for arterials, to current ODOT standards.

B. Maximum percent of grade shall be as given in DCC 12.25.170 through 12.25.200 (or in right of way specifications, if any, set forth for a particular zone in a zoning ordinance).

C. Minimum grade shall be one half percent.

D. Angle points shall not be allowed on grade breaks over one percent.

#### **12.25.120 Intersections**

- A. All intersections shall be planned for through traffic on the road with the greatest projected average daily traffic (ADT). The side road shall be at right angles to the main road per current AASHTO standards.
- B. Intersecting roads, including driveways to commercial and industrial properties, shall be separated by at least the following distances, as measured between the intersecting centerlines of the roads and/or driveways when the through road is:
  - 1. Arterial, 500 feet;
  - 2. Collector, 300 feet;
  - 3. Local, 100 feet;
  - 4. Industrial park, 250 feet; and
  - 5. Primary access, 250 feet.

#### **12.25.130 Minimum Right-Of-Way Width**

The minimum public road right-of-way width is 60 feet unless specified otherwise in DCC 12.25 (or in any right of way specifications set forth for a particular zone in a zoning ordinance).

#### **12.25.140 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. Turn lane geometry shall be designed in accordance with current Oregon Department of Transportation (ODOT) standards.

#### **12.25.150 Pedestrian Ways**

##### A. General Design Criteria

- 1. Pedestrian ways shall be designed and constructed in accordance with the current U.S. Access Board *Public Right of Way Accessibility Guidelines (PROWAG)* and the FHWA *Manual on Uniform Traffic Control Devices (MUTCD)*.
- 2. All pedestrian facilities and associated features shall be fully contained within the public right-of-way.

##### B. Sidewalks

- 1. Sidewalks shall have a minimum width of five feet.
- 2. Sidewalks shall be constructed of concrete with a minimum thickness of 4 inches, increasing to 6 inches in areas exposed to motor vehicles.
- 3. Sidewalks shall be property tight, unless otherwise approved by the County Engineer.

##### C. Multi-Use Paths

1. [Multi-use paths are two-way facilities separated from a roadway that carry bicycle and pedestrian traffic and shall be used where aesthetic, recreation and safety considerations are primary, and where a direct route with minimal intersections can be established.](#)
2. [Multi-use paths shall be designed, constructed, and improved to the following standards:](#)

<i>Total Improved Surface Minimum Width (*)</i>	<i>Minimum Vertical Clearance</i>	<i>Minimum Horizontal Clearance</i>	<i>Pavement Type/Minimum Depth(*)</i>	<i>Pathway Base Type/Minimum Depth (*)</i>	<i>Aggregate Shoulder Type/Minimum Width</i>	<i>Maximum Grade (*)</i>	<i>Maximum Cross Slope (*)</i>
10 ft.	10 ft.	3 Ft.	Level 2, 1/2" Dense Asphalt Concrete, 2 in. Minimum Depth	3/4"-0 or 1"-0 Aggregate, 6 in. Minimum Depth	3/4"-0 or 1"-0 Aggregate, 1 ft. Minimum Width	5%	2%

3. [When multi-use paths are utilized along arterial and collector roads where other pedestrian ways are not provided within a public right of way, multi-use paths shall be constructed on both sides of the road unless a design exception is granted by the Director based on physical, environmental, or regulatory constraints.](#)
4. [When multi-use paths are located outside of a public road right-of-way, a separate right-of-way with a minimum width of 15 feet shall be provided.](#)

#### [D. Curb Ramps and Blended Transitions](#)

1. [Curb ramps or blended transitions are required where pedestrian ways interface with the travelled way, including but not limited to intersections, mid-block crossings, and pedestrian pathway connections.](#)
2. [Separate curb ramps or blended transitions must be provided for each direction of pedestrian travel at intersections and positioned in front of the stop bar at intersections.](#)
3. [Curb ramps must align with the pedestrian crossing to provide a direct and accessible path of travel.](#)
4. [Curb ramps shall be designed to prevent ponding of water at the base or along the pedestrian pathway. Where positive drainage is not possible drainage features shall be incorporated to avoid water accumulation.](#)
5. [Curb ramps shall include flared sides, except in situations where space constraints or existing site conditions require the use of curbed sides.](#)
6. [Curb ramps shall be constructed of portland cement concrete \(PCC\).](#)

### **12.25.155 Bikeways**

#### [A. General Design Criteria.](#)

1. Bikeways shall be designed in accordance with the current standards and guidelines of the ODOT *Traffic Line Manual* and the Federal Highway Administration (FHWA) *Manual for Uniform Traffic Control (MUTCD)*. All roadways identified as County Bikeways or Oregon Scenic Bikeways in the current County Transportation System Plan shall be constructed to include bikeway facilities according to the requirements of DCC 12.25.155.
2. All arterial and collector roadways not identified as County Bikeways or Oregon Scenic Bikeways in the current County Transportation System Plan shall be constructed to include shoulder bikeways at a minimum.

#### B. Multi-use Paths.

1. Multi-use paths shall be constructed in accordance with the requirements of DCC 12.25.150 and shall connect seamlessly with existing bicycle facilities on public roads.
2. If private roads are constructed to a width of less than 28 feet, multi-use paths shall be provided.

#### C. Bike Lanes.

1. Bike lanes are bikeways that provide bicycle mobility within a delineated, paved travel lane dedicated solely to bicycle use that is contiguous with the motor vehicle travel lane.
2. Bike lanes shall be implemented on new construction of curbed arterials and collectors. Curb gutter pan is not included in the bike lane width measurements.
3. Bike lanes shall be constructed to a minimum width of six feet, measured from the center of fog line to the edge of pavement.
4. Bicycle legends shall be provided in bike lanes at intervals of forty times the posted or statutory speed limit and after intersections.

#### D. Shoulder Bikeways.

1. Shoulder bikeways are bikeways that provide bicycle mobility within a widened paved shoulder outside of the motor vehicle travel lane.
2. Shoulder bikeways shall be implemented on new construction of uncurbed arterials and collectors.
3. Shoulder bikeways shall be constructed to a minimum width of four feet, measured from the center of fog line to the edge of pavement.

#### E. Shared Roadways.

1. Shared roadways are bikeways that provide bicycle mobility within the motor vehicle travel lane.

2. Shared roadways may be implemented on:

- a. New or existing local roads; or
- b. Existing arterial and collector roads where the Director determines that traffic volumes and roadway conditions are conducive to safe mixed-use by motor vehicles and bicycles.

**12.25.160 Bridges and Structures**

A. Bridges shall be designed in accordance with the current edition of the *AASHTO LRFD Bridge Design Specifications*.

B. At a minimum, bridges shall be designed to accommodate:

- a. Live Load
  - i. HL-93 design truck loading
  - ii. Additional design truck loading as required by the Director
- b. Dead Load
  - i. Structure dead load (including structure, utilities, bridge rail, wearing surface, and all other appurtenant features weight)
  - ii. 40 pounds per square foot (psf) additional dead load for future wearing surface and utilities.
- c. Horizontal Load
  - i. Horizontal Peak Ground Acceleration for 1,000-year return period
  - ii. Wind loading (including uplift loading)

C. For bridges that cross any body of water, bridge design shall be accompanied by a hydraulic report that includes:

- a. Site hydrology
- b. Hydraulic analysis comparing existing and proposed bridge and waterway conditions, and
- c. Bridge scour analysis including revetment design.

Hydraulic report, including data collection and analysis, shall conform to the current edition of the *ODOT Hydraulics Manual*.

D. Bridge, retaining wall, and other roadway structure designs shall be accompanied by a geotechnical report that includes:

- a. Field exploration and laboratory testing information
- b. Geotechnical analysis and design

c. Foundation data sheet

Geotechnical report, including data collection and analysis, shall conform with the current edition of the *ODOT Geotechnical Design Manual*.

E. Bridge designs shall include a load rating report in conformance with the current edition of the *ODOT LRFR Manual*.

F. All bridges and other road structures shall be designed with a minimum design life of 50 years.

### 12.25.170 Arterial Roads

Roads classified as “Arterial” in the current Deschutes County Transportation System Plan shall be designed, constructed, and improved according to the following standards:

Road Type	Minimum Right of Way Width	Total Paved Surface Minimum Width	Paved Travel Lane Minimum Width	Paved Shoulder Minimum Width	Paved Median Lane Minimum Width	Pavement Type/Minimum Depth	Roadway Base Type/Minimum Depth	Aggregate Shoulder Type/Minimum Width	Sidewalk Width	Maximum Grade
Bicycle Shared Roadway or Separated Multi-Use Paths (*)	80 ft.	28 ft.	11 ft.	3 ft.	14 ft.	Level 3, 1/2" Dense Asphalt Concrete, 4 in. Minimum Depth	3/4"-0 or 1"-0 Aggregate, 10 in. Minimum Depth	3/4"-0 or 1"-0 Aggregate, 2 ft. Minimum Width	Not Required	6%
With Shoulder Bikeway(*)		30 ft.		4 ft.						
With Bike Lane(*)		34 ft.		6 ft.						

### 12.25.180 Collector Roads

Roads classified as “Collector” in the current Deschutes County Transportation System Plan shall be designed, constructed, and improved according to the following standards:

	Minimum Right of Way Width	Total Paved Surface Minimum Width (*)	Paved Travel Lane Minimum Width	Paved Shoulder Minimum Width	Paved Median Lane Minimum Width (*)	Pavement Type/Minimum Depth(*)	Roadway Base Type/Minimum Depth (*)	Aggregate Shoulder Type/Minimum Width	Sidewalk Width (*)	Maximum Grade (*)
Road Type										
Rural										
Bicycle Shared Roadway or Separated Multi-Use Paths (*)	60 ft.	28 ft.	11 ft.	3 ft.	14 ft.	Level 3, 1/2" Dense Asphalt Concrete, 4 in. Minimum Depth	3/4"-0 or 1"-0 Aggregate, 10 in. Minimum Depth	3/4"-0 or 1"-0 Aggregate, 2 ft. Minimum Width	Not Required	8%
With Shoulder Bikeway(*)		30 ft.	11 ft.	4 ft.						
With Bike Lane(*)		34 ft.	11 ft.	6 ft.						
Unincorporated Communities										
Tumalo Commercial	60 ft.	30 ft.	11 ft.	4 ft.	14 ft.	Level 3, 1/2" Dense Asphalt Concrete, 4 in. Minimum Depth	3/4"-0 or 1"-0 Aggregate, 10 in. Minimum Depth	3/4"-0 or 1"-0 Aggregate, 2 ft. Minimum Width	6 ft.	8%
Tumalo Residential		36 ft.	12 ft.	6 ft.	14 ft.				Not Required	
Terrebonne TeC Commercial		24 ft.	12 ft.	Not Required	Not Required				6 ft.	
Terrebonne TeR Commercial		24 ft.	12 ft.	Not Required	Not Required				Not Required	
Terrebonne TeR Residential		24 ft.	12 ft.	Not Required	Not Required				Not Required	

### 12.25.190 Local Roads

**A. Paved roads classified as “Local” in the current Deschutes County Transportation System Plan shall be designed, constructed, and improved according to the following standards:**

Road Type	Minimum Right of Way Width	Total Paved Surface Minimum Width (*)	Paved Travel Lane Minimum Width	Paved Shoulder Minimum Width	Pavement Type/Minimum Depth(*)	Roadway Base Type/Minimum Depth (*)	Aggregate Shoulder Type/Minimum Width	Sidewalk Width (*)	Maximum Grade (*)	Minimum Cul-De-Sac ROW Radius	Minimum Cul-De-Sac Paved Radius
Subdivision Access and Circulation Routes											
Rural - Primary	60 ft.	24 ft.	10 ft.	2 ft.	Level 2, 1/2" Dense Asphalt Concrete, 3 in. Minimum Depth	3/4"-0 or 1"-0 Aggregate, 8 in. Minimum Depth	3/4"-0 or 1"-0 Aggregate, 2 ft. Minimum Width	Not Required	10%	55 ft.	45 ft.
Rural - Secondary and Cul-de-Sacs		20 ft.		Not Required							
Unincorporated Communities											
Tumalo Commercial	60 ft.	20 ft.	10 ft.	Not Required	Level 2, 1/2" Dense Asphalt Concrete, 3 in. Minimum Depth	3/4"-0 or 1"-0 Aggregate, 8 in. Minimum Depth	3/4"-0 or 1"-0 Aggregate, 2 ft. Minimum Width	Not Required	10%	55 ft.	45 ft.
Tumalo Residential		20 ft.		Not Required				Not Required			
Terrebonne TeC Commercial		24 ft.		2 ft.				6 ft.			
Terrebonne TeR Commercial		24 ft.		2 ft.				Not Required			
Terrebonne TeR Residential		24 ft.		2 ft.				Not Required			

**B. Unpaved roads classified as “Local” in the current Deschutes County Transportation System Plan shall be designed, constructed, and improved according to the following standards:**

Minimum Right of Way Width	Total Improved Surface Minimum Width (*)	Improved Surface Type/Minimum Depth (*)	Sidewalk Width (*)	Maximum Grade (%)	Minimum Cul-De-Sac ROW Radius	Minimum Cul-De-Sac Paved Radius
60 ft.	20 ft.	3/4"-0 or 1"-0 Aggregate, 5 in. Minimum Depth	Not Required	10%	55 ft.	45 ft.

**12.25.200 Private Roads**

Private roads, as permitted in land development under DCC 17.48 or applicable zoning ordinances, shall be designed, constructed, and improved to the following Standards:

Road Type	Total Paved Surface Minimum Width (*)	Paved Travel Lane Minimum Width	Paved Shoulder Minimum Width	Pavement Type/Minimum Depth (*)	Roadway Base Type/Minimum Depth (*)	Aggregate Shoulder Type/Minimum Width	Sidewalk Width (*)	Maximum Grade (%)	Minimum Cul-De-Sac Paved Radius
Primary Subdivision Access and Circulation Routes	28 ft.	10 ft.	4 ft.	Level 2, 1/2" Dense Asphalt Concrete, 2 in. Minimum Depth	3/4"-0 or 1"-0 Aggregate, 6 in. Minimum Depth	3/4"-0 or 1"-0 Aggregate, 2 ft. Minimum Width	Not Required	12%	45 ft.
Secondary Subdivision Access and Circulation Routes and Cul-de Sacs	20 ft.	10 ft.	Not Required						

**12.25.210 Cul-De-Sacs**



A. 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.

B. Cul-de sacs shall terminate at:

- a. A cul-de-sac bulb; or
- b. A turnaround facility approved by the Director and the applicable fire protection district.

C. Cul-de-sac bulbs shall be constructed to the applicable base and surfacing section standards given in DCC 12.25.150, 12.25.160, 12.25.170, or 12.25.180. Cul-de-sac bulbs shall have a minimum improved surface radius of 45 feet.

D. Cul-de-sac bulbs shall have a minimum right-of-way radius of 55 feet.

### **12.25.220 Traffic Control Devices**

All traffic control devices on public roads shall be designed, constructed, implemented, and installed according to the requirements of the current *Manual on Uniform Traffic Control Devices (MUTCD)*, including the Oregon Supplement to the current edition, and the current edition of the *ODOT Sign Policy and Guidelines*.

### **12.25.230 Drainage**

A. General Requirements

- 1. All drainage systems for public roads shall be designed and constructed to meet or exceed the minimum standards given in the current edition of *Central Oregon Stormwater Manual (COSM)* prepared by the Central Oregon Intergovernmental Council.
- 2. Runoff from public roads and associated improvements must be contained within the public right-of-way and managed to prevent adverse impacts to adjacent properties and downstream systems.

B. Stormwater Management

- 1. Any development or improvements that alter the drainage characteristics of a public road right-of-way must submit a stormwater report meeting the requirements of the current COSM to the County Road Department for approval with the improvement plans. The report shall include:
  - a. Analysis of pre- and post-development drainage conditions.
  - b. Proposed stormwater management measures to mitigate impacts.
  - c. Documentation of compliance with COSM standards.
- 2. The County may require additional analysis or design modifications to address site-specific conditions or to ensure compliance with applicable laws and standards.
- 3. The use of underground injection control (UIC) systems in a public road right-of-way is strongly discouraged and will only be considered by the Director in exceptional circumstances where no feasible alternative exists. Any proposed UIC system must:

- a. Demonstrate compliance with applicable state and federal regulations.
- b. Receive explicit approval from the Director prior to installation.

#### **12.25.240 Surveying**

##### A. Construction Surveying and Machine Control

- 1. Physical locations of roads and associated road features shall be provided in accordance with the approved improvement plans.
- 2. All survey and machine control work shall be completed in conformance with the current edition of the ODOT *Construction Surveying Manual for Contractors*.

##### B. Right-of-Way Surveying

- 1. Right-of-way surveying shall be performed by a professional land surveyor licensed in the State of Oregon.
- 2. Right-of-way surveying and monumentation shall comply with the applicable provisions of with ORS 92 and ORS 209.

#### **12.25.250 Driveway Access**

Permitting and construction of driveway access to public roads shall be performed in accordance with DCC 12.28.

#### **12.25.300 Fees**

All plan review and field inspection costs shall be borne by the applicant. Fees for plan review and inspections shall be published in the County fee schedule.

#### **12.25.310 Right of Way Activity Permit**

No person, firm, or corporation shall remove, alter or construct any improvement or perform any activity within public road right-of-way over which the County has jurisdiction to regulate the matters covered by DCC 12.25 without first obtaining a permit from the County Road Department.

#### **12.25.320 Road Improvement Agreements**

- A. When, in the opinion of the Director, an existing public way is significantly impacted by a proposed right of way activity, the applicant shall be required to execute an improvement agreement and file a security with the County. The improvement agreement shall include the following:
  - 1. Improvement plans meeting the requirements of DCC 12.25;
  - 2. A list of all contractors who will construct or complete the improvements and repairs;
  - 3. An itemized cost estimate of the improvement and repairs;

4. Provision for the County to call upon the security for the construction or completion of the improvements and repairs, upon failure of the applicant to adhere to the schedule for improvements and repairs;
  5. Provision that the County shall recover the full cost and expense of any work performed by or on behalf of the County to complete construction of the improvements and repairs, including, but not limited to, attorneys and engineering fees;
  6. Provision for a one-year warranty bond that shall be deposited with the County following acceptance of the improvements and repairs. The bond shall be in the amount of 10 percent of the value of the improvements.
- B. The applicant shall file with the agreement a security to assure the applicant's full and faithful performance of the improvement and repair work in the amount of 120 percent of the cost of performing the work, including related engineering, inspection, and incidental expenses, as determined by the Director. The security shall be in one of the following forms:
1. A surety bond executed by a surety company authorized to transact business in the state in a form approved by the County;
  2. Cash deposit with the County; or
  3. An unconditional, irrevocable standby letter of credit.
- C. Default Status.
1. If the applicant fails to carry out provisions of the agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement.
  2. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the County, it shall release the remainder.
  3. If the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the applicant shall be liable to the County for the difference.
- D. The security shall not be released by the County until one year from the improvement completion date specified by the applicant.
- E. The security shall not be released by the County until County inspectors have inspected the improvements and approved them in writing.

### **12.25.330 Insurance**

During the term of authorized work within a public right of way, the applicant or their contractor, including all subcontractors, shall procure and continue to carry insurance coverages, including but not limited to commercial general liability and commercial automobile liability, from a responsible insurance provider with minimum coverage amounts as determined by the Road Department Director.

**12.25.340 Indemnification**

- A. The applicant shall be responsible and liable for all injuries to other persons or property resulting from any negligence or otherwise tortious acts or omissions of the licensee, its servants or agents.
- B. The applicant shall indemnify the County and hold it harmless against any and all claims, demands, lawsuits, injuries, damages or costs, including litigation costs, which the County may sustain by reason of any such acts or omissions.

**12.25.350 Local, State, and Federal Permits**

The applicant shall be responsible for the following:

- A. Obtaining all local, state, and federal permits and licenses necessary for the improvement work;
- B. Paying all applicable charges, fees, and taxes;
- C. Giving all notices required under applicable local, state, and federal laws; and
- D. Complying with all orders and permits issued by a local, state, or federal government authority.

**12.25.400 Construction; General Specifications**

- A. Unless otherwise detailed in DCC 12.25, all roadway work, including excavation, fill construction, subgrade preparation, aggregate base, surfacing, prime coats and paving, will be done in accordance with the current edition of the ODOT/APWA *Oregon Standard Specifications for Construction*, hereinafter referred to as the general specifications.
- B. Whenever these specifications refer to the Agency, they shall be taken to mean the County, the appropriate County address, and likewise, reference to the commission or the engineer shall be taken to mean the Board of County Commissioners or the Road Department Director.

**12.25.410 Construction; Quality Control**

- A. All materials incorporated into public road improvements shall be tested according to methods described in the current editions of the ODOT *Laboratory Manual of Test Procedure* and the ODOT *Manual of Field Test Procedures (MFTP)*.
- B. All manufactured products incorporated into public road improvements shall be listed in the current publication of the ODOT Qualified Products List (QPL).

**12.25.420 Construction; Temporary Traffic Control**

- A. All temporary traffic control measures shall conform to the standards and guidelines outlined in the current versions of the *Oregon Temporary Traffic Control Handbook (OTTCH)* and the *Manual on Uniform Traffic Control Devices (MUTCD)*.
- B. The contractor shall perform the construction work in a continuous and efficient manner as to minimize the extent of disruption to road users and shall provide continuous access to emergency vehicles to greatest extent practical.

**12.25.500 Road and Street Project**

Design and construction standards set forth in DCC 12.25 are applicable to all road and street projects.

## CHAPTER 12.28 DRIVEWAYS AND ACCESS TO PUBLIC ROADS

### 12.28.010 Authority

### 12.28.015 Definition; Apron

### 12.28.020 Definition; Curbline

### 12.28.020 Implementation Of Requirements

### 12.28.025 Definition; Curb Return

### 12.28.030 Definition; Driveway

### 12.28.035 Definition; Driveway Approach

### 12.28.040 Definition; End Slopes

### 12.28.045 Definition; Sidewalk Section

### 12.28.050 Permit; Required

### 12.28.060 Permit; Application

### 12.28.070 Permit; Approval And Issuance

### 12.28.080 Public Property Use Restrictions

### 12.28.090 Prohibited Locations

### 12.28.100 Width Of Driveway Approach Apron

### 12.28.100 Property Frontage

### 12.28.110 Driveway Approaches Near Alleys

### 12.28.110 Residential Driveway Approaches

### 12.28.120 Driveways In Areas Of Limited Street Improvements

### 12.28.120 Commercial and Industrial Driveway Approaches

### 12.28.130 Agricultural Driveway Approaches (Field Access)

### 12.28.140 Drainage

### 12.28.~~130~~ ~~150~~ Construction Details

### 12.28.~~140~~ ~~160~~ Variances ~~Permitted When~~

### 12.28.~~150~~ ~~170~~ Violation; Civil Remedies

### 12.28.~~160~~ ~~180~~ Violation

## HISTORY

Amended by Ord. [2020-005](#) §1 on 1/1/2021

### ~~12.28.010 Definitions~~

~~For the purposes of DCC 12.28, unless otherwise apparent from the context, certain words and phrases used in DCC 12.28 are defined as set forth in DCC 12.28.015-045.~~

## ~~HISTORY~~

~~Adopted by Ord. [203-6](#) §1 on 10/1/1975~~

~~Amended by Ord. [95-035](#) §1 on 5/17/1995~~

### 12.28.10 Authority

The Board is authorized by ORS 374.305, 374.307, 374.309, 374.315, and 374.320 to adopt reasonable rules and regulations and may issue permits for the control of access to public roads under the County's jurisdiction.

#### **12.28.015 Definition; Apron**

"Apron" means the portion of the driveway approach extending from the property side of the curb to the sidewalk section and lying between the end slopes of the driveway approach.

#### **HISTORY**

*Adopted by Ord. 203-6-51 on 10/1/1975*

#### **12.28.020 Definition; Curbline**

"Curbline" means the inside edge of the top of the curb. In areas where no curb is required, it is the edge of the pavement.

#### **HISTORY**

*Adopted by Ord. 203-6-51 on 10/1/1975*

#### **12.28.020 Implementation of Requirements**

- A. It is the duty of the Road Department Director ("Director"), or the Director's authorized representative, to implement the provisions and requirements of these standards in such a way as to carry out their intent and purpose.
- B. For purposes of this chapter, all references to "Road Department Director" shall include the County Engineer.

#### **12.28.025 Definition; Curb Return**

"Curb return" means the curved portion of a street curb at street intersections or the curved portion of a curb in the end slopes of a driveway approach.

#### **HISTORY**

*Adopted by Ord. 203-6-51 on 10/1/1975*

#### **12.28.030 Definition; Driveway**

"Driveway" means an area on private property where automobiles and other vehicles are operated or allowed to stand.

#### **HISTORY**

*Adopted by Ord. 203-6-51 on 10/1/1975*

#### **12.28.035 Definition; Driveway Approach**

"Driveway approach" means an area, construction or improvement between the roadway of a public street and private property at least seven feet wide, intended and used for ingress and egress of vehicles from the roadway of a public street to a definite area of the private property, such as a parking area, a



driveway or a door. The component parts of the driveway approach are termed the apron, the end slopes or the curb return, and the sidewalk section.

#### HISTORY

*Adopted by Ord. 203-6 §1 on 10/1/1975*

*Amended by Ord. 2011-026 §4 on 1/30/2012*

#### **12.28.040 Definition; End Slopes**

"End slopes" means the portions of the driveway approach which provide a transition from the normal curb and sidewalk elevations to the grade of the apron, either by means of a sloping surface or by means of a curb return together with the area between the projected tangents of the curb return.

#### HISTORY

*Adopted by Ord. 203-6 §1 on 10/1/1975*

#### **12.28.045 Definition; Sidewalk Section**

"Sidewalk section" means the portion of the driveway approach lying between the back, or property edge of the sidewalk and the end slopes measured at the front, or street, edge of the sidewalk.

#### HISTORY

*Adopted by Ord. 203-6 §1 on 10/1/1975*

#### **12.28.050 Permit; Required**

No person, firm or corporation shall remove, alter or construct any curb, sidewalk, driveway approach, gutter, pavement or other access related improvement in any public road, street, alley or other property owned by or dedicated to or used by the County and over which it has jurisdiction to regulate the matters covered by DCC 12.28, without first obtaining a permit from the County Road Department, ~~and no permit shall be granted until the applicant files with the County Road Department for its approval two copies of a drawing showing the location and size of all such proposed improvements to serve the property affected.~~

#### HISTORY

*Adopted by Ord. 203-6 §2 on 10/1/1975*

*Amended by Ord. 95-035 §1 on 5/17/1995*

*Amended by Ord. 2020-005 §1 on 1/1/2021*

#### **12.28.060 Permit; Application and Fees**

Application for driveway approach permits ~~to construct such improvements~~ shall be made to the County ~~Community Development~~ Road Department on forms provided for that purpose. Fees for driveway approach permits shall be published in the County fee schedule.

#### HISTORY

*Adopted by Ord. 203-6 §3 on 10/1/1975*

*Amended by Ord. 95-035 §1 on 5/17/1995*

**12.28.070 Permit; Approval ~~And~~ and Issuance**

Before approving ~~the drawing of such improvement~~ and issuing a driveway approach~~the~~ permit, the County Road Department and Community Development Department shall establish that the proposed driveway approach~~improvement~~ is in conformance with the provisions and standards hereinafter set forth.

**HISTORY**

*Adopted by Ord. [203-6](#) §4 on 10/1/1975*

*Amended by Ord. [95-035](#) §1 on 5/17/1995*

**12.28.080 Public Property Use Restrictions**

County road rights of way may not be used for private commercial purposes. A permit for the construction of driveway approaches shall not be issued unless vehicles to be served or serviced can be parked entirely within the private property lines.

**HISTORY**

*Adopted by Ord. [203-6](#) §10 on 10/1/1975*

*Amended by Ord. [95-035](#) §1 on 5/17/1995*

**12.28.090 Prohibited Locations**

A. The creation of driveway access onto arterial and collector roads 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.

B. When a property abuts two or more public roads with different functional classifications, access shall be taken from the road with the lower functional classification.

C. No driveway approach shall be permitted at locations that do not meet current American Association of State Highway and Transportation Officials (AASHTO) sight distance standards.

D. No driveway approach shall be permitted within delineated wetlands and waterways.

E. Driveway access that requires vehicle backing maneuvers within a public right of way for driveway ingress and egress is prohibited unless there is no other possible driveway access configuration to serve a parcel with reasonable access.

A-F. No driveway approach shall be permitted to interfere with any public utility facilities. Under the permit required by DCC 12.28, the applicant may be authorized to relocate any such utility, upon application to the subject utility provider and upon making suitable arrangements for financial reimbursement to the utility provider.

B-G. At street-road intersections no portion of any driveway approach, including end slopes, shall be permitted within the intersection ~~curb~~ return.

C.H. At street-road intersections in noncommercial or residential and rural areas, no portion of any driveway approach, including end slopes, shall be permitted within 50 feet of the intersection ~~curb~~ return.

#### HISTORY

Adopted by Ord. 203-6 §5 on 10/1/1975

Amended by Ord. 95-035 §1 on 5/17/1995

Amended by Ord. 2011-026 §4 on 1/30/2012

#### **12.28.100 Width Of Driveway Approach Apron**

The width of driveway approach aprons shall not exceed the following dimensions:

1. ~~For residential driveways, 14 feet for single driveways and 20 feet for double driveways and not more than one driveway approach shall be permitted per lot when such lot is 50 feet or less in width fronting on any street or avenue.~~
  1. ~~An additional driveway approach will be allowed when any particular lot has 50 feet or more of frontage on any street or avenue and the driveways can meet the spacing requirements listed in DCC 17.48.090 (B).~~
  2. ~~Sidelines of lots may also have driveway approaches in conformity with the provisions of DCC 12.28.100(A); notwithstanding that such lots have driveway approaches on their frontage area.~~
2. ~~For commercial driveways, when one or more driveway approaches serve a given property frontage, no single apron shall exceed 35 feet in width, but when such establishment controls 50 feet or more of street frontage the number of driveway aprons shall be limited to two for the first 100 feet or part thereof and not more than 35 percent of the frontage exceeding the initial 100 feet thereafter. A safety island of not less than 16 feet of full height curb shall in all cases be provided between driveway approaches serving any one property frontage.~~
3. ~~Property frontage referred to in DCC 12.28 includes approach areas directly in front of property owned or under the control of the applicant, and such area as may be directly in front of adjoining property which is used for approach purposes by right of easement or agreement with the adjoining property owner.~~

#### HISTORY

Adopted by Ord. 203-6 §6 on 10/1/1975

Amended by Ord. 95-035 §1 on 5/17/1995

Amended by Ord. 2011-026 §4 on 1/30/2012

#### **12.28.100 Property Frontage**

Property frontage referred to in DCC 12.28 includes approach areas directly in front of property owned or under the control of the applicant, and such area as may be directly in front of adjoining property

which is used for approach purposes by right of easement or agreement with the adjoining property owner.

#### **12.28.110 Driveway Approaches Near Alleys**

~~Driveway approaches located within five feet of the existing curb return at an alley intersection may be merged with the alley intersection pavement, thus requiring the removal of the existing curb return: the total apron length plus the alley width, measured at the curbline of the apron to the opposite allen line, shall not exceed 40 feet, except when there is a driveway approach on both sides of an alley, then the maximum apron length plus alley, width shall not exceed 60 feet.~~

#### **HISTORY**

~~Adopted by Ord. 203-6 §8 on 10/1/1975~~

~~Amended by Ord. 95-035 §1 on 5/17/1995~~

#### **12.28.110 Residential Driveway Approaches**

##### **A. Width (measured at the right-of-way boundary)**

1. Minimum Width, 12 feet;
2. Maximum Width (single-family dwelling units), 14 feet;
3. Maximum Width (multi-family dwelling units), 20 feet.

##### **B. Spacing**

1. Residential driveway approaches shall be located along a parcel's frontage in a manner so as to maximize spacing from other driveway approaches and intersecting roads.

##### **C. Maximum Number of Approaches**

1. No more than one residential driveway approach shall be permitted per parcel when such parcel is 50 feet or less in width fronting on any public road.
2. When any parcel has 50 feet or more of frontage on the public road accessed by the primary driveway approach, a secondary driveway approach may be permitted either along the frontage to the public road accessed by the primary driveway approach or, for corner parcels, along the frontage to a side street.

#### **12.28.120 Driveways In Areas Of Limited Street Improvements**

- ~~1. Where standard gutters and curbs have been installed but concrete sidewalks have not been, the permit may authorize the applicant to construct the driveway approach from the curbline to the applicant's premises of the same materials as those used for paving the applicant's driveway, or of any other material satisfactory to the County Road Department. Such driveway approach shall be constructed to established grade and shall be adequate and suitable for the traffic to be carried by it. The permit shall provide, and the applicant shall agree, that if and when thereafter~~

~~concrete sidewalks are constructed, the applicant or his successor shall install concrete driveway approaches.~~

- ~~2. Where standard gutters and curbs have not been installed, the apron widths set forth in DCC 12.28.100 shall be measured along the property line and there shall be not less than 16 feet of frontage between driveway approaches serving any one property.~~
- ~~3. In areas designated on the comprehensive plan for urban growth, permits shall not be issued for any surface improvement or paving on the street right of way between driveway approaches unless a concrete curb or other physical obstruction, of a design satisfactory to the County Road Department, is constructed and maintained by the applicant along his property line, so that the entrance and exit of vehicles to and from the applicant's property will be restricted to the established driveway approaches. Pursuant to the permit provided for in DCC 12.28, the applicant may surface the driveway approaches or other areas within the right of way by extending the same type of paving used on the applicant's premises so that it merges with the street pavement, provided the applicant's paving is adequate and suitable for the traffic to be carried; such extended paving between the property line and the street pavement shall be to established grade or other slope fixed by the County Road Department to provide for proper runoff. Such paving between the property line and the street pavement may meet the street pavement at a point ahead of the curb opening in order to provide for safe deceleration of vehicles turning into the applicant's premises. If the applicant's paving is extended beyond the property line into a street right of way at an intersection or crossroad, the County Road Department may require applicant to construct a suitable traffic island or curb to provide for the protection of such County facilities as may be necessary.~~

#### HISTORY

*Adopted by Ord. 203-6 §9 on 10/1/1975*

*Amended by Ord. 95-035 §1 on 5/17/1995*

*Amended by Ord. 2011-026 §4 on 1/30/2012*

#### **12.28.120 Commercial and Industrial Driveway Approaches**

##### A. Width (measured at the right of way boundary)

1. Minimum Width, 20 feet;
2. Maximum Width, 35 feet.

##### B. Spacing

1. Commercial and industrial driveway approaches shall be separated by at least the following distances from other driveway approaches and/or road intersections (measured between driveway/roadway centerlines):
  - a. Arterial road frontage, 500 feet;
  - b. Collector road frontage, 300 feet;

c. Local road frontage, 100 feet.

C. Maximum Number of Approaches

1. No more than two commercial or industrial driveway approaches shall be permitted per parcel frontage.

D. Additional Considerations

1. When deemed necessary by the Director, an applicant for a commercial driveway access may be required to submit a Traffic Impact Analysis (TIA) pursuant to DCC 18.116.310 and to construct mitigation measures, such as turn lanes and traffic control devices, as recommended in an approved TIA.

**12.28.130 Agricultural Driveway Approaches (Field Access)**

A. Width (measured at the right-of-way boundary)

1. Minimum Width, 12 feet;
2. Maximum Width, 14 feet.

A.B. Maximum Number of Approaches – No more than one field access approach per 200 feet of road frontage shall be permitted per parcel.

**12.28.140 Drainage**

A. Driveways and driveway approaches shall be constructed in such a manner so that surface water runoff from driveways and driveway approaches does not enter the public right-of-way.

B. Where culverts are required for driveway approaches, the minimum pipe size shall be 12 inches in diameter.

**12.28.130-150 Construction Details**

Driveway approaches shall be constructed in accordance with standard drawings as determined by the Director.

1. All driveway approaches between the curblin and the property line shall be constructed of Portland cement concrete proportioned to the satisfaction of the County Road Department, except as provided in DCC 12.28.120. The concrete of the driveway approach, including the sidewalk section, shall be at least six inches thick for residential approaches and at least six inches thick for commercial approaches.
2. The sidewalk section of the driveway approach shall be finished and scored as specified by the County Road Department, except as provided in DCC 12.28.120. Apron and end slope areas of the driveway approach shall be finished, after troweling smooth and scoring, with a fiber push-broom drawn over the surface parallel to the curblin.

## HISTORY

Adopted by Ord. [203-6](#) §7 on 10/1/1975

Amended by Ord. [95-035](#) §1 on 5/17/1995

Amended by Ord. [2020-005](#) §1 on 1/1/2021

**12.28.140-160 Variances ~~Permitted When~~**

The County Road Department is authorized to grant, in writing, variances from the regulations and requirements of DCC 12.28, provided it first determines that the following conditions are present:

1. The variance requested arises from peculiar physical conditions not ordinarily existing in similar districts in the County, or is due to the nature of the business or operation upon the applicant's property;
2. That the variance requested is not against the public interest, particularly safety, convenience and general welfare;
3. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or tenants; and
4. That the terms of DCC 12.28 will work unnecessary hardship upon the applicant, property owner or tenant.

## HISTORY

Adopted by Ord. [203-6](#) §11 on 10/1/1975

Amended by Ord. [95-035](#) §1 on 5/17/1995

**12.28.150-170 Violation; Civil Remedies**

In case a driveway or driveway approach is constructed or proposed to be constructed, maintained, repaired, altered or used in violation of DCC 12.28, such violation shall constitute a ~~nuisance~~nuisance, and the County may institute legal proceedings to prevent, enjoin, temporarily or permanently abate, remove or correct the nuisance.

## HISTORY

Adopted by Ord. [203-6](#) §14 on 10/1/1975

Amended by Ord. [95-035](#) §1 on 5/17/1995

**12.28.160-180 Violation**

Violation of any provision of DCC 12.28 is a Class B violation.

## HISTORY

Adopted by Ord. [203-6](#) §13 on 10/1/1975

Amended by Ord. [83-015](#) §1 on 2/23/1983

Amended by Ord. [95-035](#) §1 on 5/17/1995

Amended by Ord. [2003-021](#) §26 on 4/9/2003







## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 11, 2025

**SUBJECT:** Public Hearing: FY 2026 Deschutes County Fee Schedule and consideration of Resolution No. 2025-014 adopting the Fee Schedule

**RECOMMENDED MOTION:**

Following the public hearing, move to approve Resolution No. 2025-014 adopting the FY 2026 Deschutes County Fee Schedule.

**BACKGROUND AND POLICY IMPLICATIONS:**

Per chapter 4.12 of the Deschutes County Code, "Fees and charges for services shall be reviewed for compatibility with the actual cost of providing service each year, and shall be adjusted and set as of each July 1<sup>st</sup>."

At the May 7, 2025 Board of County Commissioners meeting, Commissioners reviewed proposed changes to the FY26 Fee Schedule. The Board will now hold a public hearing to take comment on the proposed schedule and consider approving it.

Since the May 7 meeting, additional changes are proposed as outlined below.

- Bend Parks and Rec had their first reading of a revised ordinance for their SDC methodology and FY26 SDC increases on May 20, 2025. These are reflected in the attached proposed FY26 fee schedule within CDD fees #20-29, with corresponding notation highlighted in yellow.
- The State of Oregon Building Codes Division annually audits building safety and electrical fees. Feedback from that audit has been incorporated into the attached proposed FY26 fee schedule with corresponding notation highlighted in yellow.
- "Room Tax" and "TRT" references are updating to "Lodging Tax" and "TLT", in order to align with language used by the State of Oregon Transient Lodging Taxes Oregon Revised Statutes and the Model Transient Lodging Tax Ordinance.
- The Board of Commissioners approved a motion on May 28, 2025 to include Certificate of Authority fees in the County fee schedule for the June 11 public hearing. These are reflected as new fees TLT #6 and #7. If approved, both fees will be effective September 1, 2025 in alignment with the date in Ordinance No. 2025-006.

**BUDGET IMPACTS:**

The FY 2026 Deschutes County Fee Schedule changes are reflected in the FY 2026 proposed budget.

**ATTENDANCE:**

Cam Sparks, Budget and Financial Planning Manager  
Laura Skundrick, Management Analyst

REVIEWED

\_\_\_\_\_  
LEGAL COUNSEL\_\_\_\_\_  
For Recording Stamp OnlyBEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON

A Resolution Adopting and Continuing Fees	*	
And Charges for Services and Providing an	*	RESOLUTION NO. 2025-014
Effective Date	*	

WHEREAS, various departments of Deschutes County charge fees for services and permits; and

WHEREAS, it is necessary to adopt and amend the fee schedules of Deschutes County annually each July 1 in accordance with applicable State law and Chapter 4.12 of the Deschutes County Code, as amended; and

WHEREAS, various Deschutes County departments have proposed fees and charges for services and permits; and

WHEREAS, the Board of County Commissioners held a public hearing on June 11, 2025, on the proposed fees and charges for services and permits and finds that the fees and charges for services and permits as set forth in Exhibit "A" reflect the actual cost of providing services and permits; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, as follows:

Section 1. That the fees set forth in Exhibit "A", attached hereto and, by this reference, incorporated herein, are hereby adopted as the fees and charges of Deschutes County, Oregon.

Section 2. The fees and charges for services and permits adopted in Section 1 of this Resolution are effective July 1, 2025.

Section 3. All fees and charges for services and permits in effect prior to July 1, 2025, are hereby continued or superseded as provided herein.

DATED this \_\_\_\_\_ day of June, 2025.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DEBONE, Chair

ATTEST:

\_\_\_\_\_  
PATTI ADAIR, Vice-Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner

**Deschutes County Fee Schedule  
FY 2026**

06/11/2025 Item #11.

ITEM NO.		DESCRIPTION	FY 2025 FEE		UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE
		<b>County Clerk</b>					
		Recording Fees				ORS 205.320	
		Overpayments of \$10.00 or less shall be deemed part of the original fee and no automatic refund shall be provided. The person originally paying the fee may request a refund of the overpayment within 90 days of payment, otherwise any claim for refund shall be deemed waived. Overpayments of greater than \$10.00 shall automatically be refunded by the county, provided the county has the address of the payer.					
CLK	1	One page instruments - minimum fee	\$ 5.00		per instrument		
CLK	2	Additional pages	\$ 5.00		per page		
		Land Corner Preservation fund (LCP)				ORS 203.148 & 205.130(2)	
CLK	3	Applies to all instruments <u>except</u> for liens, Military Discharge (DD 214), Satisfaction of Judgments, Federal documents, County internal documents not usually charged a recording fee.	\$ 10.00		per instrument (note exceptions)		
		Assessment and Taxation (A&T) Fee				ORS 205.323	
CLK	4	Applies to all instruments <u>except</u> for Military Discharge (DD 214), Satisfaction of Judgments, Federal documents, County internal documents not usually charged a recording fee.	\$ 10.00		per instrument (note exceptions)		
		Oregon Land Information System (OLIF) Fee				ORS 205.323	
CLK	5	Applies to all instruments <u>except</u> for Military Discharge (DD 214), Satisfaction of Judgments, Federal documents, County internal documents not usually charged a recording fee.	\$ 1.00		per instrument (note exceptions)		
		Affordable Housing (AH) Fee					
CLK	6	Applies to all instruments <u>except</u> for Military Discharges (DD 214), Federal documents, County internal document not usually charged a recording fee, documents required under ORS 517.210 to maintain mining claims, warrants issued by Employment Department pursuant to ORS 657.396, 657.642 and 657.646, a certified copy of a judgment, a lien record abstract as described in ORS 18.170, a satisfaction of a judgment, including a judgment noticed by recordation of a lien record abstract, Department of Revenue documents and tax collectors.	\$ 60.00		per instrument (note exceptions)	ORS 205.320 - HB2417 & HB4007, effective 6-2-2018	
CLK	7	Affordable Housing Collection Fee	\$ 1.00		per instrument assessed AH fee	ORS 205.320 (9)	
		GIS Fee					
CLK	8	Applies to all instruments <u>except</u> for liens, Military Discharge (DD 214), Satisfaction of Judgments, Federal documents, County internal documents not usually charged a recording fee.	<del>\$ 6.00</del>		per instrument (note exceptions)		\$ 10.00
		Multiple Transaction Fee				ORS 205.236	
CLK	9	When recording instruments that describe two or more transactions, each additional transaction will be charged when involving the same property.	\$ 5.00		each additional transaction		
		Additional References				ORS 205.320 (12)	
CLK	10	In addition to and not in lieu of the fees charged for recording the assignment, release or satisfaction of any recorded instrument, \$5 for each additional instrument being assigned, released or satisfied.	\$ 5.00		each additional reference		
		Non-Standard Fee				ORS 205.234 & 205.237	
CLK	11	Additional fee for non-standard documents.	\$ 20.00		per instrument		
		Examples of fees for a <u>one page</u> document with exceptions noted above					
			<b>Deed Records</b>	<b>Mortgage Records</b>	<b>Lien Records</b>		
		Recording	+ 5.00	+ 5.00	+ 5.00		
		LCP	+ 10.00	+ 10.00	+ 0.00		
		A&T	+ 10.00	+ 10.00	+ 10.00		
		OLIS	+ 1.00	+ 1.00	+ 1.00		
		AH	+ 61.00	+ 61.00	+ 61.00		
		GIS	<del>6.00</del> 10.00	<del>6.00</del> 10.00	+ 0.00		
		Total =	<del>93.00</del> 97.00	<del>93.00</del> 97.00	= 77.00		
		Mineral and Mining Record				ORS 517.180,210,280,320	
CLK	12	Statement of Claim	\$ 32.00		1st page (\$5.00/ea add. claim)		
CLK	13	Notice or Affidavit of Publication of Notice	\$ 32.00				
CLK	14	Affidavit of Assessment Work	\$ 32.00				

**Deschutes County Fee Schedule  
FY 2026**

06/11/2025 Item #11.

ITEM NO.	DESCRIPTION	FY 2025 FEE	UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE
CLK 15	Mining Claim Affidavit	\$ 32.00			
CLK 16	Certificate of Ownership - Mineral and Mining Records	\$ 32.00	per certificate	ORS 517.280	
CLK 17	Dormant Mineral Interest	\$ 32.00	1st page	ORS 517.180 (5)(f) & 517.180 (9)	
CLK 18	Articles of Incorporation (Irrigation, Drainage, Water Supply or Flood Control)	\$ 53.00			
CLK 19	Military Discharge	\$ -			
	Location and Copy Fees			ORS 205.320	
CLK 20	Location fee	\$ 3.75			
CLK 21	Copies	\$ 0.25	per page	ORS 205.320 (4)(c)	
CLK 22	Certification Fee	\$ 3.75			
CLK 23	Copies for veterans seeking G.I. benefits	\$ -			
CLK 24	Copies of 24 x 18 maps	\$ 1.75	per page		
CLK 25	Copy of BOPTA Audio File, 1st record	\$ 10.00			
CLK 26	Copy of BOPTA Audio File, each additional file	\$ 1.00			
CLK 27	Redaction Fee	\$ 5.00	per instrument		
CLK 28	Microfilm	\$ 20.00	per roll		
CLK 29	Passport Processing Fee	\$ 35.00	each		
	Research Services: Fees @ hourly rate based on ACS. Amounts of less than one hour shall be charged in 1/2 hour increments.				
CLK 30	Staff	\$ 46.00	per hour		
CLK 31	Supervisor	\$ 68.00	per hour		
CLK 32	FTP Access Fee - Images	\$ 635.00	per month		
CLK 33	FTP Access Fee - Index - Daily Report/Month	\$ 1,383.00			
CLK 34	FTP Access Fee - Index - Weekly Report/Month	\$ 1,115.00			
CLK 35	FTP Access Fee - Index - Monthly Report//Month	\$ 1,152.00			
	Plats - By Lot / Tracts Size - Price Varies			ORS 205.320 & 205.350	
CLK 36	20 lots / tracts or less	\$ 50.00	Plus fees CLK 3 - CLK 8		
CLK 37	21 through 29 lots / tracts	\$ 55.00	Plus fees CLK 3 - CLK 8		
CLK 38	30 through 49 lots / tracts	\$ 60.00	Plus fees CLK 3 - CLK 8		
CLK 39	50 through 74 lots / tracts	\$ 65.00	Plus fees CLK 3 - CLK 8		
CLK 40	75 through 100 lots / tracts	\$ 70.00	Plus fees CLK 3 - CLK 8		
CLK 41	over 100 lots / tracts	\$ 70.00	+ \$0.10 per lot / tract over 100 Plus fees CLK 3 - CLK 8		
CLK 42	Partition Plats	\$ 25.00	Plus fees CLK 3 - CLK 8		
	Antique Dealers License				
CLK 43	Initial Fee	\$ 50.00			
CLK 44	Renewal Fee	\$ 25.00			
	Marriage License				
CLK 45	Base Fee	\$ 25.00		ORS 205.320(1)(e)	
CLK 46	Conciliation Fee	\$ 5.00		ORS 107.615	
CLK 47	Domestic Violence Fund	\$ 25.00		ORS 106.045	
CLK 48	Replacement of lost marriage license	\$ 10.00			
CLK 49	Replacement of memento marriage certificate	\$ 3.50			
CLK 50	Amend marriage record	\$ 45.00	each marriage		
	Solemnizing a Marriage			ORS 106.120 & 205.320	
CLK 51	During business hours	\$ 117.00			
CLK 52	After business hours	\$ 117.00	+ mileage		
CLK 53	Declaration of Domestic Partnership registration fee	\$ 55.00		HB 2007 & HB 2032	
CLK 54	Request for waiver of three day waiting period for marriage license.	\$ 10.00	per waiver	ORS 205.320(1)(i)	
CLK 55	Digital Research Room Subscription				
CLK 56	Digital Research Room Subscription - Monthly Access Fee	\$ 50.00			
CLK 57	Digital Research Room Subscription - Six Month Access Fee	\$ 150.00			
CLK 58	Digital Research Room Subscription - Yearly Access Fee	\$ 300.00			
	<b>Community Development</b>				
CDD 1	Refund request processing	<del>\$ 40.00</del>			\$ 46.00
	No refunds if refund amount is less than \$40.00. Other amounts may be deducted from refund for work already performed.				

**Deschutes County Fee Schedule  
FY 2026**

06/11/2025 Item #11.

ITEM NO.	DESCRIPTION	FY 2025 FEE	UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE	
CDD 2	Address Issuance	<del>\$ 43.00</del>	per dwelling		\$ 49.00	
CDD 3	New use with separate address (charged at time of building permit or site plan review, except revised site plan review)	<del>\$ 43.00</del>			\$ 49.00	
CDD 4	Site plan review	<del>\$ 130.00</del>			\$ 150.00	
CDD 5	Advanced planning fee (supports long-range planning and regular code updates and review)	<del>\$ 0.0044</del>	of bldg valuation		\$ 0.0046	
CDD 6	Public Information fee (supports public information and assistance in Bend, Redmond and LaPine and allows for consolidated permit processing at one location)	<del>\$ 0.0045</del>	of bldg valuation		\$ 0.0047	
CDD 7	Code enforcement fee (supports code enforcement program)	<del>\$ 0.0035</del>	of bldg valuation		\$ 0.0037	
CDD 8	Code enforcement court fine or fee	ACS		Circuit court or hearings officer determination		
CDD 9	Research/file review supervision	<del>\$ 406.00</del>	per hour		\$ 447.00	
CDD 10	Road Access Permit	<del>\$ 93.00</del>			\$ 107.00	
CDD 11	Second Road Access Permit	<del>\$ 46.00</del>			\$ 53.00	
CDD 12	Three or more Road Access Permits	<del>\$ 23.00</del>	each		\$ 26.00	
CDD 13	Consultation by CDD professional staff	-ACS-				BCD Audit Comment - duplicate fee
CDD 14	Consultation by CDD building safety staff	-ACS-				BCD Audit Comment - duplicate fee
CDD 15	Consultation by CDD electrical staff	-ACS-				BCD Audit Comment - duplicate fee
CDD 16	Consultation by CDD code enforcement staff	-ACS-				BCD Audit Comment - duplicate fee
CDD 17	Consultation by CDD onsite wastewater staff	-ACS-				BCD Audit Comment - duplicate fee
CDD 18	Consultation by CDD current planning staff	-ACS-				BCD Audit Comment - duplicate fee
CDD 19	Consultation by CDD long range planning staff	-ACS-				BCD Audit Comment - duplicate fee
	<b>Policy Regarding Refunds:</b>					
	A 75% refund may be made after an application has been received. The 25% withheld covers work associated with the application, including zoning, septic and site plan review, file creation and staff assignment. An additional percentage will be withheld as each additional phase of the permitting process is completed (i.e. plan review, inspections, staff report preparation). Refunds must be requested within 180 days of application. In every case, the <del>\$40 \$46</del> refund request processing fee will be charged to cover the cost of refund check processing and issuance.					
CDD 20	Bend Park and Recreations SDC for Accessory Dwelling Unit (ADU)	\$ 4,867.00			\$ 5,211.00	BPRD New Rate
CDD 21	Bend Park and Recreations SDC for Multi Family Average	\$ 7,661.00			\$ 8,589.00	BPRD New Rate
CDD 22	Bend Park and Recreations SDC for Overnight Accomodations Unit Hotel/Motel, each unit	\$ 7,776.00	per room		\$ 9,023.00	BPRD New Rate & Language Change
CDD 23	Bend Park and Recreations SDC for Single Family Home (< 600 sq ft)	\$ 8,066.00			\$ 8,444.00	BPRD New Rate
CDD 24	Bend Park and Recreations SDC for Single Family Home (600-1,200 sq ft)	\$ 9,058.00			\$ 9,699.00	BPRD New Rate
CDD 25	Bend Park and Recreations SDC for Single Family Home ( 1,201 - 1,600 sq ft)	\$ 10,004.00			\$ 10,712.00	BPRD New Rate
CDD 26	Bend Park and Recreations SDC for Single Family Home (1,601 - 2,200 sq ft)	\$ 10,680.00			\$ 11,436.00	BPRD New Rate
CDD 27	Bend Park and Recreations SDC for Single Family Home (2,201 - 3,000 sq ft)	\$ 11,311.00			\$ 12,111.00	BPRD New Rate
CDD 28	Bend Park and Recreations SDC for Single Family Home (> 3,001 sq ft)	\$ 12,348.00			\$ 13,221.00	BPRD New Rate
CDD 29	Bend Park and Recreation SDC for Manufactured/Mobile Home Placement Permit (in a Park)	\$ 10,184.00			\$ 10,905.00	BPRD New Rate
CDD 30	Transportation SDCs - base rate	<del>\$ 5,691.00</del>	Per peak hour trip		\$ 5,856.00	
CDD 31	Transportation SDCs - Single Family Home	<del>\$ 4,610.00</del>	Per single family home		\$ 4,743.00	
CDD 32	System development charge payment plan administrative fee	\$ 300.00				
	<b>CDD - Building Safety Division</b>					
	<b>Structural Fees</b>					BCD Audit Comment - New header and highlight
CDBS 1	Phased Project Plan Review Fee – in addition to project plan review fees	\$ 604.75	plus 10% of the total project building permit fee not to exceed \$1,500.00 for			
CDBS 2	Deferred Submittal Plan Review Fee – in addition to project plan review fees	65%	generated using the value of the deferred portion with a \$250			
	<b>Expedited Review (optional program):</b>					BCD Audit Comment - Highlight

**Deschutes County Fee Schedule  
FY 2026**

06/11/2025 Item #11.

ITEM NO.	DESCRIPTION	FY 2025 FEE	UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE	
CDBS 4	Structures require engineer/architect stamped plans	\$ 461.50	in addition to bldg permit fee			
CDBS 5	All others	\$ 196.30	in addition to bldg permit fee			
CDBS 6	Special Inspection - applies to all disciplines	<del>\$ 125.00</del>	or ACS		\$ 137.50	
CDBS 7	Agricultural building exemption fee	\$ 67.75				
CDBS 8	Building inspections outside of normal business hours (min charge - two hours) - applies to all disciplines	<del>\$ 187.50</del>	per hour		\$ 206.25	
CDBS 9	Re-inspection fee - applies to all disciplines	<del>\$ 125.00</del>	per-hour each		\$ 137.50	BCD Audit Comment - unit
CDBS 10	Additional inspection above allowable - applies to all disciplines	<del>\$ 125.00</del>	per-hour each		\$ 137.50	BCD Audit Comment - unit
CDBS 11	Reinstatement Fee - applies to all disciplines	\$ 150.50				
CDBS 12	Structural Permit Extension Fee	\$ 100.00				
CDBS 13	Investigation Fee - applies to all disciplines	<del>\$ 125.00</del>	per hour		\$ 137.50	
CDBS 14	Inspections for which no fee is specifically indicated (min charge - ½ hour) - applies to all disciplines	<del>\$ 125.00</del>	per hour		\$ 137.50	
<del>CDBS 15</del>	<del>Additional plan review required by changes, addition or revisions to approved plans (min charge - ½ hour)</del>	<del>\$ 125.00</del>	<del>per-hour</del>		<del>\$ 137.50</del>	BCD Audit Comment - moved to CDBS "Under Plan Review" section below
CDBS 16	Demolition permits (not subject to State surcharge)	\$ 194.00				BCD Audit Comment - added language
CDBS 17	Consultation fee (min 1 hour)	<del>\$ 125.00</del>	per hour		\$ 137.50	
CDBS 18	Temporary certificate of occupancy - valid 180 days (commercial)	\$ 572.75				
CDBS 19	Temporary certificate of occupancy - valid 180 days (residential)	\$ 161.25				
CDBS 20	Solar Building Permit - Prescriptive (includes plan review)	\$ 109.75		ORS 455.020 & OAR 918-050-0180		
CDBS 21	Solar Building Permit - Non-Prescriptive Path System - valuation to include the solar panels, racking, mounting elements, rails and the cost of labor to install. Solar electrical equipment including collector panels and inverters shall be excluded from the Structural Permit valuation.		Fee as per Structural Permit Fee table by valuation			
	New construction and additions shall be calculated using the ICC Building Valuation Data Table current as of April 1st of each year.					
	<del>CDD may charge the average or actual additional cost for an investigation fee ensuring a building, structure or system is in conformance with state building code for work commenced prior to permit issuance.</del>					
	<b>Residential Fire Suppression - includes plan review, applies to both Standalone (Structural) and Multipurpose/Continuous Loop (Plumbing) Systems</b>					BCD Audit Comment - added language
CDBS 22	Residential Sprinklers 0-2000 sq ft., <del>includes plan review, applies to standalone and multipurpose/continuous loop (plumbing)</del>	\$ 200.00		OAR 918-050-0140		
CDBS 23	Residential Sprinklers 2001-3600 sq ft., <del>includes plan review, applies to standalone and multipurpose/continuous loop (plumbing)</del>	\$ 250.00		OAR 918-050-0140		
CDBS 24	Residential Sprinklers 3601-7200 sq ft., <del>includes plan review, applies to standalone and multipurpose/continuous loop (plumbing)</del>	\$ 325.00		OAR 918-050-0140		
CDBS 25	Residential Sprinklers 7201 sq ft and greater., <del>includes plan review, applies to standalone and multipurpose/continuous loop (plumbing)</del>	\$ 410.00		OAR 918-050-0140		
	<b>Commercial Fire Suppression</b>					
CDBS 26	Commercial Fire Suppression		See Structural Permit Fee table by valuation	OAR 918-050-0100		
CDBS 27	Re-inspection fee: A <del>\$125</del> \$137.50 re-inspection fee shall be charged for inspections of violations found by the division on or after the second inspection and for inspections requested but which cannot be performed due to inability to get access to work to be inspected.	<del>\$ 125.00</del>	per hour		\$ 137.50	
	<b>PLAN REVIEW:</b>					
CDBS 28	Plan check fee <b>for structural</b>	65%	bldg permit fee			BCD Audit Comment - added language
CDBS 29	Plan check fee for electrical and mechanical systems of commercial/residential buildings	25%	bldg permit fee			
CDBS 30	Plan check fee for plumbing of commercial/residential bldgs	30%	bldg permit fee			
CDBS 31	Plan check fee for fire/life safety <del>over 4,000 sq ft when applicable</del>	40%	bldg permit fee			BCD Audit Comment - language
CDBS 32	Plan check for manufactured dwelling/rec park plan review	65%	permit fee			
	<b>Additional plan review required by changes, addition or revisions to approved plans (min charge - ½ hour) - applies to all disciplines</b>	<del>\$ 125.00</del>	per hour		\$ 137.50	BCD Audit Comment - moved from Expedited Review section above
CDBS NEW	Master plan set up fee				\$ 500.00	



**Deschutes County Fee Schedule  
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ITEM NO.		DESCRIPTION	FY 2025 FEE			UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE	
CDBS	NEW	Master plan review greater than >1				Initial master plan review		50%	
		The current State of Oregon surcharge is added to all applicable fees, exemptions are noted, including reinstatement fees and excluding extension fees, in the Building Safety Division. Additional State fees may apply.							BCD Audit Comment - language
		Total Structural valuation:							BCD Audit Comment - language
CDBS	33	\$1.00 to \$500.00	\$ 10.25						
CDBS	34	\$501.00 to \$2,000.00	\$ 10.25			first \$500 + \$1.75 for each additional \$100 or fraction thereof, to and including \$2,000			
CDBS	35	\$2,001.00 to \$25,000.00	\$ 36.50			first \$2,000 +\$6.50 for each additional \$1,000 or fraction thereof, to and including \$25,000			
CDBS	36	\$25,001.00 to \$50,000.00	\$ 186.00			first \$25,000 +\$5.00 for each additional \$1,000 or fraction thereof, to and including \$50,000			
CDBS	37	\$50,001.00 to \$100,000.00	\$ 311.00			first \$50,000 +\$4.50 for each additional \$1,000 or fraction thereof, to and including \$100,000			
CDBS	38	\$100,001.00 and up	\$ 536.00			first \$100,000 +\$5.50 for each additional \$1,000 or fraction thereof			
CDBS	39	Minimum Fee - Structural	\$ 150.00						
		<b>Plumbing Fees</b>							BCD Audit Comment - New header and highlight
		<b>New 1 &amp; 2 Family construction - Plumbing:</b> includes one kitchen, first 100 feet each of site utilities, hose bibbs, icemakers, underfloor low-point drains, and rain drain packages that include the piping, gutters, downspouts, and perimeter system. Half bath counted as whole.							BCD Audit Comment - language
CDBSPL	1	One and Two Family / 1 bath	\$ 371.25						
CDBSPL	2	One and Two Family / 2 bath	\$ 477.25						
CDBSPL	3	One and Two Family / 3 bath	\$ 530.50						
CDBSPL	4	Baths greater than 4-> 3 OR kitchen greater than > 1	\$ 53.00			each			
CDBSPL	5	One and two family/solar (when connected with potable water)	\$ 143.75						
		<b>Residential and U-1 plumbing:</b>							BCD Audit Comment - language and highlight header
		<b>Fixtures:</b>							BCD Audit Comment - highlight header
CDBSPL	6	Sink/basin/lavatory	\$ 29.50						
CDBSPL	7	Water heater	\$ 29.50						
CDBSPL	8	Garbage disposal	\$ 29.50						
CDBSPL	9	Water closet	\$ 29.50						
CDBSPL	10	Catch basin or area drain	\$ 29.50						
CDBSPL	11	Tub/shower/shower pan	\$ 29.50						
CDBSPL	12	Absorption valve	\$ 29.50						
CDBSPL	13	Clothes washer	\$ 29.50						

**Deschutes County Fee Schedule  
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ITEM NO.	DESCRIPTION	FY 2025 FEE			UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE	
CDBSPL 14	Backwater valve	\$ 29.50						
CDBSPL 15	Other Plumbing	\$ 29.50						
CDBSPL 16	Floor drain/floor sink/hub drain	\$ 29.50						
CDBSPL 17	Backflow Preventer	\$ 29.50						
CDBSPL 18	Urinal	\$ 29.50						
CDBSPL 19	Hose bibs	\$ 29.50						
CDBSPL 20	Dishwasher	\$ 29.50						
CDBSPL 21	Drinking fountain	\$ 29.50						
CDBSPL 22	Trench drain	\$ 29.50						
CDBSPL 23	Ejectors/sump pump	\$ 29.50						
CDBSPL 24	Expansion tank	\$ 29.50						
CDBSPL 25	Fixture cap	\$ 29.50						
CDBSPL 26	Ice maker	\$ 29.50						
CDBSPL 27	Primer	\$ 29.50						
	<b>Site Utilities:</b> Water service/sanitary/storm sewer:							BCD Audit Comment - language and highlight header
CDBSPL 28	Water service (first 100 feet or fraction thereof)	\$ 101.50						
CDBSPL 29	Water service (second 100 ft. or fraction thereof)	\$ 57.75						
CDBSPL 30	<b>Building Sanitary</b> sewer (first 100 feet or fraction thereof)	\$ 101.50						BCD Audit Comment - language
CDBSPL 31	<b>Building Sanitary</b> sewer (each additional 100 ft. or fraction thereof)	\$ 57.75						BCD Audit Comment - language
CDBSPL 32	<b>Building Sstorm sewer</b> or rain drain (each 100 feet or fraction thereof)	\$ 101.50						BCD Audit Comment - language
CDBSPL 33	Storm or rain drain (each additional 100 feet or fraction thereof)	\$ 57.75						
	Alternate potable water heating system (coil, heat pumps, extractor, water treatment equipment, etc.)	\$ 101.50						
CDBSPL 34	<b>Manufactured Homes:</b>							BCD Audit Comment - highlight header
CDBSPL 35	M/H park sewer connection & water distribution system	\$ 101.50			per space			
CDBSPL 36	Prefabricated structures site inspections (includes site development & connection of the prefabricated structure)	\$ 101.50						
	<b>Commercial Plumbing</b>							BCD Audit Comment - highlight header
	<b>— (all buildings other than R-3 &amp; U-1):</b>							BCD Audit Comment - language
CDBSPL 37	Minimum Fee (for both RES and COM)	\$ 149.25						
CDBSPL 38	Fixture cap- commercial	\$ 29.50						
CDBSPL 39	Backflow preventer	\$ 29.50						
CDBSPL 40	Sink/basin/lavatory	\$ 29.50						
CDBSPL 41	Absorption valve	\$ 29.50						
CDBSPL 42	Tub/shower/shower pan	\$ 29.50						
CDBSPL 43	Backwater valve	\$ 29.50						
CDBSPL 44	Water closets	\$ 29.50						
CDBSPL 45	Dishwashers	\$ 29.50						
CDBSPL 46	Garbage disposal	\$ 29.50						
CDBSPL 47	Clothes washer	\$ 29.50						
CDBSPL 48	Water heater	\$ 29.50						
CDBSPL 49	Urinal	\$ 29.50						
CDBSPL 50	Hose bibs	\$ 29.50						
CDBSPL 51	Trench drain	\$ 29.50						
CDBSPL 52	Catch Basins or area drain	\$ 29.50						
CDBSPL 53	Drinking fountain	\$ 29.50						
CDBSPL 54	Expansion tank	\$ 29.50						
CDBSPL 55	Interceptor/grease trap	\$ 29.50						
CDBSPL 56	Floor drains/floor sink/hub drain	\$ 29.50						
CDBSPL 57	Ejectors/sump pump	\$ 29.50						
CDBSPL 58	Ice maker	\$ 29.50						
CDBSPL 59	Primer	\$ 29.50						
CDBSPL 60	Roof drain (commercial)	\$ 29.50						
<del>CDBSPL 61</del>	<del>Storm drain - first 100 feet</del>	<del>\$ 63.25</del>						BCD Audit Comment - duplicate fee
<del>CDBSPL 62</del>	<del>Storm drain - each additional 100 feet</del>	<del>\$ 29.50</del>						BCD Audit Comment - duplicate fee
CDBSPL 63	Swimming pool piping	\$ 96.75						
CDBSPL 64	Solar	\$ 29.50						
CDBSPL 65	Other - plumbing	\$ 29.50						
CDBSPL 66	Water service - first 100 feet	\$ 101.50						
CDBSPL 67	Water service (each additional 100 ft)	\$ 57.75						
CDBSPL 68	Sewer - first 100 feet	\$ 101.50						
CDBSPL 69	Sewer - each additional 100 feet	\$ 57.75						
	Medical Gas - fee based on installation costs and system equipment, including but not limited to inlets, outlets, fixtures and appliances							

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ITEM NO.	DESCRIPTION	FY 2025 FEE			UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE	
CDBSPL 70	Storm sewer - first 100 feet	\$ 101.50						
CDBSPL 71	Storm sewer - each additional 100 feet	\$ 57.75						
	Valuation:							
CDBSPL 72	\$0 - \$25,000	\$ 142.50						
CDBSPL 73	\$25,001 - \$50,000	\$ 142.50			\$142.50 for the first \$25,000 plus \$3.25 for each additional \$1,000 or fraction thereof, to and including \$50,000			
CDBSPL 74	\$50,001 - \$100,000	\$ 223.75			\$223.75 for the first \$50,000 plus \$2.25 for each additional \$1,000 or fraction thereof, to and including \$100,000			
CDBSPL 75	\$100,001 and above	\$ 336.25			\$336.00 for the first \$100,000 plus \$1.25 for each additional \$1,000 or fraction thereof			
CDBSPL 76	M/H park sewer collection/water distribution system	\$ 96.75			per space			
CDBSPL 77	Alternative potable water heating systems (coils, extractors, heat pumps, etc.)	\$ 61.75						
CDBSPL 78	M/H Park Installation Connection	\$ 78.00						
	<b>Recreational Vehicle and Manufactured Dwelling Parks</b>							
CDBSPL 79	Five or fewer spaces	\$ 308.75						
CDBSPL 80	Six to 19 spaces	\$ 308.75			plus \$53.00 per space			
CDBSPL 81	Twenty or more spaces	\$ 742.00			plus \$40.50 per space			
	<b>MECHANICAL:</b>							BCD Audit Comment - highlight header
	<b>Residential Mechanical</b>							BCD Audit Comment - new header & highlight
CDBSM 1	Minimum Fee - <b>Residential</b>	\$ 87.75			each			BCD Audit Comment - language
CDBSM 2	Furnace - up to 100,000 BTU	\$ 21.75			each			
CDBSM 3	Furnace - greater than 100,000 BTU	\$ 25.25			each			
CDBSM 4	Furnace/burner including duct work/vent/liner	\$ 21.75						
CDBSM 5	Floor furnace, including vent	\$ 16.25			each			
CDBSM 6	Chimney/liner/flue/vent	\$ 16.25						
CDBSM 7	Flue vent for water heater or gas fireplace	\$ 16.25						
CDBSM 8	Installation or relocation of suspended heater, recessed wall heater or floor-mounted heater	\$ 16.25			each			
CDBSM 9	Water heater	\$ 16.25						
CDBSM 10	Wood/pellet stove	\$ 32.00						
CDBSM 11	Pool or spa heater, kiln	\$ 16.25						
CDBSM 12	Appliance vent installation, relocation or replacement not included in an appliance permit	\$ 9.75			each			
CDBSM 13	Heat pump	\$ 21.75			each			
CDBSM 14	Air-handling unit up to 10,000 cubic feet per minute (cfm)	\$ 12.00			each			
CDBSM 15	Air-handling unit of 10,000 cfm and over	\$ 21.75			each			
CDBSM 16	Evaporative cooler other than portable	\$ 12.00			each			
CDBSM 17	Air conditioner	\$ 12.00						
CDBSM 18	Attic/crawl space fans	\$ 12.00						
CDBSM 19	Ventilation fan connected to single duct	\$ 10.00			each			
CDBSM 20	Ductwork - no appliance/fixture	\$ 10.00						
CDBSM 21	Ventilation system that is not a portion of any heating or air-conditioning system authorized by a permit	\$ 12.50			each			
CDBSM 22	Hood served by mechanical exhaust, including ducts for hood	\$ 12.50			each			
CDBSM 23	Range hood/other kitchen equipment	\$ 12.50						

**Deschutes County Fee Schedule  
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ITEM NO.	DESCRIPTION	FY 2025 FEE			UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE	
CDBSM 24	Clothes dryer exhaust	\$ 12.50						
CDBSM 25	Other environment exhaust/ventilation	\$ 12.50						
CDBSM 26	Gas or wood fireplace/insert	\$ 32.00			each			
CDBSM 27	Decorative gas fireplace	\$ 32.00						
CDBSM 28	Other heating/cooling	\$ 32.00			each			
CDBSM 29	Other fuel appliance	\$ 12.50			each			
CDBSM 30	Gas fuel piping outlets	\$ 8.25						
<del>CDBSM 31</del>	<del>Additional plan review required by changes, additions or revisions to approved plans (min charge ½ hour)</del>	<del>\$ 125.00</del>			<del>per hour / 1/2-hour minimum charge</del>		<del>\$ 137.50</del>	BCD Audit Comment - duplicate fee
CDBSM 32	Hydronic hot water system	\$ 80.00						
CDBSM 33	Fuel fired or electrical heat exchanger (to be used in a hydronic heating system)	\$ 30.75						
CDBSM 34	Mini split system	\$ 41.50				OAR 918-050-100		
	<b>Commercial Mechanical Permit Fee Table</b>							
	Commercial and Multifamily New, Alterations, Additions, Repairs & Accessory Structures							
	<b>Total Valuation</b>							
NEW	<b>Minimum Fee - Commercial</b>						\$ 76.50	New fee
CDBSM 35	\$1 to \$2,000	\$ 76.50						
					first \$2,000 plus 11.50 for each additional \$1,000 or fraction thereof, to and including \$25,000			
CDBSM 36	\$2001 to \$25,000	\$ 76.50						
					first \$25,000 plus 9.50 for each additional \$1,000 or fraction thereof, to and including \$50,000			
CDBSM 37	\$25,001 to \$50,000	\$ 341.00						
					first \$50,000 plus 6.25 for each additional \$1,000 or fraction thereof up to and including \$100,000			
CDBSM 38	\$50,001 to \$100,000	\$ 578.50						
					first \$100,000 plus 4.25 for each additional \$1,000 or fraction thereof			
CDBSM 39	\$100,001 and up	\$ 891.00						
	<b>ELECTRICAL:</b>							BCD Audit Comment - highlight header
	Residential - New 1 & 2 family dwellings or new multi-family per dwelling unit. Service included.				# of inspections per permit allowed			BCD Audit Comment - highlight header
CDBSE 1	1,000 square feet or less	<del>\$ 366.50</del>			4		\$ 439.75	
CDBSE 2	Each additional 500 square feet, or portion thereof	<del>\$ 62.25</del>					\$ 74.75	
	Multi-family building containing three or more apartments; <b>Determine fee for the largest unit using the sq. ftg. rates above, additional units are charged at 50%.</b>				4		Determine the fee for largest unit using the sq. ft. rates above; addl units are charged at 50%	BCD Audit Comment - language
CDBSE 3	Each manufactured home or modular dwelling service or feeder	<del>\$ 170.75</del>			2		\$ 205.00	
	Service/feeders: installation, alteration or relocation:							BCD Audit Comment - highlight header
CDBSE 4	200 amps or less	<del>\$ 208.25</del>			2		\$ 250.00	
CDBSE 5	201 amps to 400 amps	<del>\$ 253.75</del>			2		\$ 304.50	
CDBSE 6	401 amps to 600 amps	<del>\$ 414.50</del>			2		\$ 497.25	
CDBSE 7	601 amps to 1000 amps	<del>\$ 517.25</del>			2		\$ 620.75	
CDBSE 8	Over 1000 amps or volts	<del>\$ 1,255.25</del>			2		\$ 1,506.25	

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ITEM NO.	DESCRIPTION	FY 2025 FEE	UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE
CDBSE 9	Reconnect only	<del>\$ 170.25</del>	2		\$ 204.25
	Temporary service or feeders - installation, alterations or relocation				
CDBSE 10	200 amps or less	<del>\$ 170.25</del>	2		\$ 204.25
CDBSE 11	201 amps to 400 amps	<del>\$ 233.00</del>	2		\$ 279.50
CDBSE 12	Over 401 amps to 600 amps	<del>\$ 309.50</del>	2		\$ 371.50
	Over 601 amps to 1000 volts - see "service/feeders" (10 branch circuits included) above				
CDBSE 13	Over 1,000 amps or volts	<del>\$ 401.50</del>			\$ 481.75
CDBSE 14	Branch circuits - new, alteration or extension per panel	<del>\$ 564.75</del>			\$ 677.75
	Fee for branch circuits with purchase of service or feeder fee				
CDBSE 15	Each branch circuit	<del>\$ 16.25</del>	2		\$ 19.50
	Fee for branch circuits without purchase of service or feeder fee				
CDBSE 16	First branch circuit	<del>\$ 159.75</del>	2		\$ 191.75
CDBSE 17	Each additional branch circuit	<del>\$ 16.25</del>	2		\$ 19.50
	Miscellaneous (service or feeder not included)		# of inspections per permit allowed		
CDBSE 18	Each water or sewage pump or irrigation circle	<del>\$ 170.75</del>	2		\$ 205.00
CDBSE 19	Each sign or outline lighting	<del>\$ 170.75</del>	2		\$ 205.00
CDBSE 20	Signal circuit(s) or a limited energy panel, alteration or extension - commercial use	<del>\$ 170.75</del>	2		\$ 205.00
	<b>Renewable Energy Systems</b>				
CDBSE 21	5 KVA or less	\$ 79.00	maximum	OAR 918-309-0070	
CDBSE 22	5.01 KVA to 15KVA	\$ 94.00	maximum	OAR 918-309-0070	
CDBSE 23	15.01 KVA to 25 KVA	\$ 156.00	maximum	OAR 918-309-0070	
			2 per KVA / \$7.50 per kva over 25 kva, \$156.00 for first 25 kva - maximum fee at 100 kva		
CDBSE 24	For solar generation systems in excess of 25 KVA and up to 100 KVA	\$ 7.50	maximum	OAR 918-309-0070	
	<b>Wind Generation Systems</b>				
CDBSE 25	25.01KVA to 50 KVA	\$ 204.00	maximum	OAR 918-309-0070	
CDBSE 26	50.01KVA to 100 KVA	\$ 469.00	maximum	OAR 918-309-0070	
	<b>Solar Farms</b>				
CDBSE 27	The first 25 KVA	\$ 156.00	maximum	OAR 918-309-0070	
			2 per KVA / \$7.50 per kva over 25 kva, \$156.00 for first 25 kva - maximum fee at 100 kva		
CDBSE 28	For solar generation systems in excess of 25 KVA and up to 100 KVA	\$ 7.50	maximum	OAR 918-309-0070	
	<b>Limited energy - residential use</b>				
CDBSE 29	One and two family	<del>\$ 83.75</del>			\$ 100.50
			per floor; 2 inspections allowed per floor		
CDBSE 30	Multi-family limited energy and/or protective signaling	<del>\$ 155.75</del>			\$ 187.00
CDBSE 31	Master permit - renewed annually at no additional fee other than required annual inspections.	\$ 100.00	maximum	OAR 918-309-0100	
CDBSE NEW	Master electrical permit inspection		per hour		\$ 137.50
CDBSE 32	Additional plan review required by changes, additions or revisions to approved plans	<del>\$ 125.00</del>	per hour		<del>\$ 137.50</del>
	<b>MANUFACTURED DWELLINGS:</b>				
			per installation + applicable state fee(s)		
CDBSMF 1	Manufactured dwelling and cabana installation permit	\$ 798.75			
CDBSMF 2	Manufactured dwelling and cabana re-inspection fee	<del>\$ 184.00</del>	per re-inspection		
CDBSMF 3	State Cabana Fee	\$ 30.00	maximum	OAR 918-500-0105	
	<b>New Manufactured Home Park Fee Schedule:</b>				

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ITEM NO.	DESCRIPTION	FY 2025 FEE	UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE
	The Area Development Permit fee to be calculated based on the valuations shown in Table 2 of OAR 918-600-0030 for Manufactured Dwelling/Mobile Home Parks and Table 2 of OAR 918-650-0030 for Recreational Park & Organizational Camp - and applying the valuation amount to Table 1 as referenced for each.		maximum	OAR 918-600-0030 & OAR 918-650-0030	
CDBSMP 4	<b>Additional plan review required by changes, additions or revisions to approved plans (min charge - ¼ hour)</b>	<del>\$ 125.00</del>	per hour		<del>\$ 137.50</del>
	<b>State surcharge on manufactured home park permit fee is 12% of total</b>				
	<b>Plan check fee for manufactured home park is 65% of building permit fee</b>				
	<b>Prefabricated Structural Inspections (includes site development and connection of the prefabricated structure)</b>				
CDBSMP 2	<b>MH Park Installation connection</b>	<del>\$ 70.00</del>			
	<b>CDD - Onsite Wastewater Division</b>			OAR 340-071-0140	
	<b>Site evaluations, construction installation permits, renewal permits, alteration permits, authorization notices and existing system evaluation reports incur an additional \$117 surcharge per OAR 340-071-0140</b>				
	<b>On-site sewage disposal systems:</b>				
CDES 1	New site evaluation - single family dwelling	<del>\$ 1,053.00</del>			\$ 1,264.00
CDES 2	Site evaluation - springtime observation *	<del>\$ 571.25</del>			\$ 685.00
	<b>Commercial Facility Systems:</b>				
CDES 3	First 1,000 gallons projected daily sewage flow	<del>\$ 1,053.00</del>			\$ 1,264.00
CDES 4	For each additional 500 gallons or part thereof above 1,000 gallons projected daily sewage flow up to 5,000 gallons	<del>\$ 300.00</del>			\$ 360.00
	Each fee paid for a site evaluation report entitles the applicant to as many site inspections on a single parcel or lot as are necessary to determine site suitability for a single system. The applicant may request additional site inspections within ninety (90) days of the initial site evaluation at no extra cost. Separate fees shall be required if site inspections are to determine site suitability for more than one (1) system on a single parcel or lot.				
	<b>* Not subject to surcharge</b>				
	<b>Consultation Fee:</b>				
CDES 5	Onsite Wastewater staff in office	ACS	based on loaded salary rate of staff performing the service		
CDES 6	Onsite Wastewater staff in the field (one hour minimum)	ACS	based on loaded salary rate of staff performing the service		
	<b>Construction installation permit:</b>				
CDES 7	First 1,000 gallons projected daily sewage flow - standard on-site system	<del>\$ 1,495.00</del>			\$ 1,794.00
CDES 8	For each additional 500 gallons or part thereof above 1,000 gallons	<del>\$ 218.00</del>			\$ 262.00
	<b>Alternative systems:</b>				
CDES 9	Alternative Treatment Technology (ATT) System to Drain Field	<del>\$ 2,104.00</del>			\$ 2,525.00
CDES 10	Alternative Treatment Technology (ATT) System to Sand Filter	<del>\$ 2,405.00</del>			\$ 2,886.00
CDES 11	Capping fill	<del>\$ 2,104.00</del>			\$ 2,525.00
CDES 12	Gray water waste disposal sump	<del>\$ 648.00</del>			\$ 778.00
CDES 13	Pressure distribution	<del>\$ 1,917.00</del>			\$ 2,300.00
CDES 14	Recirculating gravel filters	<del>\$ 2,560.00</del>			\$ 3,072.00
CDES 15	Sand filter	<del>\$ 2,405.00</del>			\$ 2,886.00
CDES 16	Seepage trench	<del>\$ 1,494.00</del>			\$ 1,793.00
CDES 17	Steep slope	<del>\$ 1,494.00</del>			\$ 1,793.00
CDES 18	Tile dewatering	<del>\$ 4,057.00</del>			\$ 4,868.00

**Deschutes County Fee Schedule  
FY 2026**

06/11/2025 Item #11.

ITEM NO.	DESCRIPTION	FY 2025 FEE	UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE
CDES 19	At the discretion of the Department, the permittee may be assessed a reinspection fee, not to exceed \$230.00, when a precover inspection correction notice requires correction of improper construction and at a subsequent inspection, the Department finds system construction deficiencies have not been corrected. The Department may elect not to make further precover inspections until the reinspection fee is paid.	\$ 230.00	maximum	OAR 340-071-0170 (4)	
	<b>Commercial Facility Systems (includes ADU when combined with residential), Plan Review:</b>				
CDES 20	For system with projected daily sewage flow of 600 gallons, but not more than 1,000 gallons projected daily sewage flow	<del>\$ 510.00</del>			\$ 612.00
CDES 21	For each additional 500 gallons or part thereof above 1,000 gallons to a maximum sewage flow limit of 5,000 gallons per day	<del>\$ 98.00</del>			\$ 118.00
	<b>Residential Systems Variance, Plan Review</b>				
CDES 22	For system with projected daily sewage flow of less than 600 gallons and is designed by certified professional.	<del>\$ 510.00</del>			\$ 612.00
	<b>Permit Transfer, Re-instatement or Renewal:</b>				
CDES 23	Field visit required	<del>\$ 510.00</del>			\$ 612.00
CDES 24	No field visit required	<del>\$ 338.00</del>			\$ 406.00
	<b>Alteration Permit</b>				
CDES 25	Major	<del>\$ 1,353.00</del>			\$ 1,624.00
CDES 26	Minor	<del>\$ 675.00</del>			\$ 810.00
	<b>Repair Permit - single family dwelling</b>				
CDES 27	Major	<del>\$ 675.00</del>			\$ 810.00
CDES 28	Minor	<del>\$ 421.00</del>			\$ 505.00
	<b>Authorization notice:</b>				
CDES 29	Field visit required	<del>\$ 812.00</del>			\$ 974.00
CDES 30	No field visit required	<del>\$ 391.00</del>			\$ 469.00
	<b>Septic location approval:</b>				
CDES 31	Site/system verification - Field visit required	<del>\$ 421.00</del>			\$ 505.00
CDES 32	No field visit required	<del>\$ 111.00</del>			\$ 133.00
CDES 33	Pumper truck inspection*	<del>\$ 256.00</del>			\$ 307.00
CDES 34	Existing system evaluation report	<del>\$ 677.00</del>			\$ 812.00
CDES 35	Holding Tanks	<del>\$ 1,285.00</del>			\$ 1,542.00
	<b>Report Fees</b>				
CDES 36	Holding Tanks	<del>\$ 47.00</del>			\$ 56.00
CDES 37	Other Alternative systems - Individual Customer and Service Providers through 12/31/25	\$ 96.00		OAR 340-071-0130 (17)	
CDES NEW	Other Alternative systems - Individual Customer and Service Providers beginning 1/1/26			OAR 340-071-0130 (17)	\$ 100.00
CDES 38	Other Alternative Systems - Compliance Recovery Fee, per each violation	\$ 125.00		OAR 340-071-0140 (7)	
CDES 39	Septic tank abandonment inspection	<del>\$ 256.00</del>	per site		\$ 281.00
	CDD may charge twice the established fee for a septic permit or approval as a compliance recovery fee.			OAR 340-071-0140 (7)	
	Surcharges: 340-071-0140 Onsite System Fees (10) DEQ surcharge. (a) To offset a portion of the administrative and program oversight costs of the statewide onsite wastewater management program, DEQ and contract counties must levy a surcharge for each site evaluation, report permit and other activity for which an application is required in this division. The surcharge fee is listed in Table 9F as determined by DEQ. This surcharge does not apply to pumper truck inspections, annual report evaluation fees, or certification of installers or maintenance providers. Proceeds from surcharges collected by DEQ and contract counties must be accounted for separately. Each contract county must forward the proceeds to DEQ in accordance with its agreement with the DEQ.				
	Activity	Surcharge			
	<b>Site evaluation, for each site examined, based on a projected flow of: (Effective beginning August 2024)</b>				
CDES 50	A. 1,000 gallons or less	\$ 117.00			
CDES 51	B. to 2,000 gallons	\$ 117.00			
CDES 52	C. 2,001 to 3,000 gallons	\$ 117.00			
CDES 53	D. 3,001 to 4,000 gallons	\$ 117.00			
CDES 54	E. 4,001 gallons or more	\$ 117.00			
CDES 55	Construction - installation permit	\$ 117.00			
CDES 56	Renewal permit	\$ 117.00			

**Deschutes County Fee Schedule  
FY 2026**

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ITEM NO.	DESCRIPTION	FY 2025 FEE	UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE
CDDES 57	Alteration permit	\$ 117.00			
CDDES 58	Authorization notice	\$ 117.00			
CDDES 59	Existing system evaluation report	\$ 117.00			
<b>CDD - Planning Division</b>					
CDPN 1	Accessory Dwelling Unit Review	<del>\$ 878.00</del>			\$ 1,010.00
CDPN 2	Administrative determination with notice - Major	<del>\$ 2,394.00</del>			\$ 2,753.00
CDPN 3	Administrative determination with notice - Minor	<del>\$ 1,533.00</del>			\$ 1,763.00
CDPN 4	Administrative determination - EFU alteration of a dwelling; Historic ADU	<del>\$ 800.00</del>			\$ 1,010.00
CDPN 5	Appeals - Administrative	\$ 250.00	maximum	ORS 215.416(11)	
CDPN 6	Appeals to Board of Commissioners - Deposit	<del>\$ 4,150.00</del>	+20% of original fee/Deposit/ ACS		\$ 4,772.00
CDPN 7	Appeals to Board of Commissioners - not accepted	ACS			
CDPN 8	Appeals - LUBA Remand Hearing	\$ 5,000.00	Deposit/ACS		
CDPN 9	Conditional Use (template dwelling)	<del>\$ 4,357.00</del>			\$ 5,010.00
CDPN 10	Conditional Use (template dwelling proposed in Haner Park, Section 36, Skyline Subdivision, 1st edition and a portion of Squaw Creek Canyon Recreational Estates, 1st edition)	<del>\$ 3,051.00</del>			\$ 3,509.00
CDPN 11	Conditional Use (Home Occupation - Type 1 for EFU or F Zone)	<del>\$ 1,564.00</del>			\$ 1,799.00
CDPN 12	Conditional Use (Home Occupation - Type 2)	<del>\$ 2,093.00</del>			\$ 2,407.00
CDPN 13	Conditional Use (Home Occupation - Type 3)	<del>\$ 4,261.00</del>			\$ 4,900.00
CDPN 14	Conditional Use (new destination resort)	<del>\$ 24,531.00</del>	or ACS		\$ 28,211.00
CDPN 15	Conditional Use (non-farm dwelling)	<del>\$ 5,418.00</del>			\$ 6,231.00
CDPN 16	Conditional Use (non-farm dwelling proposed in Squaw Creek Canyon Recreational Estates, 1st edition and Meadow Crest Acres)	<del>\$ 3,793.00</del>			\$ 4,362.00
CDPN 17	Conditional Use (power transmission line and communication tower or pole)	<del>\$ 7,437.00</del>	or ACS		\$ 8,553.00
CDPN 18	Conditional Use (P.U.D. or cluster development)	<del>\$ 9,019.00</del>			\$ 10,372.00
CDPN 19	Conditional Use (schools with 100 students or more)	<del>\$ 6,223.00</del>	or ACS		\$ 7,156.00
CDPN 20	Consultant Fee (for consultant or expert retained by County and paid for by applicant)	ACS			
CDPN 21	Declaratory Ruling (status determined under Chap. 22.40)	<del>\$ 2,354.00</del>			\$ 2,707.00
CDPN 22	Declaratory Ruling for Destination Resorts	ACS			
CDPN 23	Destination Resort Overnight Lodging Tracking (Eagle Crest)	\$ 5,000.00	Deposit/ACS		
CDPN NEW	Development Agreement			ORS 94.504	\$ 7,000.00
CDPN 24	Expedited Land Divisions	<del>\$ 7,001.00</del>	or ACS		\$ 8,051.00
CDPN 25	Extension Request	<del>\$ 574.00</del>			\$ 660.00
CDPN 26	Filming Activities	<del>\$ 5,076.00</del>			\$ 5,837.00
CDPN 27	Final Plat Review (all plats)	<del>\$ 207.00</del>	plus \$127 \$146 per lot		\$ 238.00
<b>Historic Landmarks Commission Public Hearing and Review:</b>					
CDPN 28	Add historic structure/site to Goal 5 Inventory	<del>\$ 2,871.00</del>			\$ 3,302.00
CDPN 29	Appeal of Landmarks Commission Decision to Board	<del>\$ 1,348.00</del>			\$ 1,550.00
CDPN 30	Exterior alteration - major	<del>\$ 637.00</del>			\$ 733.00
CDPN 31	Delete Historic Site/Building from Goal 5 Inventory	<del>\$ 2,871.00</del>			\$ 3,302.00
CDPN 32	Demolish a Historic Landmark Structure	<del>\$ 2,871.00</del>			\$ 3,302.00
CDPN 33	Moving a Historic Landmark Structure	<del>\$ 637.00</del>			\$ 733.00
<b>Historic Administrative Review (Staff)</b>					
CDPN 34	Appeal of Administrative Decision	<del>\$ 250.00</del>	maximum	ORS 215.416(11)	
CDPN 35	Exterior Alteration - Pilot Butte Canal Historic District	<del>\$ 142.00</del>			\$ 163.00
CDPN 36	Exterior alteration - minor	<del>\$ 447.00</del>			\$ 514.00
CDPN 37	Improvement Agreement - Modified	<del>\$ 2,336.00</del>			\$ 2,686.00
CDPN 38	Improvement Agreement - New	<del>\$ 3,893.00</del>			\$ 4,477.00
CDPN NEW	Improvement Agreement - Termination				\$ 990.00
CDPN 39	Land Use Verification Letter and/or Information Sheet	<del>\$ 346.00</del>			\$ 398.00
CDPN 40	Landscape Management Review (not visible from road or stream)	<del>\$ 878.00</del>			\$ 1,010.00
CDPN 41	Landscape Management Review (river)	<del>\$ 2,074.00</del>			\$ 2,385.00
CDPN 42	Landscape Management Review (road)	<del>\$ 1,477.00</del>			\$ 1,699.00
CDPN 43	Landscape Management Review (property includes river frontage, applied to non-conforming river setbacks)	<del>\$ 3,112.00</del>			\$ 3,579.00
CDPN 44	Landscape Management Review (river setback exception)	<del>\$ 4,024.00</del>			\$ 4,628.00
CDPN 45	Landscape Management Review (and less than 50 feet from rimrock)	<del>\$ 2,864.00</del>			\$ 3,294.00
CDPN 46	Limited Land Use Decision	<del>\$ 7,001.00</del>	plus \$39 \$45 per lot		\$ 8,051.00



**Deschutes County Fee Schedule  
FY 2026**

06/11/2025 Item #11.

ITEM NO.	DESCRIPTION	FY 2025 FEE	UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE
	<b>Limited Use Permit (Agri-tourism &amp; other events in EFU zone)</b>				
CDPN 47	Type 1 or Renewal of Type 1, 2 or 3	<del>\$ 800.00</del>			\$ 920.00
CDPN 48	Type 2	<del>\$ 1,563.00</del>			\$ 1,797.00
CDPN 49	Type 3	<del>\$ 1,563.00</del>			\$ 1,797.00
CDPN 50	Lot of Record Verification (each proposed lot)	<del>\$ 1,439.00</del>			\$ 1,655.00
CDPN 51	Major Code Change (applicant will be billed for M56 Notice)	<del>\$ 18,354.00</del>	plus ACS (Notice)		\$ 21,107.00
CDPN 52	Master Plan (including final master plan for destination resort)	<del>\$ 9,145.00</del>			\$ 10,517.00
CDPN 53	Master Plan (ORS 197 - Skyline Forest)	<del>\$ 31,922.00</del>			\$ 36,710.00
CDPN 54	Minor code changes	<del>\$ 9,219.00</del>			\$ 10,602.00
CDPN 55	Modification of Conditions	<del>\$ 2,395.00</del>			\$ 2,754.00
CDPN 56	Modification of Submitted Application	<del>\$ 1,533.00</del>			\$ 1,763.00
CDPN 57	No Shooting Zone	<del>\$ 4,558.00</del>			\$ 5,242.00
CDPN 58	Noise Ordinance Variance/Permit	<del>\$ 2,394.00</del>			\$ 2,753.00
CDPN 59	Noise Ordinance Variance Appeal	<del>\$ 1,384.00</del>			\$ 1,592.00
CDPN 60	Non-Conforming Use Alteration (without prior verification)	<del>\$ 3,160.00</del>			\$ 3,634.00
CDPN 61	Non-Conforming Use Verification	<del>\$ 2,516.00</del>			\$ 2,893.00
CDPN 62	Non-Conforming Use Alteration (with prior verification)	<del>\$ 2,516.00</del>			\$ 2,893.00
CDPN 63	Non-Conforming Use Verification (River/Wetland/Flood Plain)	<del>\$ 4,656.00</del>			\$ 5,354.00
CDPN 64	Outdoor Mass Gathering	<del>\$ 4,558.00</del>			\$ 5,242.00
CDPN 65	Outdoor Mass Gathering Renewal	<del>\$ 566.00</del>			\$ 2,621.00
CDPN 66	Extended Outdoor Mass Gathering	<del>\$ 4,558.00</del>			\$ 5,242.00
CDPN 67	Extended Outdoor Mass Gathering Renewal	<del>\$ 822.00</del>			\$ 945.00
CDPN 68	Partition	<del>\$ 5,076.00</del>	plus \$55 \$63 per lot		\$ 5,837.00
CDPN 69	Petition for Incorporation	<del>\$ 16,612.00</del>		ORS 197.175	\$ 19,104.00
	<b>Permit sign-off for other agency (Role change, Land Use Compatibility Statement, DMV, Water Resources, etc.)</b>				
CDPN 70	Land Use	<del>\$ 2,394.00</del>			\$ 2,753.00
CDPN 71	LUCS sign off	<del>\$ 142.00</del>			\$ 163.00
CDPN 72	Renewal	<del>\$ 56.00</del>			\$ 64.00
CDPN 73	Plan Amendment (without goal exception)	<del>\$ 11,903.00</del>			\$ 13,688.00
CDPN 74	Plan Amendment (including goal exception/UGB expansion)	<del>\$ 16,612.00</del>	or ACS		\$ 19,104.00
CDPN 75	Planning Inspection Fee	<del>\$ 1,197.00</del>			\$ 1,377.00
CDPN 76	Pre-application meeting	ACS			
CDPN 77	Property Line Adjustment	<del>\$ 878.00</del>			\$ 1,010.00
CDPN 78	Property Line Adjustment with notice	<del>\$ 1,533.00</del>			\$ 1,763.00
CDPN 79	Property Line Adjustment (consolidation)	<del>\$ 670.00</del>			\$ 770.00
CDPN 80	Reconsideration by Hearing Officer	<del>\$ 1,900.00</del>			\$ 2,185.00
CDPN 81	Recreational Vehicle Used for Residential Purposes	<del>\$ 878.00</del>			\$ 1,010.00
CDPN 82	Rimrock Setback Site Plan (within 50 feet of rim outside LM zone)	<del>\$ 1,437.00</del>			\$ 1,653.00
CDPN 83	Road Dedication	<del>\$ 1,533.00</del>			\$ 1,763.00
CDPN 84	Road Name Change	<del>\$ 1,437.00</del>			\$ 1,653.00
CDPN 85	Road Vacation without public hearing	<del>\$ 1,805.00</del>		ORS 368.341(4)	\$ 2,076.00
CDPN 86	Road Vacation with public hearing	<del>\$ 3,611.00</del>		ORS 368.341(4)	\$ 4,153.00
CDPN NEW	<b>RV's as Rental Dwellings</b>				\$ 1,010.00
CDPN 87	Sign Permit	<del>\$ 822.00</del>			\$ 945.00
CDPN 88	Sign Permit (change of approved sign)	<del>\$ 247.00</del>			\$ 284.00
CDPN 89	Sign Permit with Variance	<del>\$ 2,027.00</del>			\$ 2,331.00
CDPN 90	Similar Use Ruling	<del>\$ 2,235.00</del>			\$ 2,570.00
	<b>Site Plan:</b>				
CDPN 91	Alteration or Enlargement of 25% or less (in structural area or required parking)** if site conforms with all existing standards	<del>\$ 1,533.00</del>			\$ 1,763.00
CDPN 92	Alteration or Enlargement, 26% to 100% (in structural area or required parking)**	<del>\$ 3,664.00</del>			\$ 4,213.00
CDPN 93	Alteration or Enlargement of over 100% (in structural area or required parking)**	<del>\$ 5,076.00</del>			\$ 5,837.00
CDPN 94	Change of Use (no change in structural area or required parking) site conforms with all existing standards	<del>\$ 1,533.00</del>			\$ 1,763.00
CDPN 95	Site Plan with New Development** (no previous site plan approval)	<del>\$ 5,889.00</del>			\$ 6,772.00
	**All new site plans and major and minor alterations are subject to the following additional fees:				
CDPN 96	Per 1,000 sq. feet of structure	<del>\$ 81.00</del>			\$ 93.00
CDPN 97	Per developed acre (over 1 acre)	<del>\$ 192.00</del>	over 1 acre		\$ 221.00
CDPN 98	Site Plan/Surface Mining	<del>\$ 6,903.00</del>			\$ 7,938.00

**Deschutes County Fee Schedule**  
**FY 2026**

06/11/2025 Item #11.

ITEM NO.	DESCRIPTION	FY 2025 FEE	UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE
	<b>Site Plan/Surface Mining Combining Zone (SMIA):</b>				
CDPN 99	1/4 mile from mining site and two dwellings closer	<del>\$ 822.00</del>			\$ 945.00
CDPN 100	250 feet to 1/4 mile from mining site	<del>\$ 1,437.00</del>			\$ 1,653.00
CDPN 101	Within 250 feet of mining site or special ESEE standards apply	<del>\$ 2,505.00</del>			\$ 2,881.00
CDPN 102	Site Plan/Wildlife Review	<del>\$ 1,533.00</del>			\$ 1,763.00
CDPN 103	Partition/subdivision SMIA review	<del>\$ 1,597.00</del>			\$ 1,837.00
CDPN 104	Solar Access Permit	<del>\$ 1,285.00</del>			\$ 1,478.00
CDPN 105	Solar Shade Exemption	<del>\$ 2,507.00</del>			\$ 2,883.00
CDPN 106	Solar Variance	<del>\$ 1,533.00</del>			\$ 1,763.00
CDPN 107	Special operating permit	<del>\$ 3,600.00</del>			\$ 4,140.00
CDPN 108	Subdivision Name Change	<del>\$ 1,533.00</del>			\$ 1,763.00
CDPN 109	Subdivision (cemetery)	<del>\$ 3,903.00</del>			\$ 4,488.00
CDPN 110	Subdivision Replat	<del>\$ 4,039.00</del>	plus \$55 \$63 per lot		\$ 4,645.00
CDPN 111	Subdivision (Tentative Plat)	<del>\$ 9,019.00</del>	plus \$65 \$75 per lot		\$ 10,372.00
	<b>Temporary Use:</b>				
CDPN 112	All other	<del>\$ 1,533.00</del>			\$ 1,763.00
CDPN 113	Land Use Permit	<del>\$ 1,533.00</del>			\$ 1,763.00
CDPN 114	Manufactured Home Storage	<del>\$ 557.00</del>			\$ 641.00
CDPN 115	Temporary Residence For Medical Condition	<del>\$ 878.00</del>			\$ 1,010.00
CDPN 116	Temporary Residence for Medical Condition/Hardship Dwelling EFU or Forest Zone	<del>\$ 1,390.00</del>			\$ 1,598.00
CDPN 117	RV as Temporary Residence	<del>\$ 557.00</del>		DCC 18.116.095	\$ 641.00
CDPN 118	RV as Temporary Residence Renewal	<del>\$ 176.00</del>		DCC 18.116.095	\$ 202.00
CDPN 119	Variance	<del>\$ 4,308.00</del>			\$ 4,954.00
CDPN 120	Variance Type II (variance from less than 25% of the standards in urban area/less than 10% of standards in the county)	<del>\$ 2,505.00</del>			\$ 2,881.00
CDPN 121	Zone Change	<del>\$ 11,666.00</del>	plus ACS (notice)		\$ 13,416.00
	<b>Note:</b> Where ACS is noted, applicant may be required to pay an advance deposit reflecting the estimated cost of service.				
CDPN 122	Oregon Liquor and Cannabis Commission License - Original Application	\$ 100.00	maximum	ORS 471.166 (8)	
CDPN 123	Oregon Liquor and Cannabis Commission License - Change in Ownership, Location or Privilege	\$ 75.00	maximum	ORS 471.166 (8)	
CDPN 124	Oregon Liquor and Cannabis Commission License - Renewal or Temporary Application	\$ 35.00	maximum	ORS 471.166 (8)	
	<b>Deschutes County Fair</b>				
FAIR 1	Indoor Commercial Space (10' wide x 8' deep)	<del>\$ 600.00</del>	per booth		\$ 650.00
FAIR 2	Indoor Commercial Space/Corner (10' wide x 8' deep)	<del>\$ 675.00</del>	per booth		\$ 725.00
FAIR 3	Outdoor Commercial Space (10'x10')	<del>\$ 600.00</del>	per booth		\$ 650.00
FAIR 4	Outdoor Commercial Space/End or Corner (10'x10')	<del>\$ 700.00</del>	per booth		\$ 750.00
FAIR 5	Outdoor Commercial Space/Carnival Area (10'x10')	<del>\$ 750.00</del>	per booth		\$ 800.00
FAIR 6	Main Row/Carnival Corner (10'x10')	<del>\$ 850.00</del>	per booth		\$ 900.00
	Fair Admission Rates				
	Adult				
FAIR 7	Day	<del>\$15.00 - \$17.00</del>			\$15.00-\$18.00
FAIR 8	Season	<del>\$ 40.00</del>			\$ 45.00
	Seniors (62+) & Children (6-12)				
FAIR 9	Day	<del>\$ 10.00</del>			\$ 12.00
FAIR 10	Season	<del>\$ 40.00</del>			\$ 45.00
	Children (5 and younger)	Free			
	<b>Deschutes County - Fair &amp; Expo</b>				
	<b>Room / Space Rental (Space only, no equipment)</b>				
F&E 1	Entire Fairgrounds Exclusive	<del>\$ 30,000.00</del>	per day		\$ 32,500.00
F&E 2	South Sister Building	<del>\$ 2,000.00</del>	per day		\$ 2,100.00
F&E 3	Lava	\$ 250.00	per day		
F&E 4	Tumalo & Sparks	\$ 400.00	per day		
F&E 5	Tumalo	\$ 250.00	per day		
F&E 6	Sparks	\$ 250.00	per day		
F&E 7	Middle Sister Building	<del>\$ 2,500.00</del>	per day		\$ 2,600.00
F&E 8	East Lake	\$ 250.00	per day		

**Deschutes County Fee Schedule  
FY 2026**

06/11/2025 Item #11.

ITEM NO.	DESCRIPTION	FY 2025 FEE			UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE	
F&E 9	Eik, Eileen & Doris	\$ 400.00			per day			
F&E 10	Eileen	\$ 250.00			per day			
F&E 11	Doris	\$ 250.00			per day			
F&E 12	North Sister Building	<del>\$ 1,800.00</del>			per day		\$ 1,900.00	
F&E 13	Ochoco	\$ 250.00			per day			
F&E 14	Haystack & Odell	\$ 400.00			per day			
F&E 15	Haystack	\$ 250.00			per day			
F&E 16	Odell	\$ 250.00			per day			
F&E 17	First Interstate Bank Center	Day 1: \$5,000, Day 2: \$4,500, Day 3: \$4,000			per day		Day 1: \$10,000, Day 2: \$5,000, Day 3: \$4,500	
F&E 18	Wilco Arena	\$700.00			per day / dirt-storage & animal use only		Duplicate fee	
F&E 19	Juniper - Outdoor Arena Wilco Arena	\$ 1,500.00			per day			
F&E 20	Sagebrush Arena	\$ 1,100.00			per day			
	Off Road Race Track				per day		\$ 750.00	
F&E 21	Coastal Pavilion	\$ 1,800.00			per day			
F&E 22	Food/Beverage 3rd party catering - no use of kitchen	10% of total catering bill					12% of total catering bill	
F&E 23	Food/Beverage 3rd party catering - use of kitchen Barns	<del>\$ 75.00</del>			hour		\$ 100.00	
F&E 24	Beef Barn	<del>\$ 700.00</del>			per day		\$ 800.00	
F&E 25	Dairy Barn	<del>\$ 600.00</del>			per day		\$ 800.00	
F&E 26	Horse Barn	\$ 1,200.00			per day			
F&E 27	Sheep Barn	\$ 700.00			per day			
F&E 28	Stall Rental	<del>\$ 15.00</del>			night		\$ 20.00	
	Stall Cleaning				per stall		\$ 25.00	
F&E 29	Dry Camping	\$25 + tax			night		\$35 + tax	
F&E 30	Refundable Contingency/Damage Deposit	\$ 1,000.00						
	Charges for use of Fair facilities and equipment may be negotiated at the time of booking based on revenue generating factors, which may include Food & Beverage revenue, sponsorship, increase in regional visitation, and/or other ancillary benefits or objectives.							
	Multi day facility use may utilize tier-pricing discounting measures.							
	<b>Parking Lots</b>							
F&E 31	Lot A Blacktop	\$ 500.00			per day			
F&E 32	Grass behind lot A	\$ 700.00			per day			
F&E 33	Lot B Blacktop	\$ 650.00			per day			
F&E 34	Grass Behind Lot B	\$ 900.00			per day			
F&E 35	Lot C Blacktop	\$ 650.00			per day			
F&E 36	Grass Behind Lot C	\$ 900.00			per day			
F&E 37	Lot D Blacktop	\$ 500.00			per day			
F&E 38	Grass Behind Lot D	\$ 700.00			per day			
F&E 39	Barn Grass Parking	\$ 700.00			per day			
F&E 40	Sagebrush Grass Parking	\$ 350.00			per day			
	<b>Grass Areas</b>							
F&E 41	Beef Barn Lawn	\$ 550.00			per day			
F&E 42	Buckaroo Lawn	\$ 750.00			per day			
F&E 43	Carnival Lawn	\$ 1,750.00			per day			
F&E 44	Dairy Barn Lawn	\$ 450.00			per day			
F&E 45	Event Center Lawn	\$ 750.00			per day			
	<b>Equipment Rental</b>							
	<b>Tables</b>							
F&E 46	5' Round Folding Banquet	<del>\$ 13.00</del>			per event		\$ 15.00	
F&E 47	8'x30" Folding (new)	<del>\$ 13.00</del>			per event		\$ 15.00	
F&E 48	8'x30" Plastic Folding (new)	<del>\$ 13.00</del>			per event		\$ 15.00	
F&E 49	6'x18" Folding (new) Classroom	<del>\$ 8.00</del>			per event		\$ 10.00	
F&E 50	8'x32" Rock Hound Folding Wood	<del>\$ 5.00</del>			per event		\$ 7.00	
F&E 51	8'x32" White Tall Folding Wood	<del>\$ 5.00</del>			per event		\$ 7.00	
F&E 52	8' Picnic Tables w/ attached benches	<del>\$ 7.00</del>			per event		\$ 10.00	
F&E 53	Bistro Table	<del>\$ 10.00</del>			per item		\$ 12.00	
	<b>Chairs</b>							
F&E 54	Chair Pad Interlock Green (Conference Center)	\$ 3.50			per event			
F&E 55	Chair Pad Brown (Conference Center)	\$ 3.00			per event			

**Deschutes County Fee Schedule  
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ITEM NO.	DESCRIPTION	FY 2025 FEE	UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE
F&E 56	Chair Folding Pad Interlock Brown (Event Center)	\$ 2.00	per event		
	<b>Risers</b>				
F&E 57	4'x8'x8" Folding	\$ 25.00	per event		\$ 40.00
F&E 58	4'x8'x16" Folding	\$ 25.00	per event		
F&E 59	4'x8'x24" Folding	\$ 25.00	per event		
F&E 60	4'x4'x8' Folding Triangle Sections	\$ 50.00	per event		
	<b>4'x4' Indoor Stage</b>		per event		\$ 40.00
	<b>Trailer Stage</b>		per event		\$ 1,000.00
	<b>Miscellaneous Equipment</b>				
F&E 61	Basketball Floor	\$ 4,000.00	per event		
F&E 62	4'x8' Lattice	\$ 5.00	per event		
F&E 63	4'x4' Lattice	\$ 5.00	per event		
F&E 64	4'x5' Lattice	\$ 5.00	per event		
F&E 65	4'x6' Lattice	\$ 5.00	per event		
F&E 66	2'x8' Lattice	\$ 5.00	per event		
F&E 67	Peg Boards 4'x8' w/ Legs	\$ 8.00	per event		
F&E 68	Emergency Warning Cones	\$ 3.00	per event		\$ 5.00
F&E 69	8' Coat Racks	\$ 20.00	per event		
F&E 70	Small Round Coat Racks	\$ 10.00	per event		
F&E 71	Podium (2)	\$ 40.00	per event		
F&E 72	Lectern (1)	\$ 25.00	per event		
F&E 73	4-H Auction Stand	\$ 20.00	per event		
F&E 74	Multi-Spigot Hose Connection	\$ 25.00	per event		
F&E 75	Porta Pottie Rental (2)	\$ 100.00	per event		
F&E	House Sound System				
F&E 76	Cordless Handheld Mic	included	per event		
F&E 77	Second Cordless Handheld Mic	\$ 30.00	per event		
F&E 78	Hardwired Mic	\$ 30.00	per event		
F&E 79	Arena Dirt In/Out	\$ 6,000.00			
F&E 80	A-Frame	<del>\$ 125.00</del>			\$ 150.00
F&E 81	Water Truck w/Operator	<del>\$ 100.00</del>	hour		\$ 150.00
F&E 82	Tractor w/Operator	<del>\$ 100.00</del>	hour		\$ 150.00
F&E 83	Pallet Disposal	\$ 5.00	each		
F&E	Charges for use of Fair facilities and equipment may be negotiated at the time of booking -based on revenue generating factors, which may include Food & Beverage revenue, sponsorship, increase in regional visitation, and/or other ancillary benefits or objectives.				
F&E	Multi day facility use may utilize tier-pricing discounting measures.				
	<b>Deschutes Expo Center RV Park</b>				
RV 1	30 Amp RV Site	<del>\$ 42.00</del>	per night plus applicable Transient Room Tax		\$ 48.00
RV 2	50 Amp RV Site	<del>\$ 48.00</del>	per night plus applicable Transient Room Tax		\$ 55.00
RV 3	Tent Site	<del>\$ 30.00</del>	per night + applicable Transient Room Tax		\$ 35.00
RV 4	Extra Tent	\$ 15.00	each per night + applicable Transient Room Tax		
RV 5	RV Site Lock Fee	\$ 15.00	(optional, non refundable)		
RV 6	Laundry Machine Fees	\$0.25-\$4.00	per charge		
RV 7	RV Park buyout fee	<del>\$ 5,250.00</del>			\$ 5,500.00
	<b>Deschutes County Fair &amp; Rodeo</b>				
DCFR 1	VIP Entertainment Ticket	\$ 25.00			
	<b>Behavioral Health</b>				
BH 1	Individual and Family Counseling (maximum)*	<del>\$ 305.00</del>	per hour	DHS-DMAP** (132% of DMAP)	\$ 342.00

**Deschutes County Fee Schedule  
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ITEM NO.		DESCRIPTION	FY 2025 FEE			UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE	
BH	2	Assessments (maximum, excluding Physician services)*	<del>\$ 479.00</del>			per hour	DHS-DMAP** (170% of DMAP)	\$ 537.00	
BH	3	Screenings (maximum, excluding Physician services)	<del>\$ 335.00</del>			per hour	DHS-DMAP** (170% of DMAP)	\$ 376.00	
BH	4	Physician services (maximum)	<del>\$ 587.00</del>			per hour	DHS-DMAP**	\$ 594.00	
BH	5	Psychiatric nurse practitioner (maximum)	<del>\$ 391.00</del>			per hour	DHS-DMAP**	\$ 448.00	
BH	6	Psychiatric nurse (maximum)	<del>\$ 337.00</del>			per hour	DHS-DMAP** (132% of DMAP)	\$ 379.00	
BH	7	Assertive Community Treatment Program (community based service)	<del>\$ 413.00</del>					\$ 465.00	
BH	8	Service Plan Development - Children's WRAP Program (team based service)	\$ 699.00						
BH	9	Service Plan Development - Children's WRAP Program (per member per month)	\$ 1,319.00			per month	DHS-DMAP**		
BH	10	Group counseling <45 min (maximum, excluding physician services)*	<del>\$ 107.00</del>			per hour	DHS-DMAP**	\$ 120.00	
BH	11	Group Counseling, >45 min (maximum, excluding physician services)*	<del>\$ 186.00</del>					\$ 209.00	
BH	12	Crisis Services (maximum, including Physician services)*	<del>\$ 749.00</del>			per hour		\$ 757.00	
BH	13	Non-cancelled appointment (maximum)	\$ 50.00						
BH		Copy fees for requested materials from other agencies							
BH	14	20+ pages of chart notes and summary	\$ 0.25			per page			
BH	15	20+ pages of chart notes and summary	\$ 20.00			per check			
BH	16	Clinical Report	\$ 35.00			per report			
BH	17	Record searches	\$ 15.00						
BH	18	Medical record searches	\$ 30.00						
BH	19	Copy of medical records (10 or fewer pages)	\$ 30.00				State of Oregon		
BH	20	Copy of medical records (additional pages over 10 and through page 50)	\$ 0.50			per page	State of Oregon		
BH	21	Copy of medical records (additional pages over 50)	\$ 0.25			per page	State of Oregon		
BH	22	Medical records processed and mailed first class within seven business days of request	\$ 5.00				State of Oregon		
		**The Division of Medical Assistance Programs (DMAP), a branch of the Oregon Department of Human Services, permits cost driven fee adjustments that are based upon a DMAP approved actuarial model completed in accordance with that model. The model used for this adjustment has been approved by DMAP. The department will charge DMAP or the approved fee model, whichever may be higher.							
		<b>Public Health</b>							
HLTH	1	Certified Copy of Vital Record Certificate - first copy of order	\$ 25.00			each	State of Oregon		
HLTH	2	Certified Copy of Vital Record Certificate - additional copies	\$ 25.00			each	State of Oregon		
HLTH	3	Certificate Replacement	\$ 5.00			each	State of Oregon		
HLTH	4	Convenience/Handling Fee (on-line purchase of certificates)	\$ 0.03			of transaction amount (Minimum Fee 1.50)		\$ 5.75	
HLTH	5	Applicant Verification Fee	\$ 1.25			One time fee per applicant			
HLTH	6	Expedite (handling charges)	\$ 7.00				State of Oregon		
		Fees are charged at actual cost of services based on annual cost analysis. Annual cost analysis is on file for review.							
		Clients may be eligible for FPEP coverage at no charge for contraception services.							
		<b>New Patient Office Visits and Well Service Visits</b>							
		Fees are charged at actual cost of services based on annual cost analysis. Annual cost analysis is on file for review.							
		<b>New Patient - Office Visit</b>							
HLTH	7	Problem focus straightforward	<del>\$ 157.04</del>			per visit		\$ 160.97	
HLTH	8	Expanded straightforward	<del>\$ 272.48</del>			per visit		\$ 279.29	
HLTH	9	Detailed Low	<del>\$ 390.00</del>			per visit		\$ 399.75	
HLTH	10	Comp Moderate	<del>\$ 595.92</del>			per visit		\$ 610.82	
HLTH	11	Comp High	<del>\$ 750.88</del>			per visit		\$ 769.65	
		<b>Established Patient - Office Visit</b>							
HLTH	12	Incident to Minimal	<del>\$ 70.72</del>			per visit		\$ 72.49	
HLTH	13	Problem focus straightforward	<del>\$ 156.00</del>			per visit		\$ 159.90	
HLTH	14	Expanded problem focused	<del>\$ 265.20</del>			per visit		\$ 271.83	
HLTH	15	Detailed Low	<del>\$ 391.04</del>			per visit		\$ 400.82	
HLTH	16	Comp Moderate	<del>\$ 528.32</del>			per visit		\$ 541.53	
		<b>Well Services - New Patient</b>							
HLTH	17	12 - 17 year	<del>\$ 495.04</del>			per visit		\$ 507.42	
HLTH	18	18 - 19 year	<del>\$ 479.44</del>			per visit		\$ 491.43	

**Deschutes County Fee Schedule  
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ITEM NO.		DESCRIPTION	FY 2025 FEE		UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE	
HLTH	19	40 - 64 year	\$ 558.48		per visit		\$ 572.44	
HLTH	20	65+ years	\$ 558.48		per visit		\$ 572.44	
		<b>Well Services - Established Patient</b>						
HLTH	21	12 - 17 year	\$ 422.24		per visit		\$ 432.80	
HLTH	22	18 - 39 year	\$ 433.68		per visit		\$ 444.52	
HLTH	23	40 - 64 year	\$ 462.80		per visit		\$ 474.37	
HLTH	24	65+ years	\$ 462.80		per visit		\$ 474.37	
		STD and HIV Office Visits						
		Fees are charged at actual cost of services based on annual cost analysis. Annual cost analysis is on file for review.						
HLTH		New Patient - Office Visit						
					per visit Sliding Fee Minimum, 30.00			
HLTH	25	Problem focus straightforward	\$ 157.04				\$ 160.97	
HLTH	26	Expanded straightforward	\$ 272.48		per visit Sliding Fee Min, 30.00		\$ 279.29	
HLTH	27	Detailed Low	\$ 390.00		per visit Sliding Fee Min, 30.00		\$ 399.75	
HLTH	28	Comp Moderate	\$ 595.92		per visit Sliding Fee Min, 30.00		\$ 610.82	
HLTH	29	Comp High	\$ 750.88		per visit Sliding Fee Min, 30.00		\$ 769.65	
HLTH		Established Patient - Office Visit						
HLTH	30	Incident to Minimal	\$ 70.72		per visit Sliding Fee Min, 30.00		\$ 72.49	
HLTH	31	Problem focus straightforward	\$ 156.00		per visit Sliding Fee Min, 30.00		\$ 159.90	
HLTH	32	Expanded problem focused	\$ 265.20		per visit Sliding Fee Min, 30.00		\$ 271.83	
HLTH	33	Detailed Low	\$ 391.04		per visit Sliding Fee Min, 30.00		\$ 400.82	
HLTH	34	Comp Moderate	\$ 528.32		per visit Sliding Fee Min, 30.00		\$ 541.53	
		Procedures						
		Misc Medical Procedures - medical procedures are charged at actual cost of services based on annual cost analysis.						
		*Annual cost analysis is on file for review.						
		**New procedures not included in cost analysis will be billed at minimum Medicaid reimbursement rate plus any additional cost for staff or supplies.						
HLTH	35	Lesion destruction penis cryo	\$ 473.20				\$ 485.03	
HLTH	36	Lesion destruction vulva any	\$ 468.00				\$ 479.70	
HLTH	37	SBIRT Screening: 15 to 30 minutes	\$ 113.36				\$ 116.19	
HLTH	38	SBIRT Screening: > 30 minutes	\$ 203.84				\$ 208.94	
		<b>STD and HIV Laboratory Processing Specimen</b>						
HLTH	39	Handling fee - varies depending on fee charged from laboratory	ACS		per lab			
		<b>Laboratory Processing Specimen</b>			each			
HLTH	40	Handling fee - varies depending on fee charged from laboratory	\$15.00 - 30.00					
		<b>In-House Testing</b>						
		In-House testing is charged at Actual Cost of Service including supply costs.						
HLTH	41	Glucose blood test	\$ 13.00					
HLTH	42	Preg test - urine	\$ 13.00					
HLTH	43	UA w/o micro test	\$ 13.00					
HLTH	44	Wet Mount Test	\$ 16.00					
HLTH	45	Hemoccult feces screen	\$ 13.00					
HLTH	46	HGB test	\$ 13.00					
HLTH	47	HbA1C	\$ 10.00					
HLTH	48	HIV	\$ 14.00					
HLTH	49	Syphilis	\$ 13.00					
HLTH	50	Trichomonas	\$ 10.00					
HLTH	51	CTGC/Trich combo	\$ 70.00					
		<b>External Labs</b>						
HLTH	52	Lab fees - actual flow-through price from outside lab	ACS					
		<b>Medication and Lab Charges - Non Title X</b>						
		Charge at cost, no slide, client must pre-pay						
HLTH	53	Other labs and medications	ACS					

**Deschutes County Fee Schedule  
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ITEM NO.	DESCRIPTION	FY 2025 FEE	UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE
	<b>Injections</b>				
HLTH 54	Therapeutic/Antibiotic Injection Administration	\$ 29.00			
	<b>Dispensed Medications ***</b>				
	***Medications and drugs are priced at Health Department costs and may be adjusted during the year. A current fee schedule will be on file for review. Cost varies according to specials and amounts purchased.				
	<b>Targeted Case Management*</b>				
HLTH 55	Babies First/CaCoon Targeted Case Management	\$ 460.36	per encounter	State of Oregon	
	<b>Family Connects</b>				
HLTH 56	Family Connects Targeted Case Management	\$ 460.36		State of Oregon	
HLTH 57	Family Connects Medical Services - pre-in-home visit	\$ 242.31		State of Oregon	
HLTH 58	Family Connects Medical Services - in-home visit	\$ 592.81		State of Oregon	
HLTH 59	Family Connects Medical Services - in-home visit addtl child	\$ 170.65		State of Oregon	
	<b>Family Connects (Commercial)</b>				
HLTH 60	Family Connects Medical Services - pre-in-home visit	<del>\$ 293.69</del>		State of Oregon	\$ 427.00
HLTH 61	Family Connects Medical Services - in home visit	<del>\$ 1,276.93</del>		State of Oregon	\$ 1,856.00
HLTH 62	Family Connects Medical Services - in home visit addtl child	<del>\$ 204.31</del>		State of Oregon	\$ 297.00
	<b>Certified Community Health Worker Program</b>				
HLTH 63	Preventive medicine counseling and/or risk factor reduction intervention: 15 minutes	\$ 31.14		State of Oregon	
HLTH 64	Preventive medicine counseling and/or risk factor reduction intervention: 30 minutes	\$ 50.57		State of Oregon	
HLTH 65	Preventive medicine counseling and/or risk factor reduction intervention: 45 minutes	\$ 69.49		State of Oregon	
HLTH 66	Preventive medicine counseling and/or risk factor reduction intervention: 60 minutes	\$ 88.64		State of Oregon	
	<b>Immunizations**</b>				
	Clients eligible for Vaccines for Children Program (VFC) pay only an administrative fee. This admin fee is set by the State and is subject to change.				
	Fees set by State DHS Program are adjusted as DHS adjusts fees. List of current prices is on file for review				
	Fees for clients not eligible for one of the programs listed below are based on the actual cost of the vaccine plus the admin fee.				
HLTH 67	Administration fee on first immunization - other than State	\$ 51.00			
HLTH 68	Administration fee on addtl immunization - other than State	\$ 27.00			
HLTH 69	Admin Fee for State and/or each additional immunization	\$ 21.96		DHS	
HLTH 70	State Supplied Vaccines**				
HLTH 70	Oregon Immunization Program vaccine list	ACS		DHS	
HLTH 71	Locally Owned Vaccines**				
HLTH 71	Private-purchase vaccines not reimbursed through the state	ACS			
	<b>Special Programs**</b>				
HLTH 72	Vaccines for Children (VFC) - Age 0-19 - Price per vaccine administered	\$ 21.96		DHS	
HLTH 73	Section 317 Vaccines (317) - Age 19+ - Price per vaccine administered	\$ 21.96		DHS	
	** If the cost of the immunization increases during the fiscal year, the Health Department will adjust the price to reflect the actual increase in cost.				
	<b>Public Health - Environmental Health Division</b>				
	<b>LICENSES:</b> Food Service				
	<b>Note:</b> A supplementary inspection charge equal to 50% of the annual license fee shall be assessed for each complete inspection required because of failure to meet applicable standards when such complete inspection is performed during the license period in addition to the two semi-annual inspections normally performed. Charges accrued and not paid during the current license period will be added to the license fee for the next license period and will be subject to the late penalties specified. New licensees will not be assessed any surcharges accrued by the previous license holder. Any licensed facility opened in Oct/Nov/Dec will be charged 1/2 fee.				
	<b>Full service restaurant seating:</b>				
EH 1	0 - 15	<del>\$ 1,020.00</del>			\$ 1,071.00
EH 2	16 - 50	<del>\$ 1,116.00</del>			\$ 1,172.00
EH 3	51 - 150	<del>\$ 1,337.00</del>			\$ 1,404.00
EH 4	151 and over	<del>\$ 1,542.00</del>			\$ 1,588.00
EH 5	Commissary	<del>\$ 412.00</del>			\$ 433.00

**Deschutes County Fee Schedule  
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ITEM NO.		DESCRIPTION	FY 2025 FEE		UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE
EH	6	Warehouse	\$ 330.00				\$ 347.00
EH	7	Limited service	\$ 837.00				\$ 879.00
		Government Entities - fee is 100% of full service restaurant fees, based on restaurant seating.				Senate Bill 631	
		<b>Mobile Unit Annual Operating License per OAR 333-162-0020</b>					
EH	8	Class I	\$ 369.00				\$ 388.00
EH	9	Class II	\$ 433.00				\$ 455.00
EH	10	Class III	\$ 617.00				\$ 648.00
EH	11	Class IV	\$ 802.00				\$ 843.00
		<b>Temporary Restaurant License</b>					
EH	12	Temporary Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify	\$ 66.00		per event		\$ 70.00
EH	13	Temporary for Profit	\$ 207.00		per event		\$ 218.00
EH	14	Temporary Prior to Event: Temporary Restaurant Applications must be received at least 7 calendar days before the day the event starts.	\$ 133.00		per event		\$ 140.00
EH	15	Temporary at Event (operating without a license)	\$ 330.00		per event		\$ 347.00
EH	16	Temporary Event - Events with five or more applicants (received 7 calendar days before the event)	\$ 115.00		per event		\$ 121.00
EH		Exempt Foods Agreement Form Fee - foods exempt from licensure but still requiring review	\$ 49.00				\$ 52.00
		<b>Seasonal or Intermittent Temporary Restaurant License</b>					
EH	18	Seasonal/Intermittent Temporary Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify	\$ 103.00				\$ 109.00
EH	19	Seven days or more before event start date (for profit)	\$ 207.00				\$ 218.00
EH	20	Less than seven days before event start date (for profit)	\$ 246.00				\$ 259.00
EH	21	Operational Review (for profit)	\$ 139.00				\$ 146.00
		Operational Review Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify					
EH	22	Re-check fee for Temporary Restaurant	\$ 139.00				\$ 146.00
		<b>School Cafeteria &amp; Kitchens:</b>					
EH	23	School Inspection (production kitchen)	\$ 330.00				\$ 347.00
EH	24	School Inspection (satellite branch)	\$ 246.00				\$ 259.00
EH	25	Bed and breakfast (food facility)	\$ 617.00				\$ 648.00
		<b>Vending machines (of potentially hazardous foods):</b>					
EH	26	1 - 10	\$ 198.00				\$ 208.00
EH	27	11 - 20	\$ 262.00				\$ 276.00
EH	28	21 - 30	\$ 330.00				\$ 347.00
EH	29	31 - 40	\$ 396.00				\$ 416.00
EH	30	41 - 50	\$ 459.00				\$ 482.00
EH	31	Food handlers certification	\$ 11.00				\$ 10.00
EH	32	Certification card replacement	\$ 6.00				\$ 5.00
		<b>Plan Review-prior to construction</b>					
EH	33	New (restaurant)	\$ 823.00				\$ 865.00
EH	34	Remodel (restaurant)	\$ 494.00				\$ 519.00
EH	35	School cafeteria plan review	\$ 823.00				\$ 865.00
EH	36	Childcare Plan Review	\$ 328.00				\$ 345.00
EH	37	Childcare Remodel Plan	\$ 124.00				\$ 131.00
EH	38	Commissary/Base of Operation	\$ 412.00				\$ 433.00
EH	39	Tourist Facility Plan review	\$ 330.00				\$ 347.00
EH	40	Non-profit organization plan review	\$ 412.00				\$ 433.00
		<b>Mobile Food Unit (review of mobile unit plan prior to construction)</b>					
EH	41	Class I	\$ 354.00				\$ 372.00
EH	42	Class II	\$ 443.00				\$ 466.00
EH	43	Class III	\$ 617.00				\$ 648.00
EH	44	Class IV	\$ 655.00				\$ 688.00
		<b>Note:</b> A penalty of \$150.00 shall be added if payment is 30 days after the license expiration date. An additional penalty of \$150.00 shall be added on the first day of each succeeding month of delinquency.					
		<b>Tourist facilities:</b>					
EH	45	Organizational camp or picnic park Traveler's accommodation	\$ 223.00		plus fee for each space		\$ 235.00
EH	46	1-25 units	\$ 394.00				\$ 414.00
EH	47	26-50 units	\$ 482.00				\$ 507.00
EH	48	51-75 units	\$ 582.00				\$ 612.00



**Deschutes County Fee Schedule  
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ITEM NO.	DESCRIPTION	FY 2025 FEE	UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE
EH 49	76-100 units	\$ <del>709.00</del>			\$ 745.00
EH 50	101+ units	\$ <del>709.00</del>	plus \$3.00/unit over 100		\$ 745.00
EH 51	Recreation park				
EH 51	1-25 units	\$ <del>425.00</del>			\$ 447.00
EH 52	26-50 units	\$ <del>560.00</del>			\$ 588.00
EH 53	51-75 units	\$ <del>665.00</del>			\$ 699.00
EH 54	76-100 units	\$ <del>810.00</del>			\$ 851.00
EH 55	101+ units	\$ <del>810.00</del>	plus \$2.00/unit over 100		\$ 851.00
	<b>Note:</b> Any person initially licensed under ORA 446.310 to 446.350 for engaging in the recreation park or travelers accommodation business who has failed to renew a license on or before the expiration date is delinquent. <b>If delinquency extends 15 days past the expiration date, a penalty fee of 50% of the annual license fee shall be added. The penalty fee shall be increased by 50% of the license fee on the first day of each succeeding month of delinquency.</b>				
	<b>Swimming Pools:</b>				
EH 56	License (first public pool, spa, bathhouse)	\$ <del>946.00</del>			\$ 994.00
EH 57	Second pool or spa (same location)	\$ <del>632.00</del>			\$ 664.00
EH 58	Additional pools or spas (same location)	\$ <del>564.00</del>			\$ 593.00
EH 59	Pool plan review fee	\$ <del>755.00</del>			\$ 793.00
EH 60	Pool construction inspections	\$ <del>755.00</del>			\$ 793.00
EH 61	Surcharges for pools, spas & tourist facilities will be based on the amount set forth by the Oregon Health Division for local govts..	Varies			
	<b>Miscellaneous:</b>				
EH 62	Children's Service: Foster/Child Care Center Inspection	\$ <del>330.00</del>			\$ 347.00
EH 63	Fee for licensed facility that requires + two re-check inspections / year	\$ <del>246.00</del>			\$ 259.00
EH 64	Miscellaneous Inspection or Plan Review	\$ <del>330.00</del>			\$ 347.00
EH 65	Limited Inspection or Plan Review				
EH 66	Outdoor Mass Gathering	\$ <del>330.00</del>			\$ 347.00
EH 67	Convenience/Handling Fee (On-line renewal of license)	Varies	3.4% of transaction amount		
EH 68	Food Manager Training & Certification	\$ 125.00			
EH 69	Food Manager Training (no book, no exam or missed class)	\$ 50.00			
EH 70	Food Manager Training (paper or online exam only)	\$ 50.00			
EH 71	Food Manager Training (class, exam, no book)	\$ 100.00			
EH 72	Food Manager Training (book & exam):minimum 10 attendees	\$ 1,250.00	Plus \$110.00 per student / over 10		
	<b>Note:</b> A penalty of \$150.00 shall be added if payment is 30 days after the license expiration date. An additional penalty of \$150.00 shall be added on the first day of each succeeding month of delinquency.				
	<b>Property Management</b>				
PRP 1	Land Exchange	\$ 1,000.00			
PRP 2	Lot Line Adjustment	\$ 1,000.00			
PRP 3	Sale of Foreclosed Property for non-buildable and propert valued under \$15,000	20% of sales price	non-refundable fee		
PRP 4	Repurchase Tax Foreclosed property	\$ 1,000.00			
PRP 5	Easements	\$ 500.00	non-refundable fee		
PRP 6	New Lease or License	\$ 500.00	non-refundable fee		
PRP 7	Permit of Entry	\$ 250.00	non-refundable fee		
PRP 8	Annual Property Management Fee for the Management and Supervision of Tax Foreclosed Properties	\$ 396.00	non-refundable fee		
PRP 9	Sale of Foreclosed Property upon Auction or Post-Auction	<del>12% of sales price</del>	non-refundable fee		\$4,500 from sales proceeds
	<b>Sheriff's Office</b>				
	<b>Civil</b>				
SH 1	Service of Civil papers including notice of restitution, directed to not more than two parties at the same address	\$ 50.00		ORS 21.300(1)(a)	
SH 2	Service of Civil papers for more than two parties at the same address	\$ 28.00	for each party	ORS 21.300(1)(a)	

**Deschutes County Fee Schedule  
FY 2026**

06/11/2025 Item #11.

ITEM NO.		DESCRIPTION	FY 2025 FEE			UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE	
SH	3	Service of Writ of Garnishment	\$ 25.00			\$15.00 bank search fee	ORS 18.652(5)		
SH	4	Enforcement of any Writ	\$ 89.00			Some writs may include a service fee. Deposit may be required for specific enforcements. Additional expenses may be charged ACS	ORS 21.300(1)(a)		
SH	5	Rental of MAC - for each four hour period	\$ 50.00						
SH	6	Rental of MAC - per day	\$ 100.00						
SH	7	Computer Forensic Services	\$ 100.00			per hour			
SH	8	Sheriff property sale	\$ 4.00			per 100 words			
		Concealed Weapons Permit (includes 15.00 to the State)				Folio Fee	ORS 18.930(4) and ORS 21.300		
SH	9	Concealed Weapons Permit - New	<del>\$ 65.00</del>			Structure			
SH	10	Concealed Weapons Permit - Renewal	<del>\$ 50.00</del>				ORS 166.291(5)	\$ 100.00	
SH	11	Concealed Weapons Permit - Duplicate	\$ 15.00				ORS 166.291(5)	\$ 75.00	
SH	12	Sheriff's Deed	\$ 56.00				ORS 21.300(1)(c)		
SH	13	Certificate of Sale	\$ 56.00				ORS 21.300(1)(c)		
SH	14	Copies to Complete Civil Service	\$ 4.00			per folio (100 words)	ORS 21.300(1)		
SH	15	Voice verification long distance fee	\$ 20.00				ORS 21.410(1)(c)		
SH	16	Civil service mileage fee (travel over 75 miles round trip from court to serve civil)	\$ 50.00				ORS 21.300(4)		
SH	17	Applicant Post Test	\$ 15.00						
SH	18	D recopying fee	\$ 15.00			+ cost			
SH	19	Look-up fee	\$ 10.00						
SH	20	Photographs	\$ 25.00			+ cost			
SH	21	Copies	\$ 0.25						
SH	22	Notary Fee (For Conveyance of Real Property)	\$ 10.00						
		<b>(Fee on vehicles released from Sheriff's impound lot - forfeitures/evidence cases.)</b>							
SH	23	Administrative release fee for forfeited vehicles	\$ 150.00						
SH	24	2nd Forfeiture	\$ 300.00						
SH	25	3rd and each subsequent forfeiture	\$ 500.00						
SH	26	Vehicle impound fee	\$ 100.00						
SH	27	Impound vehicle hearing fee (Hearing Officer can waive the fee)	\$ 67.00			per hearing - only if requestor loses appeal			
SH	28	Fingerprinting: First Card	\$ 15.00						
SH	29	Additional cards	\$ 5.00						
		<b>Criminal Records</b>							
		Copies of police officer's reports							
SH	30	First eight pages of each report	\$ 20.00				ORS 192324(3)		
SH	31	Each additional page of same case report	\$ 1.00				ORS 192324(3)		
SH	34	Local Records Background Check	\$ 20.00						
SH	35	Copy of photo CD or thumb drive	\$ 30.00						
SH	36	Additional CD	\$ 5.00						
SH	37	Computer Forensic Services	\$ 100.00			per hour			
SH	38	Voice verification long distance fee	\$ 20.00						
SH	39	Look up fee (record check taking more than 10 minutes)	\$ 10.00						
		<b>Criminal - Evidence Unit</b>							
SH	40	Copies of VHS tapes	\$ 25.00			each			
SH	41	Copies of audio cassettes	\$ 25.00			each			
SH	42	Copies of photographs	\$ 25.00			plus cost of prints			
		<b>Other</b>							
SH	43	Concealed Weapons Class	\$ 25.00						
SH	44	Seat Belt Class	\$ 35.00						
SH	45	County Employee ID Cards	\$ 15.00						

**Deschutes County Fee Schedule  
FY 2026**

06/11/2025 Item #11.

ITEM NO.	DESCRIPTION	FY 2025 FEE	UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE
SH 46	False Alarm Response (3) in 12 month period	\$ 100.00			
SH 47	False Alarm Response (4) in 12 month period	\$ 200.00			
SH 48	False Alarm Response (5) in 12 month period	\$ 300.00			
SH 49	Applicant Post Test	\$ 15.00			
	<b>Public Information Requests</b>				
SH 50	File search - general	ACS	look-up fee		
SH 51	File search - professional	ACS	per 1/2 hour		
SH 52	Estimated cost for legal counsel to review request	\$ 150.00	per hour (1/4 hour min)		
SH 53	Copies	\$ 0.25	per copy		
SH 54	Postage to mail records	ACS			
SH 55	Processing distraint warrants for state agencies	\$ 6.25		ORS 21.300(1)(e)	
SH 56	Copies of Video Recording (per incident) - first copy	ACS			
SH 57	Copies of Video Recording (per incident) - each additional copy	ACS			
SH 58	Redaction of Records/Video	<del>ACS</del>			\$81.32/hr
	<b>Corrections</b>				
	Lodging Rate/Other:				
SH 59	All other prisoners	\$ 175.01	per day		
SH 60	Transporting of inmates per court order	ACS			
	(Federal rate per mile plus hourly rate of officer and meals - straight time or time and a half)				
SH 61	Inmate mugshots	\$ 25.00	per photograph		
	<b>Health Care Charges</b>				
SH 62	Medical cost for out-of-county or municipal prisoners	ACS			
SH 63	Hygiene welcome pack	\$ 2.35			
SH 64	Facility Physician visit	\$ 13.00	per visit		
SH 65	Nurse Practitioner Visit	\$ 11.00	per visit		
SH 66	Facility Nurse Visit (sick call)	\$ 8.00	per visit		
SH 67	Lab work	\$ 11.00			
SH 68	Special supplies	ACS			
SH 69	Medical Imaging	\$ 21.00			
SH 70	Private physician visit	\$ 21.00			
SH 71	Dentist visit	\$ 21.00			
SH 72	Emergency room/hospital visit	\$ 21.00			
SH 73	Prescription handling fee	\$ 11.00			
SH 74	Inmate Medical Kit Fee	\$ 1.00			
SH 75	Chronic Wound Care	\$ 21.00			
	<b>Over-the-counter medications</b>				
SH 76	Acetaminophen (generic for Tylenol)	\$ 1.00	dose		
SH 77	Antacid	\$ 1.00	dose		
SH 78	Bismuth (generic for Pepto Bismol)	\$ 1.00	dose		
SH 79	Dulcolax laxative	\$ 1.00	dose		
SH 80	Fixodent	\$ 4.00	dose		
SH 81	Hydrocortisone Packet (1%)	\$ 1.00	each		
SH 82	Ibuprofen Packet (generic for Advil)	\$ 1.00	each		
SH 83	Metamucil Packet	\$ 1.00	each		
SH 84	Preparation H	\$ 4.00			
SH 85	Milk of Magnesia	\$ 1.00	dose		
SH 86	Triple antibiotic cream/ointment	\$ 1.00	dose		
SH 87	Vitamin A & D ointment	\$ 2.00	dose		
	<b>Solid Waste</b>				
	<b>Public Fees</b>				
	Knott Landfill				
SW 1	0-400 pounds	<del>\$ 26.00</del>			\$ 28.00
SW 2	Each additional 200 pounds	<del>\$ 8.00</del>			\$ 9.00
	Transfer Stations				
SW 3	Minimum load (0-1 c.y.)	<del>\$ 26.00</del>			\$ 28.00
SW 4	Each additional cubic yard	<del>\$ 11.00</del>			\$ 12.00
SW 5	0-400 pounds	<del>\$ 26.00</del>			\$ 28.00
SW 6	Each additional 200 pounds	<del>\$ 8.00</del>			\$ 9.00
SW 7	Yard debris per cubic yard	\$ 6.00			
	<b>Commercial Fees</b>				
	Knott Landfill				
SW 8	0-400 pounds	<del>\$ 26.00</del>			\$ 28.00
SW 9	Each additional 200 pounds	<del>\$ 8.00</del>			\$ 9.00

**Deschutes County Fee Schedule  
FY 2026**

06/11/2025 Item #11.

ITEM NO.	DESCRIPTION	FY 2025 FEE		UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE
	Transfer Stations					
SW 10	Minimum load (0-1 c.y.)	\$ <del>26.00</del>				\$ 28.00
SW 11	Each additional cubic yard	\$ <del>11.00</del>				\$ 12.00
SW 12	0-400 pounds	\$ <del>26.00</del>				\$ 28.00
SW 13	Each additional 200 pounds	\$ <del>8.00</del>				\$ 9.00
SW 14	Loose yard debris	\$ 6.00		per cubic yard		
SW 15	Compacted yard debris	\$ 10.00		per cubic yard		
	<b>Franchise Fees</b>					
	Knott Landfill					
SW 16	Loose load per pound	\$ <del>0.04</del>				\$ 0.045
SW 17	Compacted load per pound	\$ <del>0.04</del>				\$ 0.045
SW 18	Industrial waste per pound	\$ <del>0.04</del>				\$ 0.045
	Transfer Stations					
SW 19	Truck compactor per cubic yard	\$ <del>28.00</del>				\$ 30.00
SW 20	Loose load per cubic yard	\$ <del>16.00</del>				\$ 18.00
SW 21	Loose load per pound	\$ <del>0.04</del>				\$ 0.045
SW 22	Compacted load per pound	\$ <del>0.04</del>				\$ 0.045
SW 23	Loose yard debris	\$ 6.00		per cubic yard		
SW 24	Compacted yard debris	\$ 10.00		per cubic yard		
	<b>Miscellaneous Fees</b>					
	Knott Landfill Only					
	Asbestos (pounds)					
SW 25	0-2,000 pounds	\$ 125.00		for 0-2000 pounds		
SW 26	Each additional pound	\$ 0.06		per pound		
SW 27	Alternative daily cover (ADC)	\$ <del>0.02</del>		per pound		\$ 0.0225
SW 28	Non-ADC contaminated soils	\$ <del>0.02</del>		per pound		\$ 0.0225
SW 29	Special Waste Material Processing Fee	\$ 50.00		per transaction		
	<b>Commercial Hazardous Waste Disposal</b>			<b>per unit</b>		<b>At cost</b>
	<b>Transfer Stations</b>					
SW 30	Appliances	\$ 8.00		each		
SW 31	Freon Appliances	\$ 20.00		each		
SW 32	Clean wood waste (Negus Transfer only)	\$ 6.00		per cubic yard		
SW 33	Car Tires < 25"	\$ <del>2.00</del>		each		\$ 4.00
SW 34	Tires <25' on Rim	\$ <del>4.00</del>		each		\$ 6.00
SW 35	Rebate for properly secured loads	\$ 10.00		per load		
SW 36	Clean fill (Negus Transfer only)	\$ 6.00		per cubic yard		
	<b>Commercial Hazardous Waste Disposal</b>			<b>per unit</b>		<b>At cost</b>
	NOTES:					
	1. Appliances and tires accepted at Knott Landfill through Deschutes Recycling, LLC.					
	2. Tires over 24.5 inches not accepted at any site, including Deschutes Recycling facilities.					
DG 2	Intact animal (annual)	\$ 36.00			DCC 6.04	
DG 3	Spayed or neutered (2-Yr license)	\$ 39.00			DCC 6.04	
DG 4	Intact animal (2-Yr license)	\$ 67.00			DCC 6.04	
DG 5	Spayed or neutered (3-Yr license)	\$ 58.00			DCC 6.04	
DG 6	Intact animal (3-Yr License)	\$ 98.00			DCC 6.04	
DG 7	Senior (62+) Discounted spayed or neutered (annual license)	\$ 16.00			DCC 6.04	
DG 8	Senior (62+) Discounted spayed or neutered (2-Yr license)	\$ 32.00			DCC 6.04	
DG 9	Senior (62+) Discounted spayed or neutered (3-Yr license)	\$ 48.00			DCC 6.04	
DG 10	Pet ID tag	\$ 5.00				
DG 11	Replacement tag	\$ 5.00				
	Pro-rated licenses to coincide with rabies expiration less than one year:					
DG 12	Spayed or neutered	\$ 1.84		month		
DG 13	Intact animal	\$ 3.00		month		
DG 14	Assistance Animals	\$ -				
	<b>Kennel Licensing Fees:</b>					
DG 15	First 10 dogs	\$ 10.00		per dog	DCC 6.04	
DG 16	Each additional dog	\$ 3.00		per dog	DCC 6.04	
DG 17	Public records request for Dog Licensing information	ACS		per request		
	<b>Room Lodging Tax</b>					
<b>IRI TLT</b> 1	Penalty on the amount of the Tax due upon delinquency	10%			4.08.160	
<b>IRI TLT</b> 2	Additional penalty on the amount of the Tax due upon 30 days delinquency	15%			4.08.170	

**Deschutes County Fee Schedule  
FY 2026**

06/11/2025 Item #11.

ITEM NO.		DESCRIPTION	FY 2025 FEE		UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE	
<del>TRI</del> TLT	3	Interest per month on the amount of the Tax due upon delinquency	1/2 of 1%			4.08.190		
<del>TRI</del> TLT	4	Penalty on the amount of the Tax due if Tax Administrator determines that non payment is due to fraud or intent to evade	25%			4.08.180		
<del>TRI</del> TLT	5	Public records request for Active Rental Listing	ACS		per request			
TLT	6	Certificate of Authority Initial Registration					\$ 300.00	Effective 9/1/25
TLT	7	Certificate of Authority Renewal Registration					\$ 150.00	Effective 9/1/25
		<b>Property Tax</b>						
TX	1	Foreclosure	5%		amount of taxes and interest accrued after the 1st publication of	ORS 312.110		
TX	2	Redemption / Foreclosed Property	\$ 50.00		at time of judgement	ORS 312.120 (5)		
TX	3	Title Search / Foreclosed Property	ACS		Est @ \$200.00+ per search	ORS 312.120 (5)		
TX	4	Personal Property Warrants Service	\$ 20.00		plus recording fees	ORS 311.633		
TX	5	Personal Property Warrant Electronic Submission Fee	\$ 1.00		per document			
TX	6	Tax research	ACS		per hour (1/2 hr minimum)			
TX	7	Check stop payment	\$ 30.00					
TX	8	Delinquent Tax Roll	ACS		Est. @ \$x per search/request			
TX	9	Tax roll data request for online platforms	<del>\$ 75.00</del>		per request		\$ 100.00	
		<b>Treasurer</b>						
TRE	1	Investment Service Fee	<del>\$ 144,000.00</del>		per year	Budget	\$ 150,000.00	



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 11, 2025

**SUBJECT:** Public Hearing: Implementing Fee Schedule for Transient Lodging Tax Certificate of Authority Registrations and Renewals.

**BACKGROUND AND POLICY IMPLICATIONS:**

On May 21, 2025, the Board of County Commissioners held a public hearing for comments regarding the proposed Amendments to Deschutes County Code 4.08 for Transient Room Tax. At the public hearing, the Board voted unanimously to adopt Ordinance No. 2025-006.

Deschutes County Code 4.08.140 Section B, states “When registering, registrants will be required to pay an administrative fee for the initial registration, in accordance with the County Fee Schedule”.

On May 28, 2025, the Board held a work session to discuss the potential for implementing a fee for issuing the Transient Lodging Tax Certificate of Authority (COA) initial registrations and registration renewals. The Board approved a motion to include the Certificate of Authority fee in the County Fee Schedule set for a public hearing on June 11, 2025, in the amount of \$300 for the initial registration and \$150 for the annual renewal.

The June 11, 2025, public hearing will include these proposed fees and will be presented in the Fiscal 2026 County Fee Schedule for the Boards consideration. If approved, the fee will be effective September 1, 2025, in alignment with the date in Ordinance No. 2025-006.

**BUDGET IMPACTS:**

The FY 2026 Budget includes approximately \$482,000 in costs to administer the Transient Lodging Tax program. The COA fees will be used to offset the costs to administer the program allowing the allocation of available discretionary Transient Lodging Tax revenue to approved programs during the FY 2027 budget process.

**ATTENDANCE:**

Robert Tintle, Chief Financial Officer

Judi Hasse, Deputy Tax Collector

Michelle Assia, Transient Lodging Tax Management Analyst



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 11, 2025

**SUBJECT:** Public Hearing: FY 2026 Deschutes County 9-1-1 Service District Fee Schedule and consideration of Resolution No. 2025-015 adopting the fee schedule

**RECOMMENDED MOTION:**

Following the public hearing, move approval of Resolution No. 2025-015 adopting the FY 2026 Deschutes County 9-1-1 Service District Fee Schedule.

**BACKGROUND AND POLICY IMPLICATIONS:**

Per chapter 4.12 of the Deschutes County Code, "Fees and charges for services shall be reviewed for compatibility with the actual cost of providing service each year, and shall be adjusted and set as of each July 1st."

**BUDGET IMPACTS:**

No changes were made to the FY 2025 Deschutes County 9-1-1 Service District Fee Schedule.

**ATTENDANCE:**

Cam Sparks, Budget & Financial Planning Manager  
Laura Skundrick, Management Analyst

REVIEWED

\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON, AS GOVERNING BODY FOR THE DESCHUTES COUNTY 9-1-1 COUNTY  
SERVICE DISTRICT

A Resolution Adopting and Continuing Fees	*	
And Charges for Services and Providing an	*	RESOLUTION NO. 2025-015
Effective Date	*	

WHEREAS, Deschutes County 911 Service District charges fees for services and permits;  
and

WHEREAS, it is necessary to adopt and amend the fee schedules of Deschutes County 911 Service District annually each July 1 in accordance with district requirements, applicable State law, and Chapter 4.12 of the Deschutes County Code, as amended; and

WHEREAS, Deschutes County 911 Service District has proposed fees and charges for services and permits; and

WHEREAS, the Board of County Commissioners held a public hearing on June 11, 2025, on the proposed fees and charges for services and permits and finds that the fees and charges for services and permits as set forth in Exhibit "A" reflect the actual cost of providing services and permits; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, as follows:

Section 1. That the fees set forth in Exhibit "A", attached hereto and, by this reference, incorporated herein, are hereby adopted as the fees and charges of Deschutes County 911 Service District.

Section 2. The fees and charges for services and permits adopted in Section 1 of this Resolution are effective July 1, 2025.

Section 3. All fees and charges for services and permits in effect prior to July 1, 2025, are hereby continued or superseded as provided herein.



DATED this \_\_\_\_\_ day of June, 2025.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

AS GOVERNING BODY FOR THE  
DESCHUTES COUNTY 9-1-1 COUNTY  
SERVICE DISTRICT

\_\_\_\_\_  
ANTHONY DEBONE, Chair

ATTEST:

\_\_\_\_\_  
PATTI ADAIR, Vice-Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner

ITEM NO.		DESCRIPTION	FY 2025 FEE	UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE
		<b>Deschutes County 9-1-1</b>				
		Tape Reproduction				
911CSD	1	First hour (includes research and associated paperwork)	\$ 50.00	per hour (1 hour minimum)		
911CSD	2	Fifteen minute increments after first hour	\$ 12.50	per 15 minute increments after first hour		
911CSD	3	Printout of dispatch incident (1 to 3 incidents)	\$ 25.00	first 3 incidents		
911CSD	4	Printout of dispatch incident (4+ incidents)	\$ 5.00	each		
911CSD	5	Returned check processing	\$ 30.00			
911CSD	6	Burden Report Processing Rate	\$ 50.00	per hour (only if extensive records are requested)		



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 11, 2025

**SUBJECT:** Public Hearing: FY 2026 Deschutes County Extension and 4H Service District Fee Schedule and consideration of Resolution No. 2025-016 approving the Fee Schedule

**RECOMMENDED MOTION:**

Following the public hearing, move approval of Resolution No. 2025-016 to adopt the FY 2026 Deschutes County Extension and 4H Service District Fee Schedule.

**BACKGROUND AND POLICY IMPLICATIONS:**

Per chapter 4.12 of the Deschutes County Code, "Fees and charges for services shall be reviewed for compatibility with the actual cost of providing service each year, and shall be adjusted and set as of each July 1st."

**BUDGET IMPACTS:**

No changes were made to the FY 2026 Deschutes County Extension and 4H Service District Fee Schedule.

**ATTENDANCE:**

Cam Sparks, Budget & Financial Planning Manager  
Laura Skundrick, Management Analyst

REVIEWED

\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON, AS GOVERNING BODY FOR THE EXTENSION 4H COUNTY SERVICE  
DISTRICT

A Resolution Adopting and Continuing Fees	*	
And Charges for Services and Providing an	*	RESOLUTION NO. 2025-016
Effective Date	*	

WHEREAS, Extension 4H County Service District charges fees for services and permits;  
and

WHEREAS, it is necessary to adopt and amend the fee schedules of Extension 4H County Service District annually each July 1 in accordance with district requirements, applicable State law, and Chapter 4.12 of the Deschutes County Code, as amended; and

WHEREAS, Extension 4H County Service District has proposed fees and charges for services and permits; and

WHEREAS, the Board of County Commissioners held a public hearing on June 11, 2025, on the proposed fees and charges for services and permits and finds that the fees and charges for services and permits as set forth in Exhibit "A" reflect the actual cost of providing services and permits; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, as follows:

Section 1. That the fees set forth in Exhibit "A", attached hereto and, by this reference, incorporated herein, are hereby adopted as the fees and charges of Extension 4H County Service District.

Section 2. The fees and charges for services and permits adopted in Section 1 of this Resolution are effective July 1, 2025.

Section 3. All fees and charges for services and permits in effect prior to July 1, 2025, are hereby continued or superseded as provided herein.

DATED this \_\_\_\_\_ day of June, 2025.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

AS GOVERNING BODY FOR THE  
EXTENSION 4H COUNTY SERVICE  
DISTRICT

\_\_\_\_\_  
ANTHONY DEBONE, Chair

ATTEST:

\_\_\_\_\_  
PATTI ADAIR, Vice-Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner

ITEM NO.		DESCRIPTION	FY 2025 FEE	UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE
		<b>Extension 4H County Service District</b>				
		General fees, unless otherwise noted				
EXT	1	Copy fee (B/W) for public & employees	\$ 0.04	per page		
EXT	2	Copy fee (color) for public & employees	\$ 0.06	per page		
EXT	3	4-H Center meeting room for public	\$25.00-500.00	various		



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 11, 2025

**SUBJECT:** Public Hearing: FY 2026 Black Butte Ranch Service District Fee Schedule and consideration of Resolution No. 2025—18 adopting the Fee Schedule

**RECOMMENDED MOTION:**

Following the public hearing, move approval of Resolution No. 2025-018 to adopt the FY 2026 Black Butte Ranch Service District Fee Schedule.

**BACKGROUND AND POLICY IMPLICATIONS:**

Per chapter 4.12 of the Deschutes County Code, "Fees and charges for services shall be reviewed for compatibility with the actual cost of providing service each year, and shall be adjusted and set as of each July 1st."

**BUDGET IMPACTS:**

The FY 2026 Black Butte Ranch Service District Fee Schedule changes are reflected in the FY 2026 proposed budget.

**ATTENDANCE:**

Cam Sparks, Budget & Financial Planning Manager  
Laura Skundrick, Management Analyst

REVIEWED

\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON, AS GOVERNING BODY FOR BLACK BUTTE RANCH COUNTY SERVICE  
DISTRICT

A Resolution Adopting and Continuing Fees	*	
And Charges for Services and Providing an	*	RESOLUTION NO. 2025-018
Effective Date	*	

WHEREAS, Black Butte Ranch County Service District charges fees for services and permits; and

WHEREAS, it is necessary to adopt and amend the fee schedules of Black Butte Ranch County Service District annually each July 1 in accordance with district requirements, applicable State law, and Chapter 4.12 of the Deschutes County Code, as amended; and

WHEREAS, Black Butte Ranch County Service District has proposed fees and charges for services and permits; and

WHEREAS, the Board of County Commissioners held a public hearing on June 11, 2025, on the proposed fees and charges for services and permits and finds that the fees and charges for services and permits as set forth in Exhibit "A" reflect the actual cost of providing services and permits; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, as follows:

Section 1. That the fees set forth in Exhibit "A", attached hereto and, by this reference, incorporated herein, are hereby adopted as the fees and charges of Black Butte Ranch County Service District.

Section 2. The fees and charges for services and permits adopted in Section 1 of this Resolution are effective July 1, 2025.

Section 3. All fees and charges for services and permits in effect prior to July 1, 2025, are hereby continued or superseded as provided herein.



DATED this \_\_\_\_\_ day of June, 2025.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

AS GOVERNING BODY FOR BLACK BUTTE  
RANCH COUNTY SERVICE DISTRICT

\_\_\_\_\_  
ANTHONY DEBONE, Chair

ATTEST:

\_\_\_\_\_  
PATTI ADAIR, Vice-Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner

ITEM NO.		DESCRIPTION	FY 2025 FEE	UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE
		<b>Black Butte Ranch County Service District</b>				
BBR	1	General fees, unless otherwise noted		per hour (1/4 hour minimum)		\$ 60.00
BBR	1	<del>Cassette tape / CD copies</del>	<del>\$ 25.00</del>	per tape		
BBR	2	<del>Copy fee (B/W) for public &amp; county employees</del>	<del>\$ 0.25</del>	per page		
BBR	3	<del>Copy fee (color) for public &amp; county employees</del>	<del>\$ 0.35</del>	per page		
BBR	4	<del>Copy fee for documents on disk (first document)</del>	<del>\$ 5.00</del>	per document		
BBR	5	<del>Copy fee for documents on disk (after first document)</del>	<del>\$ 2.00</del>	per additional document		
BBR	6	<del>Fee for e-mail of documents</del>	<del>\$ 2.00</del>	per document		
BBR	7	<del>Facsimile transmittal (local number)</del>	<del>\$ 1.00</del>	1st page		
BBR	8	<del>Facsimile transmittal (local number)</del>	<del>\$ 0.50</del>	per additional page		
BBR	9	<del>Facsimile transmittal (long distance number)</del>	<del>\$ 1.50</del>	1st page		
BBR	10	<del>Facsimile transmittal (long distance number)</del>	<del>\$ 0.50</del>	per additional page		
BBR	11	Returned check processing fee	\$ 30.00	Current bank charge		\$ 35.00
BBR	12	Research & Prep fee for public records request	\$ 40.00	per hour (1/4 hour minimum)		\$ 60.00
BBR	13	<del>Vehicle impound fee (storage)</del>	<del>\$ 15.00</del>	per day		
BBR	14	<del>Vehicle impound yard release fee</del>	<del>\$ 100.00</del>			
BBR	15	<del>Administrative release fee for forfeited vehicles</del>	<del>\$ 150.00</del>			
BBR	16	<del>2nd Forfeiture</del>	<del>\$ 300.00</del>			
BBR	17	<del>3rd or greater forfeiture</del>	<del>\$ 500.00</del>			
BBR	18	<del>Vehicle impound fee</del>	<del>\$ 100.00</del>			
BBR	19	<del>Impound vehicle hearing fee (Hearing Officer can w</del>	<del>\$ 100.00</del>	<del>per hearing - only if requestor loses appeal</del>		
BBR	20	<del>Fingerprinting: First Card</del>	<del>\$ 15.00</del>			
BBR	21	<del>Fingerprinting: Additional Cards</del>	<del>\$ 5.00</del>			
		<b>Copies of police officer's reports (Accident &amp; Criminal)</b>				
BBR	22	Case Report	\$ 30.00	First eight pages		
		Each additional page of same case report		per page		\$ 1.00
BBR	23	Service of Writ of Garnishment	\$ 25.00	\$15.00 bank search fee	ORS 18.652(5)	\$ 50.00

BBR	24	Enforcement of any Writ	\$ 70.00	may incl \$28.00- service fee- Some writs may include a service fee. <b>Deposit may be required for specific enforcements. Additional expenses may be charged ACS</b>	ORS 21.300(1)(a)	\$ 94.00
		<b>Public Information Requests</b>				
BBR	25	File search - general	\$ 10.00	look-up fee		\$ 25.00
BBR	26	File search - professional	\$ 29.00	per hour <b>(1/2 hour minimum)</b>		\$ 60.00
BBR	27	Estimated cost for legal counsel to review request	\$ 150.00	per hour (1/4 hour minimum, <b>1/4 hour increments)</b>		\$ 320.00
BBR	28	Postage to mail records	ACS			



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 11, 2025

**SUBJECT:** Public Hearing: FY 2026 Sunriver Service District Fee Schedule and consideration of Resolution No. 2025-017 adopting the Fee Schedule

**RECOMMENDED MOTION:**

Following the public hearing, move approval of Resolution No. 2025-017 to adopt the FY 2026 Sunriver Service District Fee Schedule.

**BACKGROUND AND POLICY IMPLICATIONS:**

Per chapter 4.12 of the Deschutes County Code, "Fees and charges for services shall be reviewed for compatibility with the actual cost of providing service each year, and shall be adjusted and set as of each July 1st."

**BUDGET IMPACTS:**

The FY 2026 Sunriver Service District Fee Schedule changes are reflected in the FY 2026 proposed budget.

**ATTENDANCE:**

Cam Sparks, Budget & Financial Planning Manager  
Laura Skundrick, Management Analyst

REVIEWED

\_\_\_\_\_  
LEGAL COUNSEL\_\_\_\_\_  
For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON, AS GOVERNING BODY FOR THE SUNRIVER SERVICE DISTRICT

A Resolution Adopting and Continuing Fees	*	
And Charges for Services and Providing an	*	RESOLUTION NO. 2025-017
Effective Date	*	

WHEREAS, Sunriver Service District charges fees for services and permits; and

WHEREAS, it is necessary to adopt and amend the fee schedules of Sunriver Service District annually each July 1 in accordance with district requirements, applicable State law, and Chapter 4.12 of the Deschutes County Code, as amended; and

WHEREAS, Sunriver Service District has proposed fees and charges for services and permits; and

WHEREAS, the Board of County Commissioners held a public hearing on June 11, 2025, on the proposed fees and charges for services and permits and finds that the fees and charges for services and permits as set forth in Exhibit "A" reflect the actual cost of providing services and permits; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, as follows:

Section 1. That the fees set forth in Exhibit "A", attached hereto and, by this reference, incorporated herein, are hereby adopted as the fees and charges of Sunriver Service District.

Section 2. The fees and charges for services and permits adopted in Section 1 of this Resolution are effective July 1, 2025.

Section 3. All fees and charges for services and permits in effect prior to July 1, 2025, are hereby continued or superseded as provided herein.

DATED this \_\_\_\_\_ day of June, 2025.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

AS GOVERNING BODY FOR THE  
SUNRIVER SERVICE DISTRICT

\_\_\_\_\_  
ANTHONY DEBONE, Chair

ATTEST:

\_\_\_\_\_  
PATTI ADAIR, Vice-Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner

ITEM NO.		DESCRIPTION	FY 2025 FEE	UNIT	ENACTMENT AUTHORITY	PROPOSED FY26 FEE
		<b>Sunriver Service District</b>				
		<b>General fees unless otherwise noted by department:</b>				
SSD	1	Maps & Other Nonstandard Documents	\$ 25.00	per hour (minimum charge of 15 minutes)		
SSD	2	Research fee for Service District public records (after first 15 minutes)	\$ 60.00	per hour		
SSD	3	Copies of Public Record	\$ 0.10	per page		
SSD	4	Certified copies of Public Record	\$ 5.00	additional per copy		
SSD	5	Copies of Assorted Media (tapes, CDs, digital recordings)	<del>\$ 5.00</del>	each		ACS
SSD	6	Returned check processing fee	<del>\$ 35.00</del>	current bank charge		ACS
SSD	7	Legal Counsel to review request	\$ 315.00	per hour (minimum charge of 15 minutes)		
SSD	8	Public Education Class Requests	\$ 40.00	per hour		
SSD	9	Public education materials	ACS			
SSD	10	Blood Pressure Checks	\$ -			
<b>POLICE DEPARTMENT</b>						
		<b>General:</b>				
PD	NEW	Research fee (after first 15 minutes)				ACS
		<b>Copies of police and reports:</b>				
PD	11	First 8 pages of each case report	\$ 20.00			
PD	12	Each additional page of same case report	\$ 1.00			
PD	13	Copy of dispatch <del>incident</del> report	\$ 5.00	each		
PD	NEW	<b>Digital Media Requests:</b>				
PD	NEW	Digital media research, response, redaction and materials				ACS
<b>FIRE DEPARTMENT</b>						
	NEW	<b>General:</b>				
FD	NEW	Research fee (after first 15 minutes)				ACS
	NEW	<b>Copies of fire incidents:</b>				

FD	NEW	Each incident report	\$ 20.00			
		<b>Ambulance Billings</b>				
		Rate Schedules				
FD	14	EMS Transport	<del>\$ 1,750.00</del>			\$ 2,000.00
FD	15	EMS Non-transport	\$ 250.00			
FD	16	Heavy Extrication/Rescue Outside the Service District Boundaries	\$ 550.00	per hour		
FD	17	Mileage	\$ 22.00	per mile		
FD	18	EMT/Paramedic - Special Event	<del>\$ 75.00</del>	per hour		\$ 150.00
FD	19	EMT/Basic - Special Event	<del>\$ 50.00</del>	per hour		\$ 100.00
FD	20	Engine	Current OSFM Reimbursement Rate	per hour		
FD	21	Truck	Current OSFM Reimbursement Rate	per hour		
FD	22	Support Rig	Current OSFM Reimbursement Rate	per hour		
FD	23	Ambulance	Current OSFM Reimbursement Rate	per hour		
FD	24	Water Tender	Current OSFM Reimbursement Rate	per hour		
FD	25	Command Vehicle - Type III	Current OSFM Reimbursement Rate	per hour		
		<b>Fire and Life Safety Inspection Fees</b>				
FD	26	Existing Building Inspection	\$ -			
FD	27	Initial Inspection conducted by Oregon State Fire Marshal	\$ -			
FD	28	First re-inspection	\$ 50.00			
FD	29	Second re-inspection	\$ 50.00	Plus \$25 per violation		
FD	30	Third re-inspection	\$ 50.00	Plus \$50 per violation		
		<b>Non-Payment Penalty</b>				



FD	31	Unpaid balance more than 84 days from invoice date	\$ 0.10	of outstanding balance		
FD	32	Unpaid balance more than 6 months from invoice date	\$ 0.25	of outstanding balance		



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 11, 2025

**SUBJECT:** Consideration of Contract No. 2025-597, a Collective Bargaining Agreement Between Deschutes County and the American Federation of State, County and Municipal Employees Local 3997 (AFSCME)

**RECOMMENDED MOTION:**

Move approval of Contract No. 2025-597, a Collective Bargaining Agreement Between Deschutes County and the American Federation of State, County and Municipal Employees (AFSCME) Local 3997, July 1, 2025 - June 30, 2030.

**BACKGROUND AND POLICY IMPLICATIONS:**

The American Federation of State, County and Municipal Employees (AFSCME) Local 3997 is the labor union representing general employees throughout the County. The current collective bargaining agreement covers the period of July 1, 2021 – June 30, 2025. Below is a summary of the main changes to the contract.

The new collective bargaining agreement is a 5-year contract effective July 1, 2025 - June 30, 2030. The agreement includes a 1% - 4% COLA (based on the consumer price index) for the first three years of the contract. The County and AFSCME will re-open Article 30 - Wages, in year three of the agreement.

The agreement also increases longevity amounts \$2.50/month each year of the contract (consistent with other labor contracts), provides three levels for bilingual pay rather than two levels, includes the addition of bereavement leave and sunsets the retiree health insurance program for employees hired after August 1, 2025.

The AFSCME bargaining team included Dustin Fanning-Painter (Health Services Department), Ines Curland (CDD), Jim Vernon (ITD), and AFSCME Council Representative Brenda Johnson.

The County's bargaining team included Kim Riley, Erik Kropp, Whitney Hale, Robert Tintle, Deevy Holcomb, Tania Mahood and Janice Garceau.

**ATTENDANCE:**

Erik Kropp, Deputy County Administrator



**AGREEMENT**  
**BETWEEN**  
**DESCHUTES COUNTY**  
**AND**  
**THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL**  
**EMPLOYEES LOCAL 3997**

**July 1, 2025 – June 30, 2030**

**Agreement Between Deschutes County and the American Federation of State,  
County and Municipal Employees Local 3997**

**July 1, 2025 – June 30, 2030**

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## PREAMBLE

This Agreement is made and entered into by and between Deschutes County (hereinafter the County) and the American Federation of State, County and Municipal Employees Council 75, (hereinafter the Union) for the purpose of fixing wages, hours, benefits, and employment relations as defined by ORS 243.650(7) and the Employment Relations Board.

It is also the purpose of this Agreement to promote the mutual interests of the County and its employees, to promote a positive relationship between the Employer and the Union, to establish a diplomatic procedure for the resolution of differences, and to provide for the operation of the County's business under methods which will further, to the fullest extent possible, the safety of the employees, economy and efficiency of operation, elimination of waste, realization of maximum quantity and quality of output, cleanliness, protection of property and avoidance of interruptions to production. The parties will cooperate fully to secure the advancement and achievement of these purposes.

## ARTICLE 1 – RECOGNITION

### Section 1

The County recognizes the Union as the sole and exclusive bargaining agent for all employees of Deschutes County, excluding supervisory and confidential employees, temporary employees, employees who work less than half-time and employees included in other bargaining units. ~~For the purposes of the Collective Bargaining Agreement between the parties, County employees of the OSU Extension Service shall be considered employees of Deschutes County and all terms and conditions of this Agreement shall apply.~~

### Section 2

If the County establishes a new classification included in the bargaining unit or reclassifies an existing bargaining unit position, the County shall notify the Union in writing in a timely manner.

## ARTICLE 2 – UNION SECURITY

### Section 1

The Union shall notify the County in writing of its staff representative of the Local, Council 75, or International, American Federation of State, County and Municipal Employees, AFL-CIO. Upon proper introduction and notice, the representative shall have reasonable access to the premises of the County during all working hours to conduct Union business. These representatives shall observe any security regulations of the County. Such visits shall not interfere with the normal flow of work.

### Section 2

Unless otherwise provided in the Agreement, the internal business of the Union shall be conducted by the employees during non-duty time, and to the extent practicable in break rooms, lunch rooms and non-duty areas.

### Section 3

- A. The Union shall notify the County of the selection of the Officers, Stewards and their alternates.
- B. The Union may appoint a Steward or Stewards. Activities by a Union Steward shall not interfere with his/her normal duties or the performance of the normal duties of other employees. The Steward shall be a regular full- or part-time employee, who shall in addition to his/her regular assigned work, perform the duties set forth herein, as long as such duties may be accomplished without the disruption or interference with the work of others. **Members who wish to become a steward will participate in Steward**

**training through the Union to assist in representation of other Union members. Members will attend Steward training during off-duty hours.**

- C. The Steward shall bring attention to the County and the Union of any alleged infraction of the terms and conditions of the Agreement.
- D. The Steward shall make a good faith effort to resolve individual employee grievances as they may arise by working in cooperation with the employee and his/her supervisor and program manager.
- E. **A Pursuant to ORS 243.798. a** ~~Steward or Union Officer who represents a grievant at a meeting called by management to discuss~~ **may represent a union member for a reasonable period of time for a** grievance pursuant to Article 7, or ~~at a pre-disciplinary~~ **investigation or** hearing pursuant to Article 6, ~~shall be permitted to be present~~ without loss of pay, following reasonable notice to his/her supervisor and Department Head. One (1) representational Steward or Union Officer shall be permitted to be present without loss of pay. To help minimize departmental impact, a Steward or Union Officer working in the department where the grievant or subject of discipline is employed shall be utilized. If there is no Steward or Union Officer in the department, a Steward from a different department may be utilized, if the express written permission of the Department Head of such other department is granted. Such permission may be withheld by the Department Head in the Department Head's sole discretion. The participation of a Steward or Union Officer in a grievance or disciplinary proceeding shall not relieve the Steward or Union Officer of responsibility for meeting all performance standards and requirements relevant to their position.
- F. The County shall allow the Union a reasonable amount of paid time for appointed bargaining team members to bargain a successor contract to this Agreement.

#### Section 4

The County agrees to provide bulletin board space for each work site where Union members regularly perform work for the County to be used exclusively by the Union for the posting of official Union notices. The Union agrees that it will not post material that is profane, obscene or defamatory of the County.

#### Section 5

The County agrees to deduct monthly membership dues from the pay of those individuals who request deductions in writing to the Union. The amount to be deducted shall be certified to the County by the treasurer of the Union, and the aggregate deduction shall be remitted monthly, together with an itemized statement, to the treasurer of the Union.

#### Section 6

The County shall furnish to the Union, monthly, a list of the names, classifications, departments and home addresses of new employees in the bargaining unit. The County shall furnish the Union with a monthly listing of employees who have terminated from the bargaining unit during the previous month.

#### Section 7

Upon request and approval the Union shall be allowed the use of meeting rooms of the County for meetings when such meeting rooms are available and the meeting would not interfere with the business of the County.

#### Section 8

The Union shall have the right to meet with new employees for 30 minutes during the County's New Employee Orientation. If an employee chooses to attend this meeting with the Union, the time spent at the meeting is paid County time.

## **ARTICLE 3 – MANAGEMENT RIGHTS**

### **Section 1**

The County retains all the customary, usual and exclusive rights, decision-making prerogatives, functions, and authority connected with, or in any way incident to its responsibility to manage the affairs of the County and its departments. The County shall have no obligation to bargain with AFSCME with respect to any such subjects or the exercise of its discretion and decision-making with regard thereto. The express provisions of this Agreement constitute the only limitations on the rights of the County to manage the business and affairs of the County. The rights of employees are limited to those specifically limited by the terms of this Agreement. Any subjects covered by the terms of this Agreement and any subject which was or might have been raised in the course of collective bargaining are closed to further bargaining for the term hereof, except as provided in ORS 243.698.

### **Section 2**

By way of illustration, the exclusive prerogatives, functions, and rights of the County shall include the following:

- A. To determine the services to be rendered by the County and its employees to the citizens of the County and State of Oregon.
- B. To direct and supervise all operations, functions and policies of the County in which employees are employed.
- C. To close or liquidate an office, branch, operation or facility, or combination of facilities, or to relocate, reorganize or combine the work of divisions, branches, operations or facilities.
- D. To determine the need for a reduction or an increase in the work force.
- E. To determine the method and manner under which a reduction in work force will be performed, consistent with specific provisions of this Agreement.
- F. To implement new, and to revise or discard, wholly or in part, old methods and procedures.
- G. To assign and distribute work.
- H. To assign shifts, workdays, hours of work and work locations, consistent with specific terms of this Agreement.
- I. To designate and to assign all work duties.
- J. To introduce new duties and to revise job descriptions and duties, consistent with specific terms of this Agreement.
- K. To determine the need for new employees, transfers and promotions.
- L. To determine the qualifications for employees, as well as for transfers and promotions.
- M. To discipline, suspend, demote or discharge an employee as defined in Article 6 of this Agreement.



- N. To establish, revise and implement standards for hiring, classification and promotion.
- O. To provide as the County determines necessary, and in its sole discretion any furnishings, fixtures and equipment to be used and any matters concerning limitations or conditions for their use.
- P. To maintain order and efficiency in its work sites, facilities and operations.
- Q. To make such reasonable rules and regulations, not in conflict with this Agreement, as the County may from time to time deem best for the purposes of maintaining order, safety, and/or effective operation of County facilities, and after advance notice thereof to AFSCME and employees, and to require compliance therewith by employees.

### Section 3

Any of the rights, powers, authority and function of the County had prior to the negotiation of this Agreement are retained by the County and the expressed provisions of this Agreement constitute the only limitations on the rights of the County to manage the business of the County. Should the County not exercise the rights, powers, authority and functions reserved to them, or should they exercise them in a particular way, such conduct shall not be deemed a waiver of said rights, powers, authority and functions by the County, nor shall such conduct be deemed or considered a waiver of their right to exercise them in some other way not in conflict with a specific provision of this Agreement. Any agreement between the County and the Union that is not reduced to writing and signed by both parties shall be deemed to have not existed.

## **ARTICLE 4 – NON-DISCRIMINATION**

### Section 1

Deschutes County and the Union agree not to discriminate against any employee because of race, color, sex, gender identity, age, national origin, marital status, religion, political affiliation, physical or mental disability, Union membership or non-membership or any other classification protected by Oregon or Federal law.

### Section 2

The terms of this Agreement shall be applied equally to all members of the bargaining unit.

## **ARTICLE 5 – PROBATIONARY, TEMPORARY AND SEASONAL EMPLOYEES**

### Section 1

Every new employee shall serve a probationary period of twelve (12) months unless extended by mutual written agreement.

### Section 2

Employees who are promoted or moved to a different job classification within his/her department or to a different department, or transferred to a different department within the same classification shall be required to serve a 12 month probationary period unless modified by mutual written agreement.

### Section 3

Each employee shall be evaluated during his/her probationary period, with one at six (6) months, and one at twelve (12) months, unless modified by mutual agreement between the employee and his/her Department Head. If an employee's performance is not satisfactory, he/she shall be given notice of the areas of his/her deficiencies. An employee shall advance to the next step of his/her pay grade upon satisfactory completion of

his/her probationary period and has received an overall “effective, meets standards” or better performance evaluation. (Please see Article 8, Section 3(B) for timelines).

#### Section 4

Any employee who is terminated during his/her probationary period shall be given written notice of their termination.

#### Section 5

Disciplinary action for probationary employees, including termination of employment, is not subject to the grievance procedure.

#### Section 6

Temporary employee has the meaning provided in Deschutes County HR-Personnel Rules Section 2.010.

Seasonal employee means an employee used for the purpose of meeting short-term work load needs of the County. Seasonal employment shall not normally exceed 1,036 hours per fiscal year.

### **ARTICLE 6 – DISCIPLINE AND DISCHARGE**

#### Section 1

The principles of progressive discipline shall be used except when the nature of the problem requires more serious action. An employee shall not be disciplined or discharged without just cause.

#### Section 2

Discipline shall consist of one of the following:

1. **Documented** Oral warning
2. Written reprimand
3. Suspension without pay
4. Demotion
5. Discharge

#### Section 3

Disciplinary action shall be accomplished in a manner which affords the employee the most protection possible from embarrassment before other employees and the public.

#### Section 4

A union representative shall be allowed to be present, at the employee's request, at any meeting between the employee and the supervisor (or investigator), in which the employee reasonably believes that discipline may result from the meeting and/or investigation.

#### Section 5

When the County intends to take disciplinary action involving suspension without pay, demotion or discharge, the County shall notify the employee and the Union President and Council Representative in writing of the charges against the employee and the proposed disciplinary action and shall provide the employee with the opportunity to respond to the charges at a hearing with the supervisor or person having authority to impose the proposed disciplinary action.

#### Section 6

When the County imposes disciplinary action involving suspension without pay, demotion, or discharge, the County shall provide the Union President and Council Representative a copy of the notice of imposed discipline.

### **Section 7**

**When the County imposes disciplinary action of a documented oral warning, the employee has the option to submit a written rebuttal within fifteen (15) days of issuance of the documented oral warning to the Human Resources Department for the rebuttal to be attached to the documented oral warning in the employee's personnel file. No response or further action is required by the County as it relates to the employee's rebuttal.**

## **ARTICLE 7 – GRIEVANCE PROCEDURE**

### **Section 1**

The County will promptly consider and respond to employee grievances. The County and the Union prefer to correct the causes of grievances informally and encourages both supervisors and employees to resolve problems as they arise.

- A. A grievance is defined as an allegation that a specific provision of this Agreement has been violated and results in harm to an employee.
- B. A day is defined as a calendar day.
- C. An employee, at his or her discretion may elect to be represented by the Union at any step of the grievance procedure.
- D. Oral warnings are not subject to the grievance procedure.
- E. Performance evaluations can only be grieved through Step II of the grievance procedure.
- F. Written reprimands can only be grieved through Step III of the grievance procedure.
- G. In an effort to provide for resolution of disputes, the parties agree to the following procedures:

Step I: Any employee claiming a breach of any specific provision of this Agreement (“grievant”) shall refer the matter, in writing, to their immediate supervisor outside the bargaining unit within ~~fifteen (15)~~ **twenty-one (21)** days from the occurrence of the alleged breach. The grievance shall, at minimum, contain the following:

- Specific Article(s) and Section(s) of the Agreement alleged to have been violated.
- Alleged harm to the grievant.
- An explanation of the facts and issues related to the grievance.
- The specified remedy requested.
- The signature of the grievant or grievants.

The supervisor shall respond to the grievance in writing as quickly as possible, but no later than ~~fifteen (15)~~ **twenty-one (21)** days after the grievance is received by the supervisor.

- Step II. If the grievance is not fully settled at Step I, it shall be reduced to writing, dated, signed by the grievant or grievants, and be presented by the grievant or grievants or Union representative to the Department Head within fifteen (15) calendar days after the supervisor's response is given, not including the date of the response. The Department Head shall respond in writing to the grievance within fifteen (15) calendar days of the date of the presentation of the written grievance, not including the date of presentation. The Step II grievance shall be consistent with the Step I grievance unless the grievant(s) can demonstrate that new information or evidence pertinent to the grievance was not available or discoverable at Step I.
- Step III. If the grievance is not settled at Step II, the written grievance shall be presented by the grievant or grievants, along with all pertinent correspondence, records and information, to the County Administrator within fifteen (15) calendar days after the Department Head's response is given, not including the date of the response. The County Administrator may meet with the grievant, grievants or Union Representative, the immediate supervisor, and the Department Head. The County Administrator shall respond to the grievance in writing within fifteen (15) calendar days after the date of presentation of the written grievance, not including the date of presentation. The Step III grievance shall be consistent with the Step I grievance unless the grievant(s) can demonstrate that new information or evidence pertinent to the grievance was not available or discoverable at previous steps.
- Step IV. If the grievance of a suspension without pay, demotion, discharge, or loss of a property right is not settled at Step III, the grievance shall be submitted in writing to the Board of County Commissioners within fifteen (15) calendar days after the County Administrator's response is given, not including the date of the response. If the grievance relates to the suspension without pay, demotion, discharge, or loss of property right of an employee, the Board will hold a hearing if requested by the Union before issuing a response. If a hearing is not requested by the Union, the Board, at the Board's discretion, may hold a hearing before issuing a response. If an employee has been suspended without pay, demoted, discharged, or suffered a property right loss, a representative from AFSCME shall be allowed to take part in the hearing before the Board, and allowed to make comments and recommendations to the Board. The decision of the Board shall be final and binding. However, either the Board or the Union may request advisory (non binding) arbitration prior to the Board hearing. The Step IV grievance shall be consistent with the Step I grievance unless the grievant(s) can demonstrate that new information or evidence pertinent to the grievance was not available or discoverable at previous steps.

### Section 2

If the grievance procedures established by this Section are not signed by the grievant or grievants and initiated within the required time limits, the grievance shall be considered not to have existed.

### Section 3

If the County fails to respond to any grievance within the time limit prescribed for such response, the grievance shall automatically advance to the next step.

### Section 4

The time limits for the initiation and completion of the steps of the grievance procedure may be extended by mutual consent of the parties involved. Mutual consent should be indicated in writing, and signed by all parties involved.

Section 5

No employee can be disciplined or discriminated against in any way because of the employee's use of the grievance procedure.

**ARTICLE 8 – SALARY ADMINISTRATION**Section 1

Pay for employees in the bargaining unit shall be in accordance with the Deschutes County Position and Grade Step Listing.

Section 2

**Deschutes County defines its pay period from the twenty-second day of the month through the twenty-first day of the following month, with payment for that period to be made on the last business day of the month.**

~~A. Deschutes County has historically defined its pay period as the first day of the month through the last day of the same month, with payment for that period made on the last business day of the month. As a result, there is no lag time to process payroll and employees are required to project future hours for time keeping purposes.~~

~~A. In order to build in a lag time to process payroll and to reduce the need for employees to project their future hours,~~ Deschutes County shall have discretion to change the pay period. By way of example only, one option is ~~for~~ **the recent changes to** the pay period to run from the twenty-second day of the month through the twenty-first day of the following month, with payment for that period to be made on the last ~~work~~ **business** day of the month (9-10 days after expiration of the pay period). If the last day of the month falls on a holiday or a weekend, payday for that pay period will be the last ~~work~~ **business** day preceding the holiday or weekend.

B. Deschutes County will provide employees with at least 90-days' notice before changing the pay period or changing pay to actual hours worked. County will also develop a transition plan to assist employees with transitioning to a new pay period. The transition plan will include, at a minimum: providing budgeting classes to employees and allowing employees to sell back additional TML as necessary to make up for a shortened pay period during the transition.

Section 3

- A. Employees shall be eligible for annual merit increases on their eligibility date provided that the employee is not at the top step of the salary range of ~~his/her~~ **their** classification.
- B. Every employee shall receive a performance evaluation at least annually by the employee's eligibility date. The eligibility date is based on hire date as follows: If hired on the first of the month through the 15<sup>th</sup> of the month – the performance evaluation will be completed within the month of hire and will be retroactive to the 1<sup>st</sup> of the month. If hired on the 16<sup>th</sup> of the month through the end of the month – the performance evaluation will be completed by the end of the following month and will be effective retroactive to the first of the month. Annual merit increases shall not be withheld unless an employee's overall performance as stated on the evaluation form is "unsatisfactory". If the employee's performance evaluation appraisal is not completed by his/her eligibility date, he/she will receive his/her merit step increase.
- C. **Certificate/Licensure Duty Implementation**

**Job duties associated with obtaining a certificate or licensure shall not be assigned or required until the corresponding pay increase is implemented. Employees shall not be expected to perform duties requiring a specific certification or license unless and until they receive the compensation designated for that level of qualification.**

#### Section 4

Full-time employees who have worked continuously for the County shall receive additional pay per month for each five years of continuous service as outlined below. Longevity pay will be pro-rated for part-time employees based on their percentage of full-time employment.

For Fiscal Year ~~21-22-25-28~~ **Fiscal Year 25/26**, additional pay associated with length of service as described in this Section will be ~~\$87.50~~ **97.50** per month for each five years of continuous service effective the first day of the month following signature by AFSCME and the Board of County Commissioners. **That monthly amount shall increase to the below monthly rates in the following fiscal years:** ~~For the period of July 1, 2021 to the first of the month following signature by AFSCME and the Board of County Commissioners, employees eligible to receive Longevity Pay effective July 1, 2021 will receive a one time lump sum payment equivalent to the differential between additional pay received during those months and the rate agreed to for the period of December 1, 2021—June 30, 2022. This one time lump sum payment shall not impact the employee's FLSA/OT rate for the specified time period and only applies to employees represented by AFSCME on the date the collective bargaining agreement is approved by the Board of County Commissioners.~~

<u>100.00</u>	<u>FY</u>	<u>22/23</u>	<u>26/27</u>
<u>102.50</u>	<u>FY</u>	<u>23/24</u>	<u>27/28</u>
<u>\$105.00</u>	<u>FY</u>	<u>28/29</u>	
<u>\$107.50</u>	<u>FY</u>	<u>29/30</u>	

#### Section 5

The County, at the County's sole discretion, may designate specific employees who are fluent in English and another language (including, without limitation, sign language) to be translators/interpreters and to provide services in a language other than English – additional compensation shall be granted to designated employees for translation services as follows:

1. Regular FTE, Tier I: **The employee will receive two hundred fifty dollars (\$200250)** \$150 per month
2. Regular FTE, Tier II: **The employee will receive three hundred seventy-five dollars (\$300375)** \$250 per month
3. Regular FTE, Tier III: **The employee will receive four hundred twenty-five dollars (\$425) per month**
4. Regular ½ to ¾ time, Tier I: **The employee will receive one hundred (\$100125)** \$75 per month
5. Regular ½ to ¾ time, Tier II: **The employee will receive one hundred fifty eighty-eight dollars and fifty cents (\$150188.850)** \$125 per month
6. Regular ½ to ¾ time, Tier III: **The employee will receive two hundred thirteen dollars (\$213.00)** \$125 per month
7. ~~Undesignated employees who have the ability to communicate in a language other than English and who are directed by a supervisor to serve as a translator/interpreter shall receive additional compensation in the amount of twenty dollars (\$20) per day on any day they are utilized for translation services.~~

<u>Stipend Levels</u>	<u>Determining Assessment Skill</u>	<u>Stipend</u>
<u>Tier 1</u>	<u>Speaking/Listening</u>	<u>\$250/\$125</u>
<u>Tier 2</u>	<u>Speaking/Listening + Interpretation and Translation</u>	<u>\$375/\$188</u>
<u>Tier 3</u>	<u>Speaking/Listening + Industry-standard certification</u>	<u>\$425/\$213</u>
	-	
	-	

Such persons shall be proficient in the needed second language. It shall be at the sole discretion of the County to select persons for bilingual compensation and to decrease or eliminate the compensation should the County determine the need for translation no longer exists. Nothing in this Agreement shall preclude the County from using persons other than those designated for second language communication.

The County retains the right and total discretion to choose the positions to which the additional compensation is granted, and to determine such test or other certification process that must be successfully completed for an employee to qualify as bilingual for purposes of this Section.

#### Section 6

Shift differential pay of \$1.00 per hour shall be paid to employees who work a full night shift (currently scheduled as midnight to 8:00 a.m.). Shift differential pay is for eight (8) hours only. If eligible, the employee will receive overtime pay based on regular rate of pay.

Employees working in Juvenile Community Justice will be eligible for shift differential pay for any hours worked in a night shift as determined by department scheduling. Department scheduling and night shift hours may be changed at management's sole discretion; changes and impact on night scheduling will be communicated to employees prior to implementation.

Employees working in Health Services and assigned to work in the Stabilization Center will be eligible for shift differential pay for any hours worked in a night shift as determined by department scheduling, at management's sole discretion. Department scheduling and night shift hours may be changed at management's sole discretion; changes and impact on night scheduling will be communicated to employees prior to implementation. As used in this paragraph, the term "night shift" has its own meaning as determined by Health Services management in its discretion, and is separate and distinct from the Juvenile Community Justice "night shift," which is used elsewhere in Section 6.

### **ARTICLE 9 – STANDBY AND CALL BACK TIME**

**Standby Pay:** Is defined for the purpose of this Agreement as time an employee must be able to be contacted by telephone, cellular phone, or pager. The employee must be able to respond within a time frame determined by the Department Head. Compensation to employees will be two (2) hours per day at their current hourly rate. **Members working in positions classified as Exempt under the FLSA are not eligible to receive additional compensation for standby pay as outlined in this section. Notwithstanding, Exempt employees who are assigned to a standby program shall be provided standby pay.**

**Work from Home:** Any work performed by telephone, or by telecommunications, from home as a result of a standby call will be paid in accordance with the FLSA. If a member conducts work from home pursuant to this section while being designated for Standby Pay, compensation for work conducted at home will be paid in addition to Standby Pay as described. Members working in positions classified as Exempt under the FLSA are not eligible to receive additional compensation for performing work from home as outlined in this section.

**Call Back:** Is defined for the purpose of this Agreement as that time an employee spends beyond their normal work schedule as a result of being called back into the work place due to an emergency and/or special circumstances. If a member is called back to conduct work pursuant to this section during a period in which they are designated for Standby Pay, compensation for work conducted will be paid in addition to Standby Pay as described. Members working in positions classified as Exempt under the FLSA are not eligible to receive additional compensation for performing call back work as outlined in this section.

**The County will not provide home internet stipends to employees.**

## **ARTICLE 10 – HOURS OF WORK**

### **Section 1**

The workweek is defined as seven (7) days within a calendar week. The standard work week for Deschutes County is Sunday through Saturday. The County may establish an alternate work week to address flexible work schedules as referenced in Section 2(C). An alternate work week must be established in writing and submitted to the ~~County Administrator~~ **Department Head** for approval.

### **Section 2**

- A. A regular work schedule is a work schedule with the same starting and stopping time on five (5) consecutive eight (8) hour shifts, with two (2) consecutive days off.
- B. An alternate work schedule is a work schedule with the same starting and stopping times on four (4) consecutive ten (10) hour shifts, and three (3) consecutive days off.
- C. A flexible work schedule is a work schedule which varies the number of hours worked on a daily basis, but not necessarily each day, and may vary the number of days worked on a weekly basis, but not necessarily each week, but which in no way conflicts with the Fair Labor Standards Act.
- D. Work schedules shall be determined by the ~~Department Head~~ **Program Manager**, subject to approval by the **Department Head** ~~County Administrator~~.

### **Section 3**

Established regular work schedules will not be changed with less than ten (10) working days advance notice, unless the operating needs of the County require it or an employee voluntarily agrees to the change and an earlier implementation date.

### **Section 4**

Each employee shall be granted an uninterrupted rest break of fifteen (15) minutes for each one-half (1/2) shift. The rest breaks shall be scheduled as near the midpoint of each one-half (1/2) shift as possible.

### **Section 5**

All full time employees shall be permitted a non-duty meal period during their work shifts. Non-duty meal periods shall be no less than thirty (30) minutes and shall be scheduled in the middle of the work shift as



possible. In the event that business needs require an employee to remain on-duty during a meal period, this meal period will be paid in accordance with applicable state and federal regulatory requirements.

#### Section 6

Nothing in this Article shall be construed as a guarantee of hours.

### **ARTICLE 11 – OVERTIME AND COMPENSATORY TIME**

#### Section 1

All non-exempt employees shall be compensated at the rate of one and one-half (1 ½) times their regular rate of pay for all hours worked in excess of 40 hours during the regularly scheduled workweek. Hours worked shall include paid holidays, vacation, and compensatory hours which are authorized and scheduled in advance in accordance with Departmental business needs. Sick leave hours will not count as hours worked in overtime calculation. The specific application of this section shall be governed by Deschutes County Policy No. HR-04 Overtime Compensation and Compensatory Time. The County shall not modify the version of Policy No. HR-04 in place when this contract takes effect without first providing the Union with at least 14 days prior written notice and an opportunity to bargain the modification. Upon timely demand the County and the Union shall bargain the modification. Failure by the Union to demand to bargain within such 14 days shall be deemed a waiver of the opportunity to bargain the modification.

#### Section 2

By mutual agreement, a non-exempt employee may receive compensatory time off at the rate of one and one-half (1 ½) hours for each overtime hour worked in accordance with Section 1. Compensatory time accrual shall not exceed 80 hours.

#### Section 3

Overtime shall be approved in advance by an employee's supervisor. Exceptions for documented emergencies will be made.

#### Section 4

Subject to operational needs, the County shall attempt to offer overtime opportunities as equally as possible among qualified employees in the department where overtime work is needed.

#### Section 5

When possible and within budget constraints, the Department Head will honor the non-exempt employee's request regarding the method of compensation, either compensatory time off, or overtime pay.

### **ARTICLE 12 – WORKING-OUT-OF-CLASS AND LEAD PAY**

#### Section 1

The County agrees to compensate an employee assigned in writing to temporarily assume the major distinguishing duties of a position in a higher classification, where such an assignment is for ten (10) consecutive work days or more at a compensation rate of 5%, 7.5%, or 10% differential, or at any step of the higher salary range which provides at least a 5% pay increase to be determined by the Department Head based upon the assigned duties and approved in advance by the County Administrator. The additional compensation shall be retroactive to the first day of the assignment.

#### Section 2

When an employee is directed and authorized in writing by the Department Head/supervisor to perform lead work functions defined as follows:

A lead worker is an employee delegated limited lead and/or coordination of duties by his/her Department Head. Limited duties include distribution of work assignments, maintaining a balanced workload among a group of employees, reviewing completed work and maintenance of records of work.

He or she will receive a 2.5%, 5%, 7.5%, or 10% differential, to be determined by the Department Head for all hours worked while performing those duties. Lead pay must be approved in advance by the County Administrator.

### Section 3

If an employee believes that he/she is working significantly outside his/her classification, he/she may request that his/her job be reviewed for a reclassification. Requests for reclassification review must be made through the employee's Department Head. In the event a reclassification is approved by the County Administrator (per Deschutes County HR-Personnel Rules 1.040, Section C), it will be retroactive to the 1<sup>st</sup> of the month following the day the employee submitted a completed Job Description Questionnaire (available through HR) to their supervisor initiating the request.

## **ARTICLE 13 – VACANCIES**

### Section 1

Normally, all job vacancies that the County intends to fill shall be posted in the Human Resources Department and over the County Intranet for a minimum of seven (7) calendar days. In the event of an unanticipated business need, vacancies may be posted for fewer than seven (7) calendar days. Whenever possible, job announcements for such vacancies shall be sent to each department for posting for no less than ten (10) days.

### Section 2

The decision to hire, transfer, assign and promote employees shall be based on skill, ability, qualifications, recency of experience, training, length of service and work performance record. In recognition of seniority, the senior employee shall have preference if all the foregoing factors are equal in the sole judgment of the County.

### Section 3

Department employees who apply for a position opening within their department shall be entitled to an interview provided they meet the minimum job qualifications as determined by the Department Head, and have an overall rating of at least "Effective – Meets Standards" on the employee's most recent performance evaluation.

### Section 4

County employees who apply for a position and do not receive it, shall be given the reason for their non-selection should the employee request a reason.

## **ARTICLE 14 – ASSIGNMENT OF PERSONNEL**

### Section 1

The decision to hire, transfer, assign, promote and layoff employees shall be based on skill, ability, qualifications, recency of experience, training, length of service and work record. In recognition of length of service, the senior employee shall have preference if all the foregoing factors are equal in the sole judgment of

the County. The County shall make every effort to transfer laid off employees into any vacant position for which they are qualified. Employees shall be notified of layoff at least thirty days in advance of lay off.

### Section 2

Employees shall be eligible for recall for a period of eighteen (18) months. Employees shall be notified of recall in writing, and shall have ten (10) calendar days in which to respond. The County will make every effort to place laid off employees in any other position for which they are qualified.

### Section 3

Employees transferred or promoted out of the bargaining unit shall not accumulate seniority while out of the bargaining unit. Any such employee subsequently returned into a bargaining unit position, in the same department, shall be entitled to have their frozen seniority restored, which was earned in the bargaining unit.

### Section 4

There are times when an employee transfers to a different position in another department, but remains in the same classification. In these cases, efforts will be made to transfer the employee as soon as possible, while taking into account the operational needs of both departments. The transfer timelines will be agreed upon by supervisors of both affected departments. If the supervisors cannot agree on a timeline, it will be elevated to the department heads of the affected departments to finalize.

## **ARTICLE 15 – PERFORMANCE EVALUATIONS**

### Section 1

Each employee shall receive a performance evaluation prepared by his/her immediate supervisor or Department Head at least annually according to the time lines in Article 8, Section 3(B) of this Agreement. The rater shall discuss the performance evaluation with the employee. The employee shall have the opportunity to provide his/her comments to be attached to the performance evaluation. The employee shall sign the performance evaluation and that signature shall only indicate that the employee has read the performance evaluation. A copy of the performance evaluation shall be provided to the employee at the time of the evaluation.

### Section 2

Classification/Job Description specifications shall be provided to the employee upon hiring and be made available to the employee for review. If classification/job descriptions are changed employees will be made aware of the change and the revised description will be made available to the employee for review.

## **ARTICLE 16 – LONGEVITY AND LENGTH OF SERVICE**

### Section 1

Length of service is determined by the length of an employee's continuous full-time or part-time service with a County Department.

### Section 2

Longevity is determined by an employee's continuous full-time or part time service as a County employee.

### Section 3

For employees working less than full time, longevity pay shall be pro-rated by the number of hours for which the employee was hired to work.

Section 4

Accrued length of service and/or longevity shall terminate in the event of the following:

1. Voluntary termination for greater than three (3) months except under special circumstances to be determined by the County.
2. Discharge for cause.
3. A lay-off period of more than eighteen (18) months.
4. Failure to report to work at the termination of a leave of absence.
5. Acceptance of employment without permission while on leave of absence.
6. Retirement.

Section 5

Time off during layoff period shall not count toward length of service or longevity accrual.

## ARTICLE 17 – HOLIDAYS

Section 1

The following shall be recognized as paid holidays:

New Year's Day  
 President's Day  
 Martin Luther King's Day  
 Memorial Day  
Juneteenth  
 Independence Day

Labor Day  
 Veteran's Day  
 Thanksgiving Day  
 Christmas Day  
 One (1) Floating Holiday

Whenever a holiday falls on Sunday, the following Monday shall be considered a holiday. If a holiday falls on Saturday, the preceding Friday shall be a holiday. If an employee works on the actual holiday that falls on a Saturday or Sunday, that day would be the employee's holiday and they will be paid in accordance with Article 17, Section 3 for that day only. In no event shall an employee receive holiday pay for both the observed and actual holiday. Holidays that occur during paid vacation or sick leave shall not be charged against vacation or sick leave. In order to qualify for holiday pay, employees must work their entire, normal workdays before and after the holiday or be on authorized leave of absence with pay.

Section 2

Full time employees shall be compensated at the straight time rate of eight (8), hours for each recognized holiday. Employees working an alternative schedule of 9 or 10 hours have the choice to: a) revert to a 5/8 schedule during the week in which the holiday occurs, or; b) use accrued time management leave, comp time, or other accrued paid time off to equal 40 hours for the week. The choice of reverting to a 5/8 schedule or using accrued leave shall be approved in advance by the supervisor or Department Head.

All part time employees (half time or more) shall be compensated at the straight time rate on a prorated basis (based on an 8-hour work day) for each recognized holiday.

Section 3

Work performed by non-exempt employees on holidays which fall within the regular work schedule shall be considered as overtime work, and the employees who work on such holidays will be granted time off or compensation pay on the basis of time-and-one-half for the hours worked in addition to their regular holiday pay.

Section 4

Full and part time employees who have recognized holidays falling on their days off will be credited with straight time off for these holidays in a “holiday leave bank”, or have the holiday paid as additional hours if mutually agreed on between the employee and Department Head. Holiday leave bank accounts shall not exceed 60 hours.

Section 5

The floating holidays can be used any time during the calendar year by mutual consent between the employee and the supervisor or Department Head. New employees shall be employed six (6) months before they are eligible for the floating holiday. Floating holidays cannot be carried over from year to year. Employees will not receive pay at the time of termination of employment for any unused floating holiday.

## **ARTICLE 18 – TIME MANAGEMENT**

The specific application of this section will be governed by the Time Management Program. (Appendix A of this Agreement).

Section 1

Regular full-time and regular part-time employees can use their accrued leave as soon as it is accrued after receiving authorization from their Department Head. Leave accrual for regular part-time personnel is computed on a pro-rated basis based on authorized FTE. Time Management Leave offered to full and part-time regular employees as articulated in this article and Appendix A – Time Management AFSCME represent substantially equivalent paid sick time benefits in compliance with the Oregon Paid Sick Time Law (“OPST”) as defined by ORS 653.601 through 653.661. Rules for employee accrual and use of paid time under OPST will be consistent with Deschutes County Administrative Policy HR-18 - Oregon Paid Sick Time.

Section 2

Leave accrues while an employee is on leave with pay, but not while on leave without pay. No employee can be granted leave without pay until after all forms of accrued leave have been exhausted.

Section 3

When an employee is transferred or appointed to another department, all of his/her leave will be assumed by the new department.

Section 4

An employee who terminates his/her employment is entitled to cash compensation in lieu of leave. In case of death, compensation for accrued leave will be paid in accordance with state law.

Section 5

Department Heads shall establish staffing schedules to provide for requested leave for employees, and employees are to take leave at the time scheduled. A record of time taken shall be kept on file in the department. Such schedules may be amended to meet work emergencies. In establishing regular schedules, Department Heads shall give due consideration to the desires of individual employees while weighing the work requirements of the department. Whenever possible, longevity shall prevail where there is a conflict between two or more employees wanting the same time off for vacation purposes.

Section 6

At least once each year, all regular employees must be allowed to take five (5) days consecutively if accrued.

## ARTICLE 19 – SICK LEAVE

### Section 1

When an employee is physically unable to perform duties because of illness or injury, the employee shall notify his/her immediate supervisor as soon as possible prior to the beginning of his/her shift. At the request of the immediate supervisor or other superior, the employee will obtain certification from an attending physician, documenting the nature and period of illness.

### Section 2

This Section applies only to those employees who have time in the sick leave bank. Sick leave bank may be used only after the employee has been absent for an equivalent of at least three full days within the prior 30-day period for qualifying sick leave. Sick leave bank hours shall be used only for the following:

1. Illness or injury.
2. Medical or dental care.
3. Exposure to contagious disease under circumstances by which the health of fellow employees or the public would be endangered.
4. FMLA/OFLA/PLO qualifying leave in accordance with State and Federal Family Medical Leave laws.
5. Death of a family member which qualifies for as defined by FMLA/OFLA Bereavement Leave. ~~Up to five working days in succession per occurrence may be used for these purposes with no mandatory use of time management leave first if the employee has a sick bank account. Either time management or sick bank leave must be used. An additional three more days maximum of sick bank or time management may be utilized upon the County Administrator's (HR Personnel Rules 1.040, Section C) approval with Department Head recommendation.~~

### Section 3

Time Management Leave offered to full and part-time regular employees as articulated in Article 18 – Time Management and Appendix A – Time Management AFSCME represent substantially equivalent paid sick time benefits in compliance with the Oregon Paid Sick Time Law (OPST) as defined by ORS 653.601 through 653.661. Rules for employee accrual and use of paid time under OPST will be consistent with Deschutes County Administrative Policy HR-18 - Oregon Paid Sick Time.

### Section 4

Upon written application for an employee, leave without pay may be granted by the Department Head subject to final authorization by the County Administrator (per HR-Personnel Rules Section 10.030) for a reasonable period of disability after earned leave and FMLA/OFLA leave have been exhausted. In no instance shall such leave without pay exceed six months.

### Section 5

The County will allow sick bank rollover in accordance with the rules established by PERS.

### Section 6

#### A. Bereavement Leave Allocation

1. Employees shall be entitled to sixteen (16) hours of bereavement leave per occurrence to grieve and address matters related to the death of an immediate family member.
2. “Immediate family member” is defined as spouse, registered domestic partner (as defined by Oregon law), parent (to include step), child (to include step), brother (to include step),

**sister, (to include step), mother-in-law, father-in-law, grandparent, grandchild, and any member of the employee's immediate household.**

3. **The initial sixteen (16) hours of bereavement leave shall not require the use of accrued time off. Any additional time off beyond sixteen (16) hours may be charged to accrued time off.**

## **ARTICLE 20 – LEAVES OF ABSENCE**

### **Section 1**

Full-time and part-time employees shall be granted leave with full pay, computed on the basis of their normal number of working hours per day, at the employee's regular straight-time hourly rate, any time they are required by summons or subpoenas to report for jury duty or jury service. An eligible employee shall endorse any fee, excluding mileage, to the County as a condition to receipt of jury pay.

### **Section 2**

Leave credit shall continue to accrue to those employees who are on leave with pay. For the accumulation of leave credit and the granting of leave, computation shall be made in hourly or partial hour units. Deductions shall not be made from leave accumulations for regularly assigned days off, or County holidays occurring during a period of leave with pay if the employee returns to work on the first day thereafter or has been granted additional leave.

### **Section 3**

Employees shall be entitled to family medical and parental leave in accordance with Federal and Oregon law.

### **Section 4**

An employee who has served with the County for at least six months and who is a member of the National Guard or the reserve of any branch of the U.S. Military is entitled to military leave not to exceed fifteen (15) work days per Federal fiscal year. Such leave will be granted without loss of time, pay or other leave and without impairment of merit rating or other rights or benefits. Military leave with pay may be granted to personnel with bona fide military orders and shall not be paid if the employee does not return to his/her position immediately following the end of the approved duty period. Department Heads are required to report employees on leave on the payroll time and leave worksheets. Copies of military orders shall be placed in the employee's personnel file. Military leave without pay will be granted to employees for performance of military service, pursuant to bona fide military orders, in accordance with the provisions of Oregon State law and the provisions of the Uniformed Service Employment and Reemployment Rights Act of 1994, as amended. Employees may, but are not required to, use accrued and unused time management leave for any period of military service which is unpaid by the County.

### **Section 5**

After completing one year of continuous service, a regular full-time employee, upon written request may be granted a leave of absence without pay by the County Administrator (with departmental approval) for the purpose of upgrading his/her professional ability through enrollment in educational courses at an accredited school. The period of such leave of absence may not exceed one year, but may be renewed or extended upon request of the employee and approved by the County Administrator. After the expiration of such educational leave of absence, the employee shall normally be returned to his/her same job classification and same salary step.

### **Section 6**

Employees may be granted time off with pay for educational purposes to attend conferences, seminars, briefing sessions, training programs and other programs of a similar nature required or approved by the employee's Department Head. Subject to the supervisor's discretion and with prior supervisory approval, and so long as doing so does not negatively impact the quality, timing, or amount of work expected of the employee, schedules or customary work hours of exempt employees may be adjusted to attend work related training or educational courses or events.

#### Section 7

Leave with pay shall be granted for actual work time missed for an appearance on the County's behalf, connected with his/her official duties before a court, legislative committee, judicial or quasi-judicial body as a witness if required by the County. Employees shall return to the County any compensation, excluding mileage, received as a result of such duty.

#### Section 8

Special leave is a provision created to accommodate natural disasters and life threatening situations. If there is a building emergency, a bomb threat or a natural disaster, special leave may be granted to County employees by Board decree. Such leave does not affect an employee's earned leave.

#### Section 9

An employee's Department Head may grant a leave of absence without pay not to exceed thirty calendar days. Leave of absence without pay for periods in excess of thirty days must be approved by the County Administrator.

#### Section 10

Leaves of absences without pay may not be granted until all accrued leave has been exhausted.

### **ARTICLE 21 – HEALTH AND WELFARE**

#### Section 1

Health Insurance is to include the following:

- Medical Insurance
- Vision Insurance
- Dental Insurance
- Prescription Drug Insurance
- Orthodontic Insurance

#### Section 2

Other insurance is to include the following:

- Employee life insurance
- Dependent life insurance
- Long-term disability insurance
- Unemployment insurance
- Retirement health insurance

#### Section 3



In addition to health insurance and other insurance, the County will make available to AFSCME represented employees a qualified IRS 125 plan.

#### Section 4

**For employees hired prior to August 1, 2025,** the County will provide insurance benefits at the same level and under the same conditions as a regular full-time employee, to retired County employees collecting PERS who have worked for the County for thirty (30) years or more on a full-time basis. This benefit will be provided until the employee reaches the age of sixty-five (65), or until eligible for Medicare. **Employees hired after August 1, 2025 are not eligible for this benefit. The term “full-time basis” as used in this Section 4, shall be interpreted more broadly as to include any month when an AFSCME represented employee of the County in a non-regular status worked an equivalent or greater number of hours when compared to regular full-time employees. Specifically, if the number of hours worked for the County in a given month by a non-regular status AFSCME represented employee equaled or exceeded the number of hours considered by the County at the time to constitute full-time employment, then that month shall count towards the 30 years (or 360 months) required to then receive County-provided insurance benefits at retirement. If the number of hours worked for the County in a given month by a non-regular status AFSCME represented employee were less than the number of hours considered by the County at the time to constitute full-time employment, then that month shall not count towards the 30 years nor shall that month be pro-rated.**

**For employees hired prior to August 1, 2025,** employees who retire from the County with more than fifteen (15) years and less than thirty (30) years of full-time service are eligible to receive a County contribution towards their monthly insurance premiums until age sixty-five (65) or until eligible for Medicare, in accordance with a schedule recommended by the EBAC and approved by the Board of County Commissioners. The schedule of retiree premiums and County contributions shall be posted on the Human Resources Department Intranet site. **Employees hired after August 1, 2025 are not eligible for this benefit.**

#### Section 5

Full-time and part-time (half-time or more) employees will be eligible for benefits in accordance with this contract. Regular, part-time employees (half-time or more) will be required to pay pro-rated premium contributions based on their percentage of hours worked if they elect the Standard plan. If a part-time employee elects the High-Deductible plan, then the premium contribution will be the same as a full-time employee on the Standard plan.

#### Section 6

Workers' Compensation will be paid at the rate mandated by Oregon State Law. Time loss payments begin three (3) calendar days after the employee leaves work or loses wages as a result of a compensable injury.

In case of extreme emergency, the County Administrator may authorize the use of the employee's accrued leave, which shall be the difference between the employee's regular net monthly salary and the amount of Workers' Compensation payment. When an employee receives approval under this section, pro-rated charges will be made against the employee's accrued leave. In no case shall the combined payment exceed the employee's net regular monthly salary rate. In no case will supplemental payments be allowed after an employee becomes eligible for long-term disability benefits. Accrued leave shall not include leave acquired by leave donation.

“Extreme emergency” is defined as:

- Inability to return to work in any capacity for at least four working weeks.
- Demonstrated increase in basic living expenses as a direct result of the injury.

- Extreme hardship, determined by the County Administrator.

### Section 7

The Employee Benefits Advisory Committee including four (4) AFSCME representatives (see Appendix B) shall meet at least eight (8) times per year for the purpose of reviewing program performance and advising the Board of Commissioners on desired changes in Insurance Benefits. The committee shall meet and review any proposed changes to the Insurance Benefits Plan before a change is made.

Health benefits and other insurance will be provided to AFSCME represented employees under the same conditions and restrictions as provided to all other County employees. Coverage may be adjusted or modified by the County after soliciting a recommendation from the County Employee Benefits Advisory Committee.

### Section 8

A health benefits plan document shall be adopted annually by the County following a review by the Employee Benefits Advisory Committee. The per FTE cost of providing the health benefits called for in this plan shall be determined by an actuarial valuation for both a composite rate and a tiered system. The County shall annually, as part of the budget adoption process, establish an employee premium contribution. Monthly employee health insurance premium contributions shall be no greater than nine point five percent (9.5%) of the per FTE cost as calculated by the composite rate. The County reserves the right to establish a tiered system for premium contributions under which different contribution rates may be established for a single employee, employee and spouse/same sex domestic partner, employee and child(ren), or full family benefits. If the County establishes a tiered system for premium contributions, the monthly employee health insurance premium contributions shall be no greater than nine point five percent (9.5%) of the respective tier cost for the relevant enrollment tier.

## **ARTICLE 22 – RETIREMENT**

The County shall be a participant in the Public Employees Retirement System (PERS)/Oregon Public Service Retirement Plan (OPSRP) or its equivalent.

After the employee has completed his/her six full months' employment period and holds a position requiring that the employee work in excess of 600 hours per year, the County shall make contributions to PERS/OPSRP in accordance with levels established for the employee's position. The employees will contribute to PERS/OPSRP in accordance with the state law.

In the event that state law provides for other alternatives, members of AFSCME will be afforded the same options available to non-represented employees.

The County will take appropriate action to have the employee contribution defined as pre-tax in accordance with tax code regulations.

The County will continue to provide a Deferred Compensation plan in compliance with IRC 45. The plan will be available to all AFSCME bargaining unit employees.

## **ARTICLE 23 – TRAVEL EXPENSES**

Reasonable and necessary travel, meal and miscellaneous expense reimbursement will be approved for payment when an employee incurs expenses while acting within the scope of employment with Deschutes County in accordance with Deschutes County Finance Policy No. F-01, or subsequently adopted travel and expense

policy. Compensation while traveling on County business shall be subject to Deschutes County Policy No. HR-15. The County shall not modify the versions of Policies No. F-01 and HR-15 in place when this Agreement takes effect without first providing the Union with at least 14 days prior written notice and an opportunity to bargain the modification. Upon timely demand the County and the Union shall bargain the modification. Failure by the Union to demand to bargain within such 14 days shall be deemed a waiver of the opportunity to bargain the modification.

#### **Notification of Currently Assigned Work Location upon Hire**

**Upon hiring, employees shall be informed in writing of their currently assigned work location at time of hire. An employee's work location can change after time of hire at the sole discretion of the County based on operational needs.**

### **ARTICLE 24 - SAFETY**

#### **Section 1**

The County and the Union agree to cooperate in the continuing objective to eliminate accidents and health hazards.

#### **Section 2**

All employees are encouraged and expected to inform their supervisor of safety concerns in the work place including health and safety issues. It is clearly understood that the County shall take no reprisals against employees for reporting issues to their supervisor or the risk manager.

#### **Section 3**

The County will continue a comprehensive risk management program including approved OSHA safety committees and will review issues reported in Section 2 above. The Union shall be entitled to have a representative on each committee. Minutes from safety committee meetings shall be posted in affected areas.

### **ARTICLE 25 - PROFESSIONAL DEVELOPMENT**

#### **Section 1**

The County shall pay for the professional registration, certification or licensure of all full-time professional staff required to maintain their registration, certification or licensure as a condition of employment and as required by state law. This includes but is not limited to: Public Health Nurses, Environmental Health Specialists, Property Appraisers, Registered Health Information Technicians, Mental Health Clinicians, Building Inspectors, and Notaries Public.

#### **Section 2**

In the event an employee utilizes their license for any private gain and/or any non-county services they shall reimburse the county the full amount expended on their behalf.

### **ARTICLE 26 – RIGHT TO CONTRACT**

The County expressly reserves the right to contract any and all County work and services to non-County employees. The County agrees to fulfill its obligations under the Public Employee Collective Bargaining Act (PECBA) before contracting out any work. The County agrees that it will not contract out services with the purpose to end the Union's representation status.

## **ARTICLE 27 - SEPARABILITY**

In the event that any provision of this Agreement shall at any time be declared invalid by any court of competent jurisdiction or through government regulations or decree, such decision shall not invalidate the entire Agreement, it being the express intention of the parties hereto that all other provisions not declared invalid shall remain in full force and effect.

## **ARTICLE 28 - SCOPE OF AGREEMENT**

### **Section 1**

The Agreement expressed herein in writing constitutes the entire Agreement between the parties. This Agreement shall supersede all previous oral and written Agreements between the County and the employees. It is agreed that the relations between the parties shall be governed by the terms of this Agreement only, no prior agreements, understandings, past practices, existing conditions, prior benefits, oral or written, shall be controlling or in any way affect the relations between the Parties, or the wages, hours and working conditions unless and until such Agreement, understandings, past practices, existing conditions and prior agreements shall be reduced to writing and duly executed by both parties.

### **Section 2**

In the event the County intends to make a unilateral change in a mandatory subject of bargaining as defined by ORS 243, the County agrees to notify the Union and subsequently fulfill its obligation under PECBA prior to making said change.

## **ARTICLE 29 - TERM OF THE AGREEMENT**

This Agreement shall be effective July 1, 2021 ~~25~~, and shall remain in full force and effect through June 30, 202530.

### **Reopener Clause - Article 30 Reopener in Third Year of Contract**

**The parties agree to reopen Article 30 for bargaining during the third year of this Agreement, specifically between January 1 and June 30, 2028. Either party may initiate the reopener by providing written notice to the other party no later than February 1, 2028. Upon such notice, the parties agree to meet within 30 days to commence good faith negotiations over the provisions of Article 30.**

**This reopener shall be limited to the subject matter contained within Article 30, and shall not extend to other articles of the Agreement unless mutually agreed upon by the parties in writing.**

**Any agreements reached as a result of this reopener shall be reduced to writing and incorporated as an addendum to the current collective bargaining agreement.**

## **ARTICLE 30 - WAGES**

~~For Fiscal Year 21-22, there shall be a 1.5% COLA increase effective the first day of the month following signature by AFSCME and the Board of County Commissioners. Employees who are represented by AFSCME on the date the Board of County Commissioners approves the collective bargaining agreement shall receive a one-time lump sum payment as follows:~~

- ~~Time period: July 1, 2021 through the effective date of the COLA.~~
- ~~Number of hours worked and paid time off (such as TML) multiplied by 1.5% of the employee's hourly rate as of July 1, 2021.~~
- ~~This one time lump sum payment shall not impact the employee's FLSA/OT rate for the specified time period.~~

~~For the contract period of July 1, 2022 through June 30, 2023 the wage schedule shall be amended to reflect a COLA equal to the "average 12 month CPI percentage" from the twelve months of the Consumer Price Index for All Urban Consumers (CPI-U), West Region, Size Class B/C cities using each month's CPI 12-month percentage change from February 2021 to January 2022. The CPI% used for each month is the "12-month percent change" meaning the month is compared (for the CPI index) to the same month from the previous year. The CPI Index shall be: All Urban Consumers (CPI-U), West Region, Size Class B/C cities. The COLA shall have a minimum increase of not less than one and a half percent (1.5%) and a maximum increase of not more than three and a half percent (3.5%). Appendix C shows the calculation methodology for an example period.~~

~~For the contract period of July 1, 2023 through June 30, 2024 the wage schedule shall be amended to reflect a COLA equal to the "average 12 month CPI percentage" from the twelve months of the Consumer Price Index for All Urban Consumers (CPI-U), West Region, Size Class B/C cities using each month's CPI 12-month percentage change from February 2022 to January 2023. The CPI% used for each month is the "12-month percent change" meaning the month is compared (for the CPI index) to the same month from the previous year. The CPI Index shall be: All Urban Consumers (CPI-U), West Region, Size Class B/C cities. The COLA shall have a minimum increase of not less than one percent (1.0%) and a maximum increase of not more than four percent (4.0%). Appendix C shows the calculation methodology for an example period.~~

~~For the contract period of July 1, 2024 through June 30, 2025 the wage schedule shall be amended to reflect a COLA equal to the "average 12 month Consumer Price Index (CPI) percentage" using each month's CPI 12-month percentage change from February 2023 to January 2024. The CPI% used for each month is the "12-month percent change" meaning the month is compared (for the CPI index) to the same month from the previous year. The CPI Index shall be: All Urban Consumers (CPI-U), West Region, Size Class B/C cities. The COLA shall have a minimum increase of not less than one percent (1.0%) and a maximum increase of not more than four percent (4.0%). Appendix C shows the calculation methodology for an example period.~~

**Effective July 1 of each year of the contract, the wage schedule shall be adjusted to reflect a Cost of Living Adjustment (COLA) based on the average 12-month CPI percentage. The COLA shall be calculated using the Consumer Price Index for All Urban Consumers (CPI-U), West Region, Size Class B/C cities, by averaging the 12-month percentage changes for the period from January of the preceding year through December.**

**For the contract period of July 1, 2025, through June 30, 2030, the wage schedule adjustments shall be based on the following CPI calculations, subject to a minimum increase of 1% and a maximum increase of 4%:**

- July 1, 2025: Based on the average 12-month percentage changes from January 2024 to December 2024.
- July 1, 2026: Based on the average 12-month percentage changes from January 2025 to December 2025.
- July 1, 2027: Based on the average 12-month percentage changes from January 2026 to December 2026.
- July 1, 2028: Based on the average 12-month percentage changes from January 2027 to December 2027.
- July 1, 2029: Based on the average 12-month percentage changes from January 2028 to December 2028.

The COLA adjustment shall not be less than 1% nor exceed 4% in any given contract year. The adjustment shall be applied annually on July 1 of each contract year.

## ARTICLE 31 – General Provisions

### Section 1. Labor-Management Meetings

- A. Labor-Management meetings shall be held quarterly, if requested by AFSCME.
- B. During these meetings, Labor and Management will collaborate to address concerns and identify potential solutions to workplace issues.
- C. The Union shall inform Management of concerns raised by its members to facilitate discussions and collaborate on potential workplace improvements. This process is intended to support employee retention and enhance working conditions within Deschutes County.
- D. These meetings shall be for informational purposes only and shall not constitute a re-opening of any provision of this Collective Bargaining Agreement (CBA) or any other mandatory subject of bargaining absent mutual written agreement between the parties.

### Section 2. Remote Work Requests

**Any requests for remote work will be considered in accordance with Deschutes County Human Resources Policy HR-6.**

## APPENDIX "A"

## SUBJECT: TIME MANAGEMENT - AFSCME

I. PURPOSE

It is the purpose of the Deschutes County Time Management Program to provide employees with a leave-with-pay program that is easily understood, responsive to individual needs, and easy to administer. This program is also intended to eliminate any abuse of sick leave while rewarding employees for faithful attendance and productivity.

II. SCOPE

This program covers all AFSCME represented employees. Time Management Leave shall accrue in lieu of the following:

- Sick leave (non occupational illness or injury leave) Vacation leave
- Family emergency
- Compensatory time (except as provided in Article 11 and Deschutes County General Policy No. HR-4)
- Paid sick time as defined by the Oregon Paid Sick Time Law ("OPST") (Time Management Leave offered to full and part-time regular employees as articulated in Article 18 Time Management and this appendix represent substantially equivalent paid sick time benefits in compliance with OPST as defined by ORS 653.601 through 653.661. Rules for employee accrual and use of paid time under OPST will be consistent with Deschutes County Administrative Policy HR-18 ~~2--Oregon Paid Sick Time.)~~ **Family and Medical Leave Policy**)

Nonexempt employees who are eligible for 1.5 compensatory time or overtime will still receive such under this program in accordance with the Fair Labor Standards Act. Exempt employees are eligible for flex time under the same terms and conditions applied to non-represented employees in accordance with County Policy HR-7 subject to supervisor or Department Head approval.

III. LEAVE-WITH-PAY PROVISIONS

- A. All employees entering the Time Management Program will be credited with their existing vacation time balance.

Nonexempt employees will earn leave, based on full-time service, in accordance with the following schedule:

Months of Service	Hours of Leave	Earned Leave Accumulation
0 – 48 months	168 hours	14 hrs/month
49 – 108 months	192 hours	16 hrs/month



109 – 168 months	216 hours	18 hrs/month
169 – 228 months	240 hours	20 hrs/month
229 – 288 months	264 hours	22 hrs/month
289+ months	288 hours	24 hrs/month

Exempt employees will earn leave, based on full-time service, in accordance with the following schedule:

Months of Service	Hours of Leave	Earned Leave Accumulation
0 – 48 months	216 hours	18 hrs/month
49 – 108 months	240 hours	20 hrs/month
109 – 168 months	264 hours	22 hrs/month
169 – 228 months	288 hours	24 hrs/month
229+ months	312 hours	26 hrs/month

- B. For regular part-time employees, all reference to time accrual or usage in the Time Management Program shall be prorated according to the percentage of full-time equivalency authorized for the position.
- C. During the course of the year, absence from work for any reason other than on-the-job illness or injury covered by Workers Compensation or paid holiday shall be charged against “earned leave” except as provided in Section IV.B. of this policy. Earned leave shall accrue whenever an employee is on paid status with the County. Employees do not accrue earned leave when on leave without pay.
- D. An employee may accumulate earned leave, including the previous vacation balance, if any, to a maximum of twice the annual time management accumulation. ~~On March 31~~ **During the July payroll period** of each year, any employee credited with accrued time management leave greater than twice the annual accumulation shall have the amount above the maximum accumulation transferred to their sick leave bank account. If the employee does not have a sick-bank account, an account will be established for the employee. An employee who has acquired the maximum allowable accumulation of time management leave may continue to accumulate earned leave for the balance of the following year in which the maximum accrual was reached, provided that the employee take sufficient earned leave to reduce the accumulation to the maximum allowable prior to the following ~~March 31~~ **July payroll period** or the excess will be transferred to his/her sick-bank account.
- E. Upon an employee’s termination, all of the employee’s earned time management leave (including vacation rollover, if any) shall be paid to the employee at the current rate of pay.
- F. In the event of an employee’s death, all earned leave shall be paid according to state law.
- G. During the first five years of employment, employees shall be required to take a minimum of one (1) week of earned time management leave per year. Thereafter, employees shall be required to take a minimum of two (2) weeks of earned time management leave per year.

- H. Employees shall, whenever possible, request time off in advance. Use of such leave must be scheduled between the employee and ~~his/her~~ **their** supervisor or designee. When an employee is sick or an emergency requires ~~his or her~~ **their** presence elsewhere, the employee must notify the supervisor as soon as possible prior to their scheduled shift.
- I. ~~A request for conversion of annual leave to cash must be approved by the Department Head subject to budget restrictions and is allowed once each fiscal year. The request must be made prior to April 15th and will be included in the employee's April paycheck. The Human Resources Department will distribute request forms no later than the first week of April.~~ **In the prior November of each calendar year and subject to Department Head approval and budgetary restrictions, an employee may make an irrevocable election to sell-back up to sixty (60) hours of earned Time Management Leave (TML) for the following calendar year.**

**To be eligible, an employee must:**

- **Have been employed continuously for at least one year.**
- **Must maintain at least one year's worth of accrued TML after cash out.**
- **Have used the minimum TML specified in Section G.**

**TML for sell-back will be deducted from TML accrued in the calendar year following the employee's irrevocable election. The employee will receive payment for their election in the following year on their June paycheck at their base rate of pay. If the employee has insufficient TML hours to cover their election, the remaining hours will be paid on their December paycheck. This may cause an employee's TML balance to drop below the required minimum.**

- J. During **Each calendar year during** the last three years prior to retirement, employees may **make an irrevocable election to** sell up to an additional **100** hours **of accrued leave which will be earned in the following calendar year at the employee's base rate of pay.** ~~each calendar year of their annual time management leave accrual at the current rate of pay.~~ Extensions of an employee's scheduled retirement date notwithstanding, no employee will be entitled to this option in more than three years. **This irrevocable election will occur in November of each calendar year. On the pay day for the first pay period in June of the following year, the employee will receive payment for the amount of leave the employee irrevocable elected to sell back in the prior year.** ~~This paragraph is not subject to any of the limitations expressed in Section I of this policy.~~ **If the employee does not have sufficient leave to cover their election in June, the remaining hours will be automatically converted in December.**

#### IV. PRIOR SICK LEAVE ACCUMULATION

An employee's existing sick leave accrual at the time of entering the Time Management Program will be preserved in a separate sick leave bank account. No additional sick leave will be earned. Existing sick leave will be treated in the following manner:

- A. No compensation for accrued sick leave bank shall be provided for any employee for any reason, except that one-half of the employee's accrued sick leave bank shall be paid to the employee or ~~his/her~~ **their** beneficiary upon death or permanent total disability.

- B. Employees will be allowed to convert up to 100 hours of existing sick leave to time management leave on a two-for-one basis. (100 hours of sick leave will convert to 50 hours of time management leave).
- C. Employees with an existing sick leave bank as of the date this contract is signed shall have those hours moved to a “sick leave vault.” One-half of the employee’s sick leave vault balance will be paid to the employee upon termination of employment or, upon death of the employee (in accordance with state law). No additional hours will be transferred to the sick leave vault.
- D. Use of Accrued Leave Due to Illness or Injury. Unless otherwise required by law, the sick leave bank and sick leave vault may only be used by the employee after the employee has been absent from work for the equivalent of three entire workdays due to the same illness or injury. Time off during the first three (3) days will be deducted from the employee’s accrued and unused time management leave or, if the employee does not have sufficient time management leave, will be deducted from accrued compensatory time or any other paid leave time or be identified as leave without pay.
- E. Definitions:
  - 1. “Sick Leave Bank” is leave available for use when an employee is sick and absent from work for the equivalent of three (3) entire work days due to an illness or injury. Time Management Leave accrued above the annual maximum and not sold back is transferred to the sick leave bank. Sick leave bank is not paid out except as otherwise provided in subsection A of this Section IV.

“Sick Leave Vault” is leave available for use when an employee is sick and absent from work for the equivalent of three (3) entire work days due to an illness or injury. One-half of the sick leave vault hours will be paid to the employee upon termination of employment.

## APPENDIX “B”

## DESCHUTES COUNTY GENERAL POLICY NO. GA-6

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SUBJECT: Duties and Responsibilities of the Employee Benefits Advisory Committee

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DISCUSSION: It is the goal of the Board of County Commissioners to provide a quality Health and Welfare Insurance Benefit Program on a consistent basis to all regular County employees. In providing these benefits it is also the responsibility of the Board to provide such benefits within established budgetary constraints.

POLICY:

In order to assist the Board in providing a consistent level of Health and Welfare benefits to all regular County employees, the Board of County Commissioners will appoint an Employee Benefits Advisory Committee (EBAC).

The primary responsibility of the EBAC will be to meet with Human Resources staff, the agent of record, and insurance representatives, in order to review/evaluate all possible options with regard to employee benefits. The EBAC will make recommendations to the Board of County Commissioners regarding Health and Welfare benefit levels.

The EBAC will also be a source of advice for the Human Resources Department concerning benefit administration.

EBAC MEMBERSHIP:

The EBAC will be comprised of the following voting membership:

- 4 representatives from AFSCME, selected by AFSCME
- 2 representatives from DCSA
- 1 representative from 701
- 1 representative from 9-1-1
- 1 representative from DCDAA
- 1 Human Resources Director
- 1 Risk Manager
- 5 Department Heads, Managers, and/or Elected Officials
- 1 Representative for COIC (Central Oregon Intergovernmental Council)

The County Administrator will be a non voting member of the committee. Additional non-voting members may be appointed at the discretion of the committee. A Chair and Vice Chair will be selected annually by the committee, with one position to be filled by a manager or elected official, and the other will be a non-management representative.

The Human Resources Department will provide staff support to the committee.

MINIMUM MEETING REQUIREMENTS:

At a minimum, the EBAC will meet eight (8) times per Fiscal Year. Additional meetings may be scheduled at the discretion of the committee. Subcommittees may also be established at the discretion of the committee.

The EBAC may request the removal or replacement of a voting member who is not able to attend two (2) or more consecutive EBAC meetings, or four (4) or more meetings in any twelve month period.

Minutes of each meeting for the three years preceeding will be kept by the County and posted on the County's intranet site. The County will send out communications to all employees with instructions for accessing meeting minutes on the County's intranet site on an interval agreed upon mutually by the County and the Union. All EBAC members will receive notice of planned meetings.

The meetings will be open to all interested employees.

## APPENDIX “C”

**CPI Methodology – All Urban Consumers (CPI-U), West Region, Size Class B/C cities.**

To illustrate the change in CPI methodology starting in FY 22-23, the following table shows the application of the rolling 12-month average look back for 2016-17, 2017-18, 2018-19, 2019-20, and 2020-21 data. The 12-months rolling average starts with January and over the prior 11 months. The CPI% used for each month is the “12-month percent change”—meaning the month is compared (for the CPI index) to the same month from the previous year.

Note: Consistent with prior years, the level of precision of percentage change will be rounded to the tenth of a percentage (i.e. 1.6% not 1.64 % or 1.7% not 1.65%)

<b>FY Data (Budget year)</b>	<b>CPI-12 month rolling average</b>
2016-17 (17/18)	1.0%
2017-18 (18/19)	2.4%
2018-19 (19/20)	2.9%
2019-20 (20/21)	2.6%
2020-21 (21/22)	1.7%

The following calculation illustrates the rolling average calculation for FY 20-21 data (21/22 Budget year) as of January 2021 (the cutoff date used for budgeting). CPI% for 12 months is determined by change in CPI index over 12 months (i.e., Feb 2020 index compared to February 2019 index)

<b>Year</b>	<b>Month</b>	<b>CPI % “12-month percent change”</b>
2020	Feb	2.9%
2020	March	2.5%
2020	April	1.5%
2020	May	0.5%
2020	June	0.8%
2020	July	1.5%
2020	Aug	1.8%
2020	Sept	2.0%
2020	Oct	1.6%
2020	Nov	1.6%
2020	Dec	1.5%
2021	Jan	1.6%
	<b>Total of CPI% over 12 months</b>	<b>19.8%</b>
	<b>Average 12 month CPI percentage (i.e. rolling average)</b>	
	<b>Total divided by 12</b>	<b>1.7%</b>

**SIGNATURE PAGE**

DATE this \_\_\_\_\_ Day of \_\_\_\_\_ 2025.

**BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON**

\_\_\_\_\_  
Anthony DeBone, Chair

\_\_\_\_\_  
Patti Adair, Vice Chair

\_\_\_\_\_  
Phil Chang, Commissioner

**FOR THE UNION**

\_\_\_\_\_  
Dustin Fanning-Painter, AFSCME  
Negotiating Team Member

\_\_\_\_\_  
Ines Curland, AFSCME  
Negotiating Team Member

\_\_\_\_\_  
Jim Vernon, AFSCME  
Negotiating Team Member

\_\_\_\_\_  
Brenda Johnson, AFSCME  
Council 75 Representative

\_\_\_\_\_  
Date



**AGREEMENT**  
**BETWEEN**  
**DESCHUTES COUNTY**  
**AND**  
**THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL**  
**EMPLOYEES LOCAL 3997**

**July 1, 2025 – June 30, 2030**



**Agreement Between Deschutes County and the American Federation of State,  
County and Municipal Employees Local 3997**

**July 1, 2025 – June 30, 2030**

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## **PREAMBLE**

This Agreement is made and entered into by and between Deschutes County (hereinafter the County) and the American Federation of State, County and Municipal Employees Council 75, (hereinafter the Union) for the purpose of fixing wages, hours, benefits, and employment relations as defined by ORS 243.650(7) and the Employment Relations Board.

It is also the purpose of this Agreement to promote the mutual interests of the County and its employees, to promote a positive relationship between the Employer and the Union, to establish a diplomatic procedure for the resolution of differences, and to provide for the operation of the County's business under methods which will further, to the fullest extent possible, the safety of the employees, economy and efficiency of operation, elimination of waste, realization of maximum quantity and quality of output, cleanliness, protection of property and avoidance of interruptions to production. The parties will cooperate fully to secure the advancement and achievement of these purposes.

## **ARTICLE 1 – RECOGNITION**

### **Section 1**

The County recognizes the Union as the sole and exclusive bargaining agent for all employees of Deschutes County, excluding supervisory and confidential employees, temporary employees, employees who work less than half-time and employees included in other bargaining units.

### **Section 2**

If the County establishes a new classification included in the bargaining unit or reclassifies an existing bargaining unit position, the County shall notify the Union in writing in a timely manner.

## **ARTICLE 2 – UNION SECURITY**

### **Section 1**

The Union shall notify the County in writing of its staff representative of the Local, Council 75, or International, American Federation of State, County and Municipal Employees, AFL-CIO. Upon proper introduction and notice, the representative shall have reasonable access to the premises of the County during all working hours to conduct Union business. These representatives shall observe any security regulations of the County. Such visits shall not interfere with the normal flow of work.

### **Section 2**

Unless otherwise provided in the Agreement, the internal business of the Union shall be conducted by the employees during non-duty time, and to the extent practicable in break rooms, lunchrooms and non-duty areas.

### **Section 3**

- A. The Union shall notify the County of the selection of the Officers, Stewards and their alternates.
- B. The Union may appoint a Steward or Stewards. Activities by a Union Steward shall not interfere with his/her normal duties or the performance of the normal duties of other employees. The Steward shall be a regular full- or part-time employee, who shall in addition to his/her regular assigned work, perform the duties set forth herein, as long as such duties may be accomplished without the disruption or interference with the work of others. Members who wish to become a steward will participate in Steward training through the Union to assist in representation of other Union members. Members will attend Steward training during off-duty hours.

- C. The Steward shall bring attention to the County and the Union of any alleged infraction of the terms and conditions of the Agreement.
- D. The Steward shall make a good faith effort to resolve individual employee grievances as they may arise by working in cooperation with the employee and his/her supervisor and program manager.
- E. Pursuant to ORS 243.798, a Steward or Union Officer may represent a union member for a reasonable period of time for a grievance pursuant to Article 7, or pre-disciplinary investigation or hearing pursuant to Article 6, without loss of pay, following reasonable notice to his/her supervisor and Department Head. One (1) representational Steward or Union Officer shall be permitted to be present without loss of pay. To help minimize departmental impact, a Steward or Union Officer working in the department where the grievant or subject of discipline is employed shall be utilized. If there is no Steward or Union Officer in the department, a Steward from a different department may be utilized, if the express written permission of the Department Head of such other department is granted. Such permission may be withheld by the Department Head in the Department Head's sole discretion. The participation of a Steward or Union Officer in a grievance or disciplinary proceeding shall not relieve the Steward or Union Officer of responsibility for meeting all performance standards and requirements relevant to their position.
- F. The County shall allow the Union a reasonable amount of paid time for appointed bargaining team members to bargain a successor contract to this Agreement.

#### Section 4

The County agrees to provide bulletin board space for each work site where Union members regularly perform work for the County to be used exclusively by the Union for the posting of official Union notices. The Union agrees that it will not post material that is profane, obscene or defamatory of the County.

#### Section 5

The County agrees to deduct monthly membership dues from the pay of those individuals who request deductions in writing to the Union. The amount to be deducted shall be certified to the County by the treasurer of the Union, and the aggregate deduction shall be remitted monthly, together with an itemized statement, to the treasurer of the Union.

#### Section 6

The County shall furnish to the Union, monthly, a list of the names, classifications, departments and home addresses of new employees in the bargaining unit. The County shall furnish the Union with a monthly listing of employees who have terminated from the bargaining unit during the previous month.

#### Section 7

Upon request and approval the Union shall be allowed the use of meeting rooms of the County for meetings when such meeting rooms are available and the meeting would not interfere with the business of the County.

#### Section 8

The Union shall have the right to meet with new employees for 30 minutes during the County's New Employee Orientation. If an employee chooses to attend this meeting with the Union, the time spent at the meeting is paid County time.

### **ARTICLE 3 – MANAGEMENT RIGHTS**

## Section 1

The County retains all the customary, usual and exclusive rights, decision-making prerogatives, functions, and authority connected with, or in any way incident to its responsibility to manage the affairs of the County and its departments. The County shall have no obligation to bargain with AFSCME with respect to any such subjects or the exercise of its discretion and decision-making with regard thereto. The express provisions of this Agreement constitute the only limitations on the rights of the County to manage the business and affairs of the County. The rights of employees are limited to those specifically limited by the terms of this Agreement. Any subjects covered by the terms of this Agreement and any subject which was or might have been raised in the course of collective bargaining are closed to further bargaining for the term hereof, except as provided in ORS 243.698.

## Section 2

By way of illustration, the exclusive prerogatives, functions, and rights of the County shall include the following:

- A. To determine the services to be rendered by the County and its employees to the citizens of the County and State of Oregon.
- B. To direct and supervise all operations, functions and policies of the County in which employees are employed.
- C. To close or liquidate an office, branch, operation or facility, or combination of facilities, or to relocate, reorganize or combine the work of divisions, branches, operations or facilities.
- D. To determine the need for a reduction or an increase in the work force.
- E. To determine the method and manner under which a reduction in work force will be performed, consistent with specific provisions of this Agreement.
- F. To implement new, and to revise or discard, wholly or in part, old methods and procedures.
- G. To assign and distribute work.
- H. To assign shifts, workdays, hours of work and work locations, consistent with specific terms of this Agreement.
- I. To designate and to assign all work duties.
- J. To introduce new duties and to revise job descriptions and duties, consistent with specific terms of this Agreement.
- K. To determine the need for new employees, transfers and promotions.
- L. To determine the qualifications for employees, as well as for transfers and promotions.
- M. To discipline, suspend, demote or discharge an employee as defined in Article 6 of this Agreement.
- N. To establish, revise and implement standards for hiring, classification and promotion.

- O. To provide as the County determines necessary, and in its sole discretion any furnishings, fixtures and equipment to be used and any matters concerning limitations or conditions for their use.
- P. To maintain order and efficiency in its work sites, facilities and operations.
- Q. To make such reasonable rules and regulations, not in conflict with this Agreement, as the County may from time to time deem best for the purposes of maintaining order, safety, and/or effective operation of County facilities, and after advance notice thereof to AFSCME and employees, and to require compliance therewith by employees.

### Section 3

Any of the rights, powers, authority and function of the County had prior to the negotiation of this Agreement are retained by the County and the expressed provisions of this Agreement constitute the only limitations on the rights of the County to manage the business of the County. Should the County not exercise the rights, powers, authority and functions reserved to them, or should they exercise them in a particular way, such conduct shall not be deemed a waiver of said rights, powers, authority and functions by the County, nor shall such conduct be deemed or considered a waiver of their right to exercise them in some other way not in conflict with a specific provision of this Agreement. Any agreement between the County and the Union that is not reduced to writing and signed by both parties shall be deemed to have not existed.

## **ARTICLE 4 – NON-DISCRIMINATION**

### Section 1

Deschutes County and the Union agree not to discriminate against any employee because of race, color, sex, gender identity, age, national origin, marital status, religion, political affiliation, physical or mental disability, Union membership or non-membership or any other classification protected by Oregon or Federal law.

### Section 2

The terms of this Agreement shall be applied equally to all members of the bargaining unit.

## **ARTICLE 5 – PROBATIONARY, TEMPORARY AND SEASONAL EMPLOYEES**

### Section 1

Every new employee shall serve a probationary period of twelve (12) months unless extended by mutual written agreement.

### Section 2

Employees who are promoted or moved to a different job classification within his/her department or to a different department, or transferred to a different department within the same classification shall be required to serve a 12 month probationary period unless modified by mutual written agreement.

### Section 3

Each employee shall be evaluated during his/her probationary period, with one at six (6) months, and one at twelve (12) months, unless modified by mutual agreement between the employee and his/her Department Head. If an employee's performance is not satisfactory, he/she shall be given notice of the areas of his/her deficiencies. An employee shall advance to the next step of his/her pay grade upon satisfactory completion of his/her probationary period and has received an overall "effective, meets standards" or better performance evaluation. (Please see Article 8, Section 3(B) for timelines).

Section 4

Any employee who is terminated during his/her probationary period shall be given written notice of their termination.

Section 5

Disciplinary action for probationary employees, including termination of employment, is not subject to the grievance procedure.

Section 6

Temporary employee has the meaning provided in Deschutes County HR-Personnel Rules Section 2.010.

Seasonal employee means an employee used for the purpose of meeting short-term work load needs of the County. Seasonal employment shall not normally exceed 1,036 hours per fiscal year.

## **ARTICLE 6 – DISCIPLINE AND DISCHARGE**

Section 1

The principles of progressive discipline shall be used except when the nature of the problem requires more serious action. An employee shall not be disciplined or discharged without just cause.

Section 2

Discipline shall consist of one of the following:

1. Documented Oral warning
2. Written reprimand
3. Suspension without pay
4. Demotion
5. Discharge

Section 3

Disciplinary action shall be accomplished in a manner which affords the employee the most protection possible from embarrassment before other employees and the public.

Section 4

A union representative shall be allowed to be present, at the employee's request, at any meeting between the employee and the supervisor (or investigator), in which the employee reasonably believes that discipline may result from the meeting and/or investigation.

Section 5

When the County intends to take disciplinary action involving suspension without pay, demotion or discharge, the County shall notify the employee and the Union President and Council Representative in writing of the charges against the employee and the proposed disciplinary action and shall provide the employee with the opportunity to respond to the charges at a hearing with the supervisor or person having authority to impose the proposed disciplinary action.

Section 6

When the County imposes disciplinary action involving suspension without pay, demotion, or discharge, the County shall provide the Union President and Council Representative a copy of the notice of imposed discipline.

## Section 7

When the County imposes disciplinary action of a documented oral warning, the employee has the option to submit a written rebuttal within fifteen (15) days of issuance of the documented oral warning to the Human Resources Department for the rebuttal to be attached to the documented oral warning in the employee's personnel file. No response or further action is required by the County as it relates to the employee's rebuttal.

# **ARTICLE 7 – GRIEVANCE PROCEDURE**

## Section 1

The County will promptly consider and respond to employee grievances. The County and the Union prefer to correct the causes of grievances informally and encourages both supervisors and employees to resolve problems as they arise.

- A. A grievance is defined as an allegation that a specific provision of this Agreement has been violated and results in harm to an employee.
- B. A day is defined as a calendar day.
- C. An employee, at his or her discretion may elect to be represented by the Union at any step of the grievance procedure.
- D. Oral warnings are not subject to the grievance procedure.
- E. Performance evaluations can only be grieved through Step II of the grievance procedure.
- F. Written reprimands can only be grieved through Step III of the grievance procedure.
- G. In an effort to provide for resolution of disputes, the parties agree to the following procedures:

Step I: Any employee claiming a breach of any specific provision of this Agreement ("grievant") shall refer the matter, in writing, to their immediate supervisor outside the bargaining unit within twenty-one (21) days from the occurrence of the alleged breach. The grievance shall, at minimum, contain the following:

- Specific Article(s) and Section(s) of the Agreement alleged to have been violated.
- Alleged harm to the grievant.
- An explanation of the facts and issues related to the grievance.
- The specified remedy requested.
- The signature of the grievant or grievants.

The supervisor shall respond to the grievance in writing as quickly as possible, but no later than twenty-one (21) days after the grievance is received by the supervisor.

Step II. If the grievance is not fully settled at Step I, it shall be reduced to writing, dated, signed by the grievant or grievants, and be presented by the grievant or grievants or Union representative to the Department Head within fifteen (15) calendar days after the supervisor's response is given, not including the date of the response. The Department Head shall respond in writing to the grievance within fifteen (15) calendar days of the

date of the presentation of the written grievance, not including the date of presentation. The Step II grievance shall be consistent with the Step I grievance unless the grievant(s) can demonstrate that new information or evidence pertinent to the grievance was not available or discoverable at Step I.

Step III. If the grievance is not settled at Step II, the written grievance shall be presented by the grievant or grievants, along with all pertinent correspondence, records and information, to the County Administrator within fifteen (15) calendar days after the Department Head's response is given, not including the date of the response. The County Administrator may meet with the grievant, grievants or Union Representative, the immediate supervisor, and the Department Head. The County Administrator shall respond to the grievance in writing within fifteen (15) calendar days after the date of presentation of the written grievance, not including the date of presentation. The Step III grievance shall be consistent with the Step I grievance unless the grievant(s) can demonstrate that new information or evidence pertinent to the grievance was not available or discoverable at previous steps.

Step IV. If the grievance of a suspension without pay, demotion, discharge, or loss of a property right is not settled at Step III, the grievance shall be submitted in writing to the Board of County Commissioners within fifteen (15) calendar days after the County Administrator's response is given, not including the date of the response. If the grievance relates to the suspension without pay, demotion, discharge, or loss of property right of an employee, the Board will hold a hearing if requested by the Union before issuing a response. If a hearing is not requested by the Union, the Board, at the Board's discretion, may hold a hearing before issuing a response. If an employee has been suspended without pay, demoted, discharged, or suffered a property right loss, a representative from AFSCME shall be allowed to take part in the hearing before the Board, and allowed to make comments and recommendations to the Board. The decision of the Board shall be final and binding. However, either the Board or the Union may request advisory (non binding) arbitration prior to the Board hearing. The Step IV grievance shall be consistent with the Step I grievance unless the grievant(s) can demonstrate that new information or evidence pertinent to the grievance was not available or discoverable at previous steps.

## Section 2

If the grievance procedures established by this Section are not signed by the grievant or grievants and initiated within the required time limits, the grievance shall be considered not to have existed.

## Section 3

If the County fails to respond to any grievance within the time limit prescribed for such response, the grievance shall automatically advance to the next step.

## Section 4

The time limits for the initiation and completion of the steps of the grievance procedure may be extended by mutual consent of the parties involved. Mutual consent should be indicated in writing, and signed by all parties involved.

## Section 5

No employee can be disciplined or discriminated against in any way because of the employee's use of the grievance procedure.



## ARTICLE 8 – SALARY ADMINISTRATION

### Section 1

Pay for employees in the bargaining unit shall be in accordance with the Deschutes County Position and Grade Step Listing.

### Section 2

Deschutes County defines its pay period from the twenty-second day of the month through the twenty-first day of the following month, with payment for that period to be made on the last business day of the month.

- A. Deschutes County shall have discretion to change the pay period. By way of example only, one option is the recent changes to the pay period to run from the twenty-second day of the month through the twenty-first day of the following month, with payment for that period to be made on the last business day of the month (9-10 days after expiration of the pay period). If the last day of the month falls on a holiday or a weekend, payday for that pay period will be the last business day preceding the holiday or weekend.
- A. Deschutes County will provide employees with at least 90-days' notice before changing the pay period or changing pay to actual hours worked. County will also develop a transition plan to assist employees with transitioning to a new pay period. The transition plan will include, at a minimum: providing budgeting classes to employees and allowing employees to sell back additional TML as necessary to make up for a shortened pay period during the transition.

### Section 3

- A. Employees shall be eligible for annual merit increases on their eligibility date provided that the employee is not at the top step of the salary range of their classification.
- B. Every employee shall receive a performance evaluation at least annually by the employee's eligibility date. The eligibility date is based on hire date as follows: If hired on the first of the month through the 15<sup>th</sup> of the month – the performance evaluation will be completed within the month of hire and will be retroactive to the 1<sup>st</sup> of the month. If hired on the 16<sup>th</sup> of the month through the end of the month – the performance evaluation will be completed by the end of the following month and will be effective retroactive to the first of the month. Annual merit increases shall not be withheld unless an employee's overall performance as stated on the evaluation form is "unsatisfactory". If the employee's performance evaluation appraisal is not completed by his/her eligibility date, he/she will receive his/her merit step increase.
- C. **Certificate/Licensure Duty Implementation**  
Job duties associated with obtaining a certificate or licensure shall not be assigned or required until the corresponding pay increase is implemented. Employees shall not be expected to perform duties requiring a specific certification or license unless and until they receive the compensation designated for that level of qualification.

### Section 4

Full-time employees who have worked continuously for the County shall receive additional pay per month for each five years of continuous service as outlined below. Longevity pay will be pro-rated for part-time employees based on their percentage of full-time employment.

For Fiscal Year Fiscal Year 25/26, additional pay associated with length of service as described in this Section will be \$97.50 per month for each five years of continuous service effective the first day of the month following signature by AFSCME and the Board of County Commissioners. That monthly amount shall increase to the below monthly rates in the following fiscal years:

100.00	FY	26/27
102.50	FY	27/28
\$105.00	FY	28/29
\$107.50	FY	29/30

### Section 5

The County, at the County's sole discretion, may designate specific employees who are fluent in English and another language (including, without limitation, sign language) to be translators/interpreters and to provide services in a language other than English – additional compensation shall be granted to designated employees for translation services as follows:

1. Regular FTE, Tier I: The employee will receive two hundred fifty dollars (\$250) per month
2. Regular FTE, Tier II: The employee will receive three hundred seventy-five dollars (\$375) per month
3. Regular FTE, Tier III: The employee will receive four hundred twenty-five dollars (\$425) per month
4. Regular ½ to ¾ time, Tier I: The employee will receive one hundred (\$125) per month
5. Regular ½ to ¾ time, Tier II: The employee will receive one hundred-fifty eighty-eight dollars and fifty cents (\$188.50) per month
6. Regular ½ to ¾ time, Tier III: The employee will receive two hundred thirteen dollars (\$213.00) per month

<u>Stipend Levels</u>	<u>Determining Assessment Skill</u>	<u>Stipend</u>
<u>Tier 1</u>	<u>Speaking/Listening</u>	<u>\$250/\$125</u>
<u>Tier 2</u>	<u>Speaking/Listening + Interpretation and Translation</u>	<u>\$375/\$188</u>
<u>Tier 3</u>	<u>Speaking/Listening + Industry-standard certification</u>	<u>\$425/\$213</u>
-	-	-

Such persons shall be proficient in the needed second language. It shall be at the sole discretion of the County to select persons for bilingual compensation and to decrease or eliminate the compensation should the County determine the need for translation no longer exists. Nothing in this Agreement shall preclude the County from using persons other than those designated for second language communication.

The County retains the right and total discretion to choose the positions to which the additional compensation is granted, and to determine such test or other certification process that must be successfully completed for an employee to qualify as bilingual for purposes of this Section.

#### Section 6

Shift differential pay of \$1.00 per hour shall be paid to employees who work a full night shift (currently scheduled as midnight to 8:00 a.m.). Shift differential pay is for eight (8) hours only. If eligible, the employee will receive overtime pay based on regular rate of pay.

Employees working in Juvenile Community Justice will be eligible for shift differential pay for any hours worked in a night shift as determined by department scheduling. Department scheduling and night shift hours may be changed at management's sole discretion; changes and impact on night scheduling will be communicated to employees prior to implementation.

Employees working in Health Services and assigned to work in the Stabilization Center will be eligible for shift differential pay for any hours worked in a night shift as determined by department scheduling, at management's sole discretion. Department scheduling and night shift hours may be changed at management's sole discretion; changes and impact on night scheduling will be communicated to employees prior to implementation. As used in this paragraph, the term "night shift" has its own meaning as determined by Health Services management in its discretion, and is separate and distinct from the Juvenile Community Justice "night shift," which is used elsewhere in Section 6.

### **ARTICLE 9 – STANDBY AND CALL BACK TIME**

**Standby Pay:** Is defined for the purpose of this Agreement as time an employee must be able to be contacted by telephone, cellular phone, or pager. The employee must be able to respond within a time frame determined by the Department Head. Compensation to employees will be two (2) hours per day at their current hourly rate. Members working in positions classified as Exempt under the FLSA are not eligible to receive additional compensation for standby pay as outlined in this section. Notwithstanding, Exempt employees who are assigned to a standby program shall be provided standby pay.

**Work from Home:** Any work performed by telephone, or by telecommunications, from home as a result of a standby call will be paid in accordance with the FLSA. If a member conducts work from home pursuant to this section while being designated for Standby Pay, compensation for work conducted at home will be paid in addition to Standby Pay as described. Members working in positions classified as Exempt under the FLSA are not eligible to receive additional compensation for performing work from home as outlined in this section.

**Call Back:** Is defined for the purpose of this Agreement as that time an employee spends beyond their normal work schedule as a result of being called back into the work place due to an emergency and/or special circumstances. If a member is called back to conduct work pursuant to this section during a period in which they are designated for Standby Pay, compensation for work conducted will be paid in addition to Standby Pay as described. Members working in positions classified as Exempt under the FLSA are not eligible to receive additional compensation for performing call back work as outlined in this section.

**The County will not provide home internet stipends to employees.**

### **ARTICLE 10 – HOURS OF WORK**

Section 1

The workweek is defined as seven (7) days within a calendar week. The standard work week for Deschutes County is Sunday through Saturday. The County may establish an alternate work week to address flexible work schedules as referenced in Section 2(C). An alternate work week must be established in writing and submitted to the Department Head for approval.

Section 2

- A. A regular work schedule is a work schedule with the same starting and stopping time on five (5) consecutive eight (8) hour shifts, with two (2) consecutive days off.
- B. An alternate work schedule is a work schedule with the same starting and stopping times on four (4) consecutive ten (10) hour shifts, and three (3) consecutive days off.
- C. A flexible work schedule is a work schedule which varies the number of hours worked on a daily basis, but not necessarily each day, and may vary the number of days worked on a weekly basis, but not necessarily each week, but which in no way conflicts with the Fair Labor Standards Act.
- D. Work schedules shall be determined by the Program Manager, subject to approval by the Department Head.

Section 3

Established regular work schedules will not be changed with less than ten (10) working days advance notice, unless the operating needs of the County require it or an employee voluntarily agrees to the change and an earlier implementation date.

Section 4

Each employee shall be granted an uninterrupted rest break of fifteen (15) minutes for each one-half (1/2) shift. The rest breaks shall be scheduled as near the midpoint of each one-half (1/2) shift as possible.

Section 5

All full time employees shall be permitted a non-duty meal period during their work shifts. Non-duty meal periods shall be no less than thirty (30) minutes and shall be scheduled in the middle of the work shift as possible. In the event that business needs require an employee to remain on-duty during a meal period, this meal period will be paid in accordance with applicable state and federal regulatory requirements.

Section 6

Nothing in this Article shall be construed as a guarantee of hours.

## **ARTICLE 11 – OVERTIME AND COMPENSATORY TIME**

Section 1

All non-exempt employees shall be compensated at the rate of one and one-half (1 ½) times their regular rate of pay for all hours worked in excess of 40 hours during the regularly scheduled workweek. Hours worked shall include paid holidays, vacation, and compensatory hours which are authorized and scheduled in advance in accordance with Departmental business needs. Sick leave hours will not count as hours worked in overtime calculation. The specific application of this section shall be governed by Deschutes County Policy No. HR-04 Overtime Compensation and Compensatory Time. The County shall not modify the version of Policy No. HR-04 in place when this contract takes effect without first providing the Union with at least 14 days prior written notice and an opportunity to bargain the modification. Upon timely demand the County and the Union shall

bargain the modification. Failure by the Union to demand to bargain within such 14 days shall be deemed a waiver of the opportunity to bargain the modification.

### Section 2

By mutual agreement, a non-exempt employee may receive compensatory time off at the rate of one and one-half (1 ½) hours for each overtime hour worked in accordance with Section 1. Compensatory time accrual shall not exceed 80 hours.

### Section 3

Overtime shall be approved in advance by an employee's supervisor. Exceptions for documented emergencies will be made.

### Section 4

Subject to operational needs, the County shall attempt to offer overtime opportunities as equally as possible among qualified employees in the department where overtime work is needed.

### Section 5

When possible and within budget constraints, the Department Head will honor the non-exempt employee's request regarding the method of compensation, either compensatory time off, or overtime pay.

## **ARTICLE 12 – WORKING-OUT-OF-CLASS AND LEAD PAY**

### Section 1

The County agrees to compensate an employee assigned in writing to temporarily assume the major distinguishing duties of a position in a higher classification, where such an assignment is for ten (10) consecutive work days or more at a compensation rate of 5%, 7.5%, or 10% differential, or at any step of the higher salary range which provides at least a 5% pay increase to be determined by the Department Head based upon the assigned duties and approved in advance by the County Administrator. The additional compensation shall be retroactive to the first day of the assignment.

### Section 2

When an employee is directed and authorized in writing by the Department Head/supervisor to perform lead work functions defined as follows:

A lead worker is an employee delegated limited lead and/or coordination of duties by his/her Department Head. Limited duties include distribution of work assignments, maintaining a balanced workload among a group of employees, reviewing completed work and maintenance of records of work.

He or she will receive a 2.5%, 5%, 7.5%, or 10% differential, to be determined by the Department Head for all hours worked while performing those duties. Lead pay must be approved in advance by the County Administrator.

### Section 3

If an employee believes that he/she is working significantly outside his/her classification, he/she may request that his/her job be reviewed for a reclassification. Requests for reclassification review must be made through the employee's Department Head. In the event a reclassification is approved by the County Administrator (per Deschutes County HR-Personnel Rules 1.040, Section C), it will be retroactive to the 1<sup>st</sup> of the month following the day the employee submitted a completed Job Description Questionnaire (available through HR) to their supervisor initiating the request.

## **ARTICLE 13 – VACANCIES**

### **Section 1**

Normally, all job vacancies that the County intends to fill shall be posted in the Human Resources Department and over the County Intranet for a minimum of seven (7) calendar days. In the event of an unanticipated business need, vacancies may be posted for fewer than seven (7) calendar days. Whenever possible, job announcements for such vacancies shall be sent to each department for posting for no less than ten (10) days.

### **Section 2**

The decision to hire, transfer, assign and promote employees shall be based on skill, ability, qualifications, recency of experience, training, length of service and work performance record. In recognition of seniority, the senior employee shall have preference if all the foregoing factors are equal in the sole judgment of the County.

### **Section 3**

Department employees who apply for a position opening within their department shall be entitled to an interview provided they meet the minimum job qualifications as determined by the Department Head, and have an overall rating of at least “Effective – Meets Standards” on the employee’s most recent performance evaluation.

### **Section 4**

County employees who apply for a position and do not receive it, shall be given the reason for their non-selection should the employee request a reason.

## **ARTICLE 14 – ASSIGNMENT OF PERSONNEL**

### **Section 1**

The decision to hire, transfer, assign, promote and layoff employees shall be based on skill, ability, qualifications, recency of experience, training, length of service and work record. In recognition of length of service, the senior employee shall have preference if all the foregoing factors are equal in the sole judgment of the County. The County shall make every effort to transfer laid off employees into any vacant position for which they are qualified. Employees shall be notified of layoff at least thirty days in advance of lay off.

### **Section 2**

Employees shall be eligible for recall for a period of eighteen (18) months. Employees shall be notified of recall in writing, and shall have ten (10) calendar days in which to respond. The County will make every effort to place laid off employees in any other position for which they are qualified.

### **Section 3**

Employees transferred or promoted out of the bargaining unit shall not accumulate seniority while out of the bargaining unit. Any such employee subsequently returned into a bargaining unit position, in the same department, shall be entitled to have their frozen seniority restored, which was earned in the bargaining unit.

### **Section 4**

There are times when an employee transfers to a different position in another department, but remains in the same classification. In these cases, efforts will be made to transfer the employee as soon as possible, while taking into account the operational needs of both departments. The transfer timelines will be agreed upon by supervisors of both affected departments. If the supervisors cannot agree on a timeline, it will be elevated to the department heads of the affected departments to finalize.

## **ARTICLE 15 – PERFORMANCE EVALUATIONS**

### **Section 1**

Each employee shall receive a performance evaluation prepared by his/her immediate supervisor or Department Head at least annually according to the time lines in Article 8, Section 3(B) of this Agreement. The rater shall discuss the performance evaluation with the employee. The employee shall have the opportunity to provide his/her comments to be attached to the performance evaluation. The employee shall sign the performance evaluation and that signature shall only indicate that the employee has read the performance evaluation. A copy of the performance evaluation shall be provided to the employee at the time of the evaluation.

### **Section 2**

Classification/Job Description specifications shall be provided to the employee upon hiring and be made available to the employee for review. If classification/job descriptions are changed employees will be made aware of the change and the revised description will be made available to the employee for review.

## **ARTICLE 16 – LONGEVITY AND LENGTH OF SERVICE**

### **Section 1**

Length of service is determined by the length of an employee's continuous full-time or part-time service with a County Department.

### **Section 2**

Longevity is determined by an employee's continuous full-time or part time service as a County employee.

### **Section 3**

For employees working less than full time, longevity pay shall be pro-rated by the number of hours for which the employee was hired to work.

### **Section 4**

Accrued length of service and/or longevity shall terminate in the event of the following:

1. Voluntary termination for greater than three (3) months except under special circumstances to be determined by the County.
2. Discharge for cause.
3. A lay-off period of more than eighteen (18) months.
4. Failure to report to work at the termination of a leave of absence.
5. Acceptance of employment without permission while on leave of absence.
6. Retirement.

### **Section 5**

Time off during layoff period shall not count toward length of service or longevity accrual.

## **ARTICLE 17 – HOLIDAYS**

### **Section 1**

The following shall be recognized as paid holidays:

New Year's Day  
 President's Day  
 Martin Luther King's Day  
 Memorial Day  
**Juneteenth**  
 Independence Day

Labor Day  
 Veteran's Day  
 Thanksgiving Day  
 Christmas Day  
 One (1) Floating Holiday

Whenever a holiday falls on Sunday, the following Monday shall be considered a holiday. If a holiday falls on Saturday, the preceding Friday shall be a holiday. If an employee works on the actual holiday that falls on a Saturday or Sunday, that day would be the employee's holiday and they will be paid in accordance with Article 17, Section 3 for that day only. In no event shall an employee receive holiday pay for both the observed and actual holiday. Holidays that occur during paid vacation or sick leave shall not be charged against vacation or sick leave. In order to qualify for holiday pay, employees must work their entire, normal workdays before and after the holiday or be on authorized leave of absence with pay.

### Section 2

Full time employees shall be compensated at the straight time rate of eight (8), hours for each recognized holiday. Employees working an alternative schedule of 9 or 10 hours have the choice to: a) revert to a 5/8 schedule during the week in which the holiday occurs, or; b) use accrued time management leave, comp time, or other accrued paid time off to equal 40 hours for the week. The choice of reverting to a 5/8 schedule or using accrued leave shall be approved in advance by the supervisor or Department Head.

All part time employees (half time or more) shall be compensated at the straight time rate on a prorated basis (based on an 8-hour work day) for each recognized holiday.

### Section 3

Work performed by non-exempt employees on holidays which fall within the regular work schedule shall be considered as overtime work, and the employees who work on such holidays will be granted time off or compensation pay on the basis of time-and-one-half for the hours worked in addition to their regular holiday pay.

### Section 4

Full and part time employees who have recognized holidays falling on their days off will be credited with straight time off for these holidays in a "holiday leave bank", or have the holiday paid as additional hours if mutually agreed on between the employee and Department Head. Holiday leave bank accounts shall not exceed 60 hours.

### Section 5

The floating holidays can be used any time during the calendar year by mutual consent between the employee and the supervisor or Department Head. New employees shall be employed six (6) months before they are eligible for the floating holiday. Floating holidays cannot be carried over from year to year. Employees will not receive pay at the time of termination of employment for any unused floating holiday.

## **ARTICLE 18 – TIME MANAGEMENT**

The specific application of this section will be governed by the Time Management Program. (Appendix A of this Agreement).

### Section 1



Regular full-time and regular part-time employees can use their accrued leave as soon as it is accrued after receiving authorization from their Department Head. Leave accrual for regular part-time personnel is computed on a pro-rated basis based on authorized FTE. Time Management Leave offered to full and part-time regular employees as articulated in this article and Appendix A – Time Management AFSCME represent substantially equivalent paid sick time benefits in compliance with the Oregon Paid Sick Time Law (“OPST”) as defined by ORS 653.601 through 653.661. Rules for employee accrual and use of paid time under OPST will be consistent with Deschutes County Administrative Policy HR-18 - Oregon Paid Sick Time.

## Section 2

Leave accrues while an employee is on leave with pay, but not while on leave without pay. No employee can be granted leave without pay until after all forms of accrued leave have been exhausted.

## Section 3

When an employee is transferred or appointed to another department, all of his/her leave will be assumed by the new department.

## Section 4

An employee who terminates his/her employment is entitled to cash compensation in lieu of leave. In case of death, compensation for accrued leave will be paid in accordance with state law.

## Section 5

Department Heads shall establish staffing schedules to provide for requested leave for employees, and employees are to take leave at the time scheduled. A record of time taken shall be kept on file in the department. Such schedules may be amended to meet work emergencies. In establishing regular schedules, Department Heads shall give due consideration to the desires of individual employees while weighing the work requirements of the department. Whenever possible, longevity shall prevail where there is a conflict between two or more employees wanting the same time off for vacation purposes.

## Section 6

At least once each year, all regular employees must be allowed to take five (5) days consecutively if accrued.

# **ARTICLE 19 – SICK LEAVE**

## Section 1

When an employee is physically unable to perform duties because of illness or injury, the employee shall notify his/her immediate supervisor as soon as possible prior to the beginning of his/her shift. At the request of the immediate supervisor or other superior, the employee will obtain certification from an attending physician, documenting the nature and period of illness.

## Section 2

This Section applies only to those employees who have time in the sick leave bank. Sick leave bank may be used only after the employee has been absent for an equivalent of at least three full days within the prior 30-day period for qualifying sick leave. Sick leave bank hours shall be used only for the following:

1. Illness or injury.
2. Medical or dental care.
3. Exposure to contagious disease under circumstances by which the health of fellow employees or the public would be endangered.
4. FMLA/OFLA/PLO qualifying leave in accordance with State and Federal Family Medical Leave laws.

5. Death of a family member which qualifies for Bereavement Leave.

### Section 3

Time Management Leave offered to full and part-time regular employees as articulated in Article 18 – Time Management and Appendix A – Time Management AFSCME represent substantially equivalent paid sick time benefits in compliance with the Oregon Paid Sick Time Law (OPST) as defined by ORS 653.601 through 653.661. Rules for employee accrual and use of paid time under OPST will be consistent with Deschutes County Administrative Policy HR-18 - Oregon Paid Sick Time.

### Section 4

Upon written application for an employee, leave without pay may be granted by the Department Head subject to final authorization by the County Administrator (per HR-Personnel Rules Section 10.030) for a reasonable period of disability after earned leave and FMLA/OFLA leave have been exhausted. In no instance shall such leave without pay exceed six months.

### Section 5

The County will allow sick bank rollover in accordance with the rules established by PERS.

### Section 6

#### A. Bereavement Leave Allocation

1. Employees shall be entitled to sixteen (16) hours of bereavement leave per occurrence to grieve and address matters related to the death of an immediate family member.
2. “Immediate family member” is defined as spouse, registered domestic partner (as defined by Oregon law), parent (to include step), child (to include step), brother (to include step), sister, (to include step), mother-in-law, father-in-law, grandparent, grandchild, and any member of the employee’s immediate household.
3. The initial sixteen (16) hours of bereavement leave shall not require the use of accrued time off. Any additional time off beyond sixteen (16) hours may be charged to accrued time off.

## **ARTICLE 20 – LEAVES OF ABSENCE**

### Section 1

Full-time and part-time employees shall be granted leave with full pay, computed on the basis of their normal number of working hours per day, at the employee’s regular straight-time hourly rate, any time they are required by summons or subpoenas to report for jury duty or jury service. An eligible employee shall endorse any fee, excluding mileage, to the County as a condition to receipt of jury pay.

### Section 2

Leave credit shall continue to accrue to those employees who are on leave with pay. For the accumulation of leave credit and the granting of leave, computation shall be made in hourly or partial hour units. Deductions shall not be made from leave accumulations for regularly assigned days off, or County holidays occurring during a period of leave with pay if the employee returns to work on the first day thereafter or has been granted additional leave.

### Section 3

Employees shall be entitled to family medical and parental leave in accordance with Federal and Oregon law.

#### Section 4

An employee who has served with the County for at least six months and who is a member of the National Guard or the reserve of any branch of the U.S. Military is entitled to military leave not to exceed fifteen (15) work days per Federal fiscal year. Such leave will be granted without loss of time, pay or other leave and without impairment of merit rating or other rights or benefits. Military leave with pay may be granted to personnel with bona fide military orders and shall not be paid if the employee does not return to his/her position immediately following the end of the approved duty period. Department Heads are required to report employees on leave on the payroll time and leave worksheets. Copies of military orders shall be placed in the employee's personnel file. Military leave without pay will be granted to employees for performance of military service, pursuant to bona fide military orders, in accordance with the provisions of Oregon State law and the provisions of the Uniformed Service Employment and Reemployment Rights Act of 1994, as amended. Employees may, but are not required to, use accrued and unused time management leave for any period of military service which is unpaid by the County.

#### Section 5

After completing one year of continuous service, a regular full-time employee, upon written request may be granted a leave of absence without pay by the County Administrator (with departmental approval) for the purpose of upgrading his/her professional ability through enrollment in educational courses at an accredited school. The period of such leave of absence may not exceed one year, but may be renewed or extended upon request of the employee and approved by the County Administrator. After the expiration of such educational leave of absence, the employee shall normally be returned to his/her same job classification and same salary step.

#### Section 6

Employees may be granted time off with pay for educational purposes to attend conferences, seminars, briefing sessions, training programs and other programs of a similar nature required or approved by the employee's Department Head. Subject to the supervisor's discretion and with prior supervisory approval, and so long as doing so does not negatively impact the quality, timing, or amount of work expected of the employee, schedules or customary work hours of exempt employees may be adjusted to attend work related training or educational courses or events.

#### Section 7

Leave with pay shall be granted for actual work time missed for an appearance on the County's behalf, connected with his/her official duties before a court, legislative committee, judicial or quasi-judicial body as a witness if required by the County. Employees shall return to the County any compensation, excluding mileage, received as a result of such duty.

#### Section 8

Special leave is a provision created to accommodate natural disasters and life threatening situations. If there is a building emergency, a bomb threat or a natural disaster, special leave may be granted to County employees by Board decree. Such leave does not affect an employee's earned leave.

#### Section 9

An employee's Department Head may grant a leave of absence without pay not to exceed thirty calendar days. Leave of absence without pay for periods in excess of thirty days must be approved by the County Administrator.

#### Section 10

Leaves of absences without pay may not be granted until all accrued leave has been exhausted.

## **ARTICLE 21 – HEALTH AND WELFARE**

### **Section 1**

Health Insurance is to include the following:

- Medical Insurance
- Vision Insurance
- Dental Insurance
- Prescription Drug Insurance
- Orthodontic Insurance

### **Section 2**

Other insurance is to include the following:

- Employee life insurance
- Dependent life insurance
- Long-term disability insurance
- Unemployment insurance
- Retirement health insurance

### **Section 3**

In addition to health insurance and other insurance, the County will make available to AFSCME represented employees a qualified IRS 125 plan.

### **Section 4**

For employees hired prior to August 1, 2025, the County will provide insurance benefits at the same level and under the same conditions as a regular full-time employee, to retired County employees collecting PERS who have worked for the County for thirty (30) years or more on a full-time basis. This benefit will be provided until the employee reaches the age of sixty-five (65), or until eligible for Medicare. Employees hired after August 1, 2025 are not eligible for this benefit.

The term “full-time basis” as used in this Section 4, shall be interpreted more broadly as to include any month when an AFSCME represented employee of the County in a non-regular status worked an equivalent or greater number of hours when compared to regular full-time employees. Specifically, if the number of hours worked for the County in a given month by a non-regular status AFSCME represented employee equaled or exceeded the number of hours considered by the County at the time to constitute full-time employment, then that month shall count towards the 30 years (or 360 months) required to then receive County-provided insurance benefits at retirement. If the number of hours worked for the County in a given month by a non-regular status AFSCME represented employee were less than the number of hours considered by the County at the time to constitute full-time employment, then that month shall not count towards the 30 years nor shall that month be pro-rated.

For employees hired prior to August 1, 2025, employees who retire from the County with more than fifteen (15) years and less than thirty (30) years of full-time service are eligible to receive a County contribution towards their monthly insurance premiums until age sixty-five (65) or until eligible for Medicare, in accordance with a schedule recommended by the EBAC and approved by the Board of County Commissioners. The schedule of

retiree premiums and County contributions shall be posted on the Human Resources Department Intranet site. Employees hired after August 1, 2025 are not eligible for this benefit.

### Section 5

Full-time and part-time (half-time or more) employees will be eligible for benefits in accordance with this contract. Regular, part-time employees (half-time or more) will be required to pay pro-rated premium contributions based on their percentage of hours worked if they elect the Standard plan. If a part-time employee elects the High-Deductible plan, then the premium contribution will be the same as a full-time employee on the Standard plan.

### Section 6

Workers' Compensation will be paid at the rate mandated by Oregon State Law. Time loss payments begin three (3) calendar days after the employee leaves work or loses wages as a result of a compensable injury.

In case of extreme emergency, the County Administrator may authorize the use of the employee's accrued leave, which shall be the difference between the employee's regular net monthly salary and the amount of Workers' Compensation payment. When an employee receives approval under this section, pro-rated charges will be made against the employee's accrued leave. In no case shall the combined payment exceed the employee's net regular monthly salary rate. In no case will supplemental payments be allowed after an employee becomes eligible for long-term disability benefits. Accrued leave shall not include leave acquired by leave donation.

"Extreme emergency" is defined as:

- Inability to return to work in any capacity for at least four working weeks.
- Demonstrated increase in basic living expenses as a direct result of the injury.
- Extreme hardship, determined by the County Administrator.

### Section 7

The Employee Benefits Advisory Committee including four (4) AFSCME representatives (see Appendix B) shall meet at least eight (8) times per year for the purpose of reviewing program performance and advising the Board of Commissioners on desired changes in Insurance Benefits. The committee shall meet and review any proposed changes to the Insurance Benefits Plan before a change is made.

Health benefits and other insurance will be provided to AFSCME represented employees under the same conditions and restrictions as provided to all other County employees. Coverage may be adjusted or modified by the County after soliciting a recommendation from the County Employee Benefits Advisory Committee.

### Section 8

A health benefits plan document shall be adopted annually by the County following a review by the Employee Benefits Advisory Committee. The per FTE cost of providing the health benefits called for in this plan shall be determined by an actuarial valuation for both a composite rate and a tiered system. The County shall annually, as part of the budget adoption process, establish an employee premium contribution. Monthly employee health insurance premium contributions shall be no greater than nine point five percent (9.5%) of the per FTE cost as calculated by the composite rate. The County reserves the right to establish a tiered system for premium contributions under which different contribution rates may be established for a single employee, employee and spouse/same sex domestic partner, employee and child(ren), or full family benefits. If the County establishes a tiered system for premium contributions, the monthly employee health insurance premium contributions shall be no greater than nine point five percent (9.5%) of the respective tier cost for the relevant enrollment tier.

## **ARTICLE 22 – RETIREMENT**

The County shall be a participant in the Public Employees Retirement System (PERS)/Oregon Public Service Retirement Plan (OPSRP) or its equivalent.

After the employee has completed his/her six full months' employment period and holds a position requiring that the employee work in excess of 600 hours per year, the County shall make contributions to PERS/OPSRP in accordance with levels established for the employee's position. The employees will contribute to PERS/OPSRP in accordance with the state law.

In the event that state law provides for other alternatives, members of AFSCME will be afforded the same options available to non-represented employees.

The County will take appropriate action to have the employee contribution defined as pre-tax in accordance with tax code regulations.

The County will continue to provide a Deferred Compensation plan in compliance with IRC 45. The plan will be available to all AFSCME bargaining unit employees.

## **ARTICLE 23 – TRAVEL EXPENSES**

Reasonable and necessary travel, meal and miscellaneous expense reimbursement will be approved for payment when an employee incurs expenses while acting within the scope of employment with Deschutes County in accordance with Deschutes County Finance Policy No. F-01, or subsequently adopted travel and expense policy. Compensation while traveling on County business shall be subject to Deschutes County Policy No. HR-15. The County shall not modify the versions of Policies No. F-01 and HR-15 in place when this Agreement takes effect without first providing the Union with at least 14 days prior written notice and an opportunity to bargain the modification. Upon timely demand the County and the Union shall bargain the modification. Failure by the Union to demand to bargain within such 14 days shall be deemed a waiver of the opportunity to bargain the modification.

### **Notification of Currently Assigned Work Location upon Hire**

Upon hiring, employees shall be informed in writing of their currently assigned work location at time of hire. An employee's work location can change after time of hire at the sole discretion of the County based on operational needs.

## **ARTICLE 24 - SAFETY**

### **Section 1**

The County and the Union agree to cooperate in the continuing objective to eliminate accidents and health hazards.

### **Section 2**

All employees are encouraged and expected to inform their supervisor of safety concerns in the work place including health and safety issues. It is clearly understood that the County shall take no reprisals against employees for reporting issues to their supervisor or the risk manager.

### **Section 3**

The County will continue a comprehensive risk management program including approved OSHA safety committees and will review issues reported in Section 2 above. The Union shall be entitled to have a representative on each committee. Minutes from safety committee meetings shall be posted in affected areas.

## **ARTICLE 25 - PROFESSIONAL DEVELOPMENT**

### **Section 1**

The County shall pay for the professional registration, certification or licensure of all full-time professional staff required to maintain their registration, certification or licensure as a condition of employment and as required by state law. This includes but is not limited to: Public Health Nurses, Environmental Health Specialists, Property Appraisers, Registered Health Information Technicians, Mental Health Clinicians, Building Inspectors, and Notaries Public.

### **Section 2**

In the event an employee utilizes their license for any private gain and/or any non-county services they shall reimburse the county the full amount expended on their behalf.

## **ARTICLE 26 – RIGHT TO CONTRACT**

The County expressly reserves the right to contract any and all County work and services to non-County employees. The County agrees to fulfill its obligations under the Public Employee Collective Bargaining Act (PECBA) before contracting out any work. The County agrees that it will not contract out services with the purpose to end the Union's representation status.

## **ARTICLE 27 - SEPARABILITY**

In the event that any provision of this Agreement shall at any time be declared invalid by any court of competent jurisdiction or through government regulations or decree, such decision shall not invalidate the entire Agreement, it being the express intention of the parties hereto that all other provisions not declared invalid shall remain in full force and effect.

## **ARTICLE 28 - SCOPE OF AGREEMENT**

### **Section 1**

The Agreement expressed herein in writing constitutes the entire Agreement between the parties. This Agreement shall supersede all previous oral and written Agreements between the County and the employees. It is agreed that the relations between the parties shall be governed by the terms of this Agreement only, no prior agreements, understandings, past practices, existing conditions, prior benefits, oral or written, shall be controlling or in any way affect the relations between the Parties, or the wages, hours and working conditions unless and until such Agreement, understandings, past practices, existing conditions an prior agreements shall be reduced to writing and duly executed by both parties.

### **Section 2**

In the event the County intends to make a unilateral change in a mandatory subject of bargaining as defined by ORS 243, the County agrees to notify the Union and subsequently fulfill its obligation under PECBA prior to making said change.

## **ARTICLE 29 - TERM OF THE AGREEMENT**

This Agreement shall be effective July 1, 2025, and shall remain in full force and effect through June 30, 202530.

### Reopener Clause - Article 30 Reopener in Third Year of Contract

The parties agree to reopen Article 30 for bargaining during the third year of this Agreement, specifically between January 1 and June 30, 2028. Either party may initiate the reopener by providing written notice to the other party no later than February 1, 2028. Upon such notice, the parties agree to meet within 30 days to commence good faith negotiations over the provisions of Article 30.

This reopener shall be limited to the subject matter contained within Article 30, and shall not extend to other articles of the Agreement unless mutually agreed upon by the parties in writing.

Any agreements reached as a result of this reopener shall be reduced to writing and incorporated as an addendum to the current collective bargaining agreement.

## **ARTICLE 30 - WAGES**

Effective July 1 of each year of the contract, the wage schedule shall be adjusted to reflect a Cost of Living Adjustment (COLA) based on the average 12-month CPI percentage. The COLA shall be calculated using the Consumer Price Index for All Urban Consumers (CPI-U), West Region, Size Class B/C cities, by averaging the 12-month percentage changes for the period from January of the preceding year through December.

For the contract period of July 1, 2025, through June 30, 2030, the wage schedule adjustments shall be based on the following CPI calculations, subject to a minimum increase of 1% and a maximum increase of 4%:

- July 1, 2025: Based on the average 12-month percentage changes from January 2024 to December 2024.
- July 1, 2026: Based on the average 12-month percentage changes from January 2025 to December 2025.
- July 1, 2027: Based on the average 12-month percentage changes from January 2026 to December 2026.
- July 1, 2028: Based on the average 12-month percentage changes from January 2027 to December 2027.
- July 1, 2029: Based on the average 12-month percentage changes from January 2028 to December 2028.

The COLA adjustment shall not be less than 1% nor exceed 4% in any given contract year. The adjustment shall be applied annually on July 1 of each contract year.

## **ARTICLE 31 – General Provisions**



## Section 1. Labor-Management Meetings

- A. Labor-Management meetings shall be held quarterly, if requested by AFSCME.
- B. During these meetings, Labor and Management will collaborate to address concerns and identify potential solutions to workplace issues.
- C. The Union shall inform Management of concerns raised by its members to facilitate discussions and collaborate on potential workplace improvements. This process is intended to support employee retention and enhance working conditions within Deschutes County.
- D. These meetings shall be for informational purposes only and shall not constitute a re-opening of any provision of this Collective Bargaining Agreement (CBA) or any other mandatory subject of bargaining absent mutual written agreement between the parties.

## Section 2. Remote Work Requests

Any requests for remote work will be considered in accordance with Deschutes County Human Resources Policy HR-6.

## APPENDIX “A”

## SUBJECT: TIME MANAGEMENT - AFSCME

I. PURPOSE

It is the purpose of the Deschutes County Time Management Program to provide employees with a leave-with-pay program that is easily understood, responsive to individual needs, and easy to administer. This program is also intended to eliminate any abuse of sick leave while rewarding employees for faithful attendance and productivity.

II. SCOPE

This program covers all AFSCME represented employees. Time Management Leave shall accrue in lieu of the following:

- Sick leave (non occupational illness or injury leave) Vacation leave
- Family emergency
- Compensatory time (except as provided in Article 11 and Deschutes County General Policy No. HR-4)
- Paid sick time as defined by the Oregon Paid Sick Time Law (“OPST”) (Time Management Leave offered to full and part-time regular employees as articulated in Article 18 Time Management and this appendix represent substantially equivalent paid sick time benefits in compliance with OPST as defined by ORS 653.601 through 653.661. Rules for employee accrual and use of paid time under OPST will be consistent with Deschutes County Administrative Policy HR-2 Family and Medical Leave Policy)

Nonexempt employees who are eligible for 1.5 compensatory time or overtime will still receive such under this program in accordance with the Fair Labor Standards Act. Exempt employees are eligible for flex time under the same terms and conditions applied to non-represented employees in accordance with County Policy HR-7 subject to supervisor or Department Head approval.

III. LEAVE-WITH-PAY PROVISIONS

- A. All employees entering the Time Management Program will be credited with their existing vacation time balance.

Nonexempt employees will earn leave, based on full-time service, in accordance with the following schedule:

Months of Service	Hours of Leave	Earned Leave Accumulation
0 – 48 months	168 hours	14 hrs/month
49 – 108 months	192 hours	16 hrs/month

109 – 168 months	216 hours	18 hrs/month
169 – 228 months	240 hours	20 hrs/month
229 – 288 months	264 hours	22 hrs/month
289+ months	288 hours	24 hrs/month

Exempt employees will earn leave, based on full-time service, in accordance with the following schedule:

Months of Service	Hours of Leave	Earned Leave Accumulation
0 – 48 months	216 hours	18 hrs/month
49 – 108 months	240 hours	20 hrs/month
109 – 168 months	264 hours	22 hrs/month
169 – 228 months	288 hours	24 hrs/month
229+ months	312 hours	26 hrs/month

- B. For regular part-time employees, all reference to time accrual or usage in the Time Management Program shall be prorated according to the percentage of full-time equivalency authorized for the position.
- C. During the course of the year, absence from work for any reason other than on-the-job illness or injury covered by Workers Compensation or paid holiday shall be charged against “earned leave” except as provided in Section IV.B. of this policy. Earned leave shall accrue whenever an employee is on paid status with the County. Employees do not accrue earned leave when on leave without pay.
- D. An employee may accumulate earned leave, including the previous vacation balance, if any, to a maximum of twice the annual time management accumulation the July payroll period of each year, any employee credited with accrued time management leave greater than twice the annual accumulation shall have the amount above the maximum accumulation transferred to their sick leave bank account. If the employee does not have a sick-bank account, an account will be established for the employee. An employee who has acquired the maximum allowable accumulation of time management leave may continue to accumulate earned leave for the balance of the following year in which the maximum accrual was reached, provided that the employee take sufficient earned leave to reduce the accumulation to the maximum allowable prior to the following July payroll period or the excess will be transferred to his/her sick-bank account.
- E. Upon an employee’s termination, all of the employee’s earned time management leave (including vacation rollover, if any) shall be paid to the employee at the current rate of pay.
- F. In the event of an employee’s death, all earned leave shall be paid according to state law.
- G. During the first five years of employment, employees shall be required to take a minimum of one (1) week of earned time management leave per year. Thereafter, employees shall be required to take a minimum of two (2) weeks of earned time management leave per year.

- H. Employees shall, whenever possible, request time off in advance. Use of such leave must be scheduled between the employee and their supervisor or designee. When an employee is sick or an emergency requires their presence elsewhere, the employee must notify the supervisor as soon as possible prior to their scheduled shift.
- I. In the prior November of each calendar year and subject to Department Head approval and budgetary restrictions, an employee may make an irrevocable election to sell-back up to sixty (60) hours of earned Time Management Leave (TML) for the following calendar year.

To be eligible, an employee must:

- Have been employed continuously for at least one year.
- Must maintain at least one year's worth of accrued TML after cash out.
- Have used the minimum TML specified in Section G.

TML for sell-back will be deducted from TML accrued in the calendar year following the employee's irrevocable election. The employee will receive payment for their election in the following year on their June paycheck at their base rate of pay. If the employee has insufficient TML hours to cover their election, the remaining hours will be paid on their December paycheck. This may cause an employee's TML balance to drop below the required minimum.

- J. Each calendar year during the last three years prior to retirement, employees may make an irrevocable election to sell up to an additional 100 hours of accrued leave which will be earned in the following calendar year at the employee's base rate of pay. Extensions of an employee's scheduled retirement date notwithstanding, no employee will be entitled to this option in more than three years. This irrevocable election will occur in November of each calendar year. On the pay day for the first pay period in June of the following year, the employee will receive payment for the amount of leave the employee irrevocable elected to sell back in the prior year. If the employee does not have sufficient leave to cover their election in June, the remaining hours will be automatically converted in December.

#### IV. PRIOR SICK LEAVE ACCUMULATION

An employee's existing sick leave accrual at the time of entering the Time Management Program will be preserved in a separate sick leave bank account. No additional sick leave will be earned. Existing sick leave will be treated in the following manner:

- A. No compensation for accrued sick leave bank shall be provided for any employee for any reason, except that one-half of the employee's accrued sick leave bank shall be paid to the employee or their beneficiary upon death or permanent total disability.
- B. Employees will be allowed to convert up to 100 hours of existing sick leave to time management leave on a two-for-one basis. (100 hours of sick leave will convert to 50 hours of time management leave).
- C. Employees with an existing sick leave bank as of the date this contract is signed shall have those hours moved to a "sick leave vault." One-half of the employee's sick leave vault balance will be paid to the employee upon termination of employment or, upon

death of the employee (in accordance with state law). No additional hours will be transferred to the sick leave vault.

- D. Use of Accrued Leave Due to Illness or Injury. Unless otherwise required by law, the sick leave bank and sick leave vault may only be used by the employee after the employee has been absent from work for the equivalent of three entire workdays due to the same illness or injury. Time off during the first three (3) days will be deducted from the employee's accrued and unused time management leave or, if the employee does not have sufficient time management leave, will be deducted from accrued compensatory time or any other paid leave time or be identified as leave without pay.

E. Definitions:

1. "Sick Leave Bank" is leave available for use when an employee is sick and absent from work for the equivalent of three (3) entire work days due to an illness or injury. Time Management Leave accrued above the annual maximum and not sold back is transferred to the sick leave bank. Sick leave bank is not paid out except as otherwise provided in subsection A of this Section IV.

"Sick Leave Vault" is leave available for use when an employee is sick and absent from work for the equivalent of three (3) entire work days due to an illness or injury. One-half of the sick leave vault hours will be paid to the employee upon termination of employment.

## APPENDIX “B”

## DESCHUTES COUNTY GENERAL POLICY NO. GA-6

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**SUBJECT:** Duties and Responsibilities of the Employee Benefits Advisory Committee

---

**DISCUSSION:** It is the goal of the Board of County Commissioners to provide a quality Health and Welfare Insurance Benefit Program on a consistent basis to all regular County employees. In providing these benefits it is also the responsibility of the Board to provide such benefits within established budgetary constraints.

**POLICY:**

In order to assist the Board in providing a consistent level of Health and Welfare benefits to all regular County employees, the Board of County Commissioners will appoint an Employee Benefits Advisory Committee (EBAC).

The primary responsibility of the EBAC will be to meet with Human Resources staff, the agent of record, and insurance representatives, in order to review/evaluate all possible options with regard to employee benefits. The EBAC will make recommendations to the Board of County Commissioners regarding Health and Welfare benefit levels.

The EBAC will also be a source of advice for the Human Resources Department concerning benefit administration.

**EBAC MEMBERSHIP:**

The EBAC will be comprised of the following voting membership:

- 4 representatives from AFSCME, selected by AFSCME
- 2 representatives from DCSA
- 1 representative from 701
- 1 representative from 9-1-1
- 1 representative from DCDAA
- 1 Human Resources Director
- 1 Risk Manager
- 5 Department Heads, Managers, and/or Elected Officials
- 1 Representative for COIC (Central Oregon Intergovernmental Council)

The County Administrator will be a non voting member of the committee. Additional non-voting members may be appointed at the discretion of the committee. A Chair and Vice Chair will be selected annually by the committee, with one position to be filled by a manager or elected official, and the other will be a non-management representative.

The Human Resources Department will provide staff support to the committee.

MINIMUM MEETING REQUIREMENTS:

At a minimum, the EBAC will meet eight (8) times per Fiscal Year. Additional meetings may be scheduled at the discretion of the committee. Subcommittees may also be established at the discretion of the committee.

The EBAC may request the removal or replacement of a voting member who is not able to attend two (2) or more consecutive EBAC meetings, or four (4) or more meetings in any twelve month period.

Minutes of each meeting for the three years preceeding will be kept by the County and posted on the County's intranet site. The County will send out communications to all employees with instructions for accessing meeting minutes on the County's intranet site on an interval agreed upon mutually by the County and the Union. All EBAC members will receive notice of planned meetings.

The meetings will be open to all interested employees.

**SIGNATURE PAGE**

DATE this \_\_\_\_\_ Day of \_\_\_\_\_ 2025.

**BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON**

\_\_\_\_\_  
Anthony DeBone, Chair

\_\_\_\_\_  
Patti Adair, Vice Chair

\_\_\_\_\_  
Phil Chang, Commissioner

**FOR THE UNION**

\_\_\_\_\_  
Dustin Fanning-Painter, AFSCME  
Negotiating Team Member

\_\_\_\_\_  
Ines Curland, AFSCME  
Negotiating Team Member

\_\_\_\_\_  
Jim Vernon, AFSCME  
Negotiating Team Member

\_\_\_\_\_  
Brenda Johnson, AFSCME  
Council 75 Representative

\_\_\_\_\_  
Date





## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 11, 2025

**SUBJECT:** Request from Mountain View Community Development to lease property at the County's Public Safety Campus for its Safe Parking program

**RECOMMENDED MOTION:**

Move to direct staff to return with a draft lease allowing Mountain View Community Development to utilize +/- 0.25-acres of County-owned property at the Deschutes County Public Safety Campus for safe parking for the Board's review and consideration.

**BACKGROUND AND POLICY IMPLICATIONS:**

Mountain View Community Development will share information on its Safe Parking program which has recently expanded from Redmond to Bend.

The presentation will also include community outreach results associated with potentially utilizing +/- 0.25-acres of County-owned property at the Deschutes County Public Safety Campus for the Safe Parking program.

**BUDGET IMPACTS:**

N/A

**ATTENDANCE:**

Kristie Bollinger – Deschutes County Property Management

Rick Russell – Mountain View Community Development





**MOUNTAIN VIEW  
COMMUNITY  
DEVELOPMENT**

[Home](#) [What We Do](#) [About Us](#) [News](#) [Contact Us](#)

[Donate](#)

06/11/2025 Item #17.

# We're taking on homelessness in Central Oregon.

And we need your help.

The number of unhoused people in Central Oregon has been





Proposed Safe Parking & Microshelters

Max 6 units  
SE corner of Sheriff's Office/Safety Campus  
Operated by Mtn View Community Dev't  
[www.mvcdoregon.org](http://www.mvcdoregon.org)  
541-527-0288

A safe, legal place for people living in vehicles or microshelters; working with case managers to move toward stable housing.

Safety tools include fencing, cameras, background checks and near daily visits by staff



# Safe Parking & microshelters are a safe, legal, sanitary place while working with a case manager toward stable housing





# 2024 Program Update

- 8 locations; 35 parking spaces
- 129 Individuals served
- 45 permanent housing
- 37 exited unsuccessfully
- Other Services
  - Pilot w/Housing Works
  - Shower & Laundry Service
  - 75 Permanent Supportive Homes

# Safe & Sanitary

- Portapotty
- Garbage service
- Electric power
- Participant handbook
  - must agree to weekly case management
  - agree to “good neighbor” expectations
  - legally allows us to exit participants

# Oversight & Case Management Services

- Oversight
  - Multiple checkins per week
  - Cameras
  - Fencing
  - Enforcement- no unauthorized camping within 500 ft
- Action Plans may include:
  - Housing
  - Access to health care
  - Employment support
  - Assistance with ID's, birth certificates, vehicle registration and insurance

# Host Sites

## Bend

- Bend Nazarene
- Antioch Church
- Unitarian Universalist Fellowship
- Nativity Lutheran

## Redmond

- Mountain View Fellowship
- Community Presbyterian
- City of Redmond x2
- Deschutes County
- Redmond Athletic Center
- Fuel Safe
- VFW



# Mountain View Community Development Expansion

## Bend Office

- Office at Westside Church
- 4 staff initially
  - Social Services Manager
  - Case Manager
  - Facilities Support
  - Admin Support
- City of Bend contract for 20 spaces
- Locations in development
  - Church owned lot
  - Safety Campus
  - City lot
  - Private residential lot

# Neighbor Notification Process

Letters, maps, and references delivered; in person meetings offered

- March 7- Central Oregon Veterans Outreach meeting
- April 3- County Safety Campus stakeholders meeting
- April 28- Business owners notified
- May 13- Initial contact with residential HOA leadership
- May 29- All HOA members notified



MOUNTAIN VIEW  
COMMUNITY  
DEVELOPMENT

## SAFE PARKING PROGRAM ZONE

This is a designated  
SAFE PARKING Zone for **active**  
participants in the Safe Parking Program.  
If you choose to enter without permission,  
you may be cited for trespassing.

Program information can be found at  
[www.mvcdredmond.org](http://www.mvcdredmond.org)  
541-527-0028



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 11, 2025

**SUBJECT:** First reading of Ordinance 2025-010 — Plan Amendment and Zone Change for property totaling approximately 279 acres southeast of the City of Bend (60725 Arnold Market Road)

**RECOMMENDED MOTION:**

Move approval of first reading of Ordinance No. 2025-010 by title only.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Board of County Commissioners (Board) will consider a first reading of Ordinance 2025-010 on June 11, 2025, for a request for a Plan Amendment and Zone Change (file nos. 247-24-000404-PA, 405-ZC) for property totaling approximately 279 acres to the southeast of the City of Bend and addressed at 60725 Arnold Market Road.

The electronic record can be accessed on the property website at:

<https://www.deschutes.org/cd/page/247-24-000404-pa-405-zc-bend-park-and-recreation-district-bprd-comprehensive-plan-amendment>.

**BUDGET IMPACTS:**

None.

**ATTENDANCE:**

Nathaniel Miller, Associate Planner



## COMMUNITY DEVELOPMENT

## MEMORANDUM

**TO:** Deschutes County Board of Commissioners (Board)

**FROM:** Nathaniel Miller, Associate Planner

**DATE:** June 11, 2025

**SUBJECT:** Consideration of First Reading of Ordinance 2025-010 – A Plan Amendment and Zone Change (file nos. 247-24-000404-PA, 405-ZC).

---

The Board of County Commissioners (Board) will consider a first reading of Ordinance 2025-010 on June 11, 2025, for a Plan Amendment and Zone Change (File nos. 247-24-000404-PA, 247-24-000405-ZC). The subject property is located southeast of the City of Bend and is approximately 279 acres. The property is addressed at 60725 Arnold Market Road, Bend.

**I. BACKGROUND**

The applicant and property owners, Bend Park & Recreation District (BPRD), requests approval of a Comprehensive Plan Amendment to change the designation of the subject property (+/- 279 Acres) from Agricultural (AG) and Surface Mining (SM) to Rural Residential Exception Area (RREA). The applicant also requests a corresponding Zone Change to rezone the subject property from Exclusive Farm Use – Tumalo/ Redmond/ Bend subzone (EFU-TRB) and Surface Mining (SM) to Rural Residential (RR10). The property is comprised of approximately 105 acres of SM Zone and 174 acres of EFU Zone. The applicant asks that Deschutes County change the zoning and the plan designations because the subject property does not qualify as “agricultural land” under Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR) definitions, and there are no active mining operations at the former surface mine site.

A public hearing was conducted by a Hearings Officer on November 12, 2024. On January 8, 2025, the Hearings Officer issued a recommendation of approval for the proposed Plan Amendment and Zone Change. On April 2, 2025, the Board held a public hearing to hear additional testimony on the applications. The Board established an Open Record Period after the hearing which closed at 4:00pm on April 23, 2025. On May 28, the Board deliberated to approve the requests, with a unanimous vote in favor of the subject applications.

## **II. NEXT STEPS / SECOND READING**

The Board is tentatively scheduled to conduct the second reading of Ordinance 2025-010 on June 25, 2025, fourteen (14) days following the first reading.

### **ATTACHMENTS:**

#### **1. Draft Ordinance 2025-010 and Exhibits**

Exhibit A: Legal Descriptions

Exhibit B: Proposed Plan Amendment Map

Exhibit C: Proposed Zone Change Map

Exhibit D: Comprehensive Plan Section 23.01.010, Introduction

Exhibit E: Comprehensive Plan Section 5.12, Legislative History

Exhibit F: Hearings Officer Recommendation



REVIEWED \_\_\_\_\_

LEGAL COUNSEL

For Recording Stamp Only

## BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County \*  
 Code Title 23, the Deschutes County \*  
 Comprehensive Plan, to Change the \*  
 Comprehensive Plan Map Designation for \*  
 Certain Property From Agriculture and Surface \*  
 Mining to Rural Residential Exception Area, \*  
 and Amending Deschutes County Code Title \*  
 18, the Deschutes County Zoning Map, to \*  
 Change the Zone Designation for Certain \*  
 Property From Exclusive Farm Use and Surface \*  
 Mining to Rural Residential.

ORDINANCE NO. 2025-010

WHEREAS, Bend Park & Recreation District (BPRD), applied for changes to both the Deschutes County Comprehensive Plan Map (247-24-000404-PA) and the Deschutes County Zoning Map (247-24-000405-ZC), to change the comprehensive plan designation of the subject property from Agricultural (AG) and Surface Mining (SM) to Rural Residential Exception Area (RREA), and a corresponding zone change from Exclusive Farm Use (EFU) and Surface Mining (SM) to Rural Residential (RR-10); and

WHEREAS, after notice was given in accordance with applicable law, a public hearing was held on November 12, 2024, before the Deschutes County Hearings Officer and, on January 8, 2025, the Hearings Officer recommended approval of the Comprehensive Plan Map Amendment and Zone Change;

WHEREAS, pursuant to DCC 22.28.030(C), on April 2, 2025, the Board heard *de novo* the applications to change the comprehensive plan designation of the subject property from Agricultural (AG) and Surface Mining (SM) to Rural Residential Exception Area (RREA) and a corresponding zone change from Exclusive Farm Use (EFU) and Surface Mining (SM) to Rural Residential (RR-10); and now, therefore,

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

Section 1. AMENDMENT. DCC Title 23, Deschutes County Comprehensive Plan Map, is amended to change the plan designation for certain property described in Exhibit "A" and depicted on the map set forth as Exhibit "B" from AG and SM to RREA, with both exhibits attached and incorporated by reference herein.

Section 2. AMENDMENT. DCC Title 18, Zoning Map, is amended to change the zone designation from EFU and SM to RR-10 for certain property described in Exhibit "A" and depicted on the map set forth as Exhibit "C", with both exhibits attached and incorporated by reference herein.

Section 3. AMENDMENT. DCC Section 23.01.010, Introduction, is amended to read as described in Exhibit "D" attached and incorporated by reference herein, with new language underlined.

Section 4. AMENDMENT. Deschutes County Comprehensive Plan Section 5.12, Legislative History, is amended to read as described in Exhibit "E" attached and incorporated by reference herein, with new language underlined.

Section 5. FINDINGS. The Board adopts as its findings in support of this Ordinance the Recommendation of the Hearings Officer as set forth in Exhibit "F" and incorporated by reference herein.

Section 6. EFFECTIVE DATE. This Ordinance takes effect on the 90<sup>th</sup> day after the date of adoption or, if appealed, the date the ordinance is no longer subject to appeal.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2025

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DEBONE, Chair

\_\_\_\_\_  
PATTI ADAIR, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner

Date of 1<sup>st</sup> Reading: \_\_\_\_ day of \_\_\_\_\_, 2025.



Date of 2<sup>nd</sup> Reading: \_\_\_\_ day of \_\_\_\_\_, 2025.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Anthony DeBone	___	___	___	___
Patti Adair	___	___	___	___
Phil Chang	___	___	___	___

Effective date: \_\_\_\_ day of \_\_\_\_\_, 2025. Or, if appealed, the date the ordinance is no longer subject to appeal.

ATTEST

\_\_\_\_\_  
Recording Secretary

## Exhibit "A" to Ordinance 2025-010

### Legal Descriptions of Affected Properties

**For Informational Purposes Only:** Map and Tax Lot no.1812230000200

### (Legal Description Begins Below)

#### PARCEL 1:

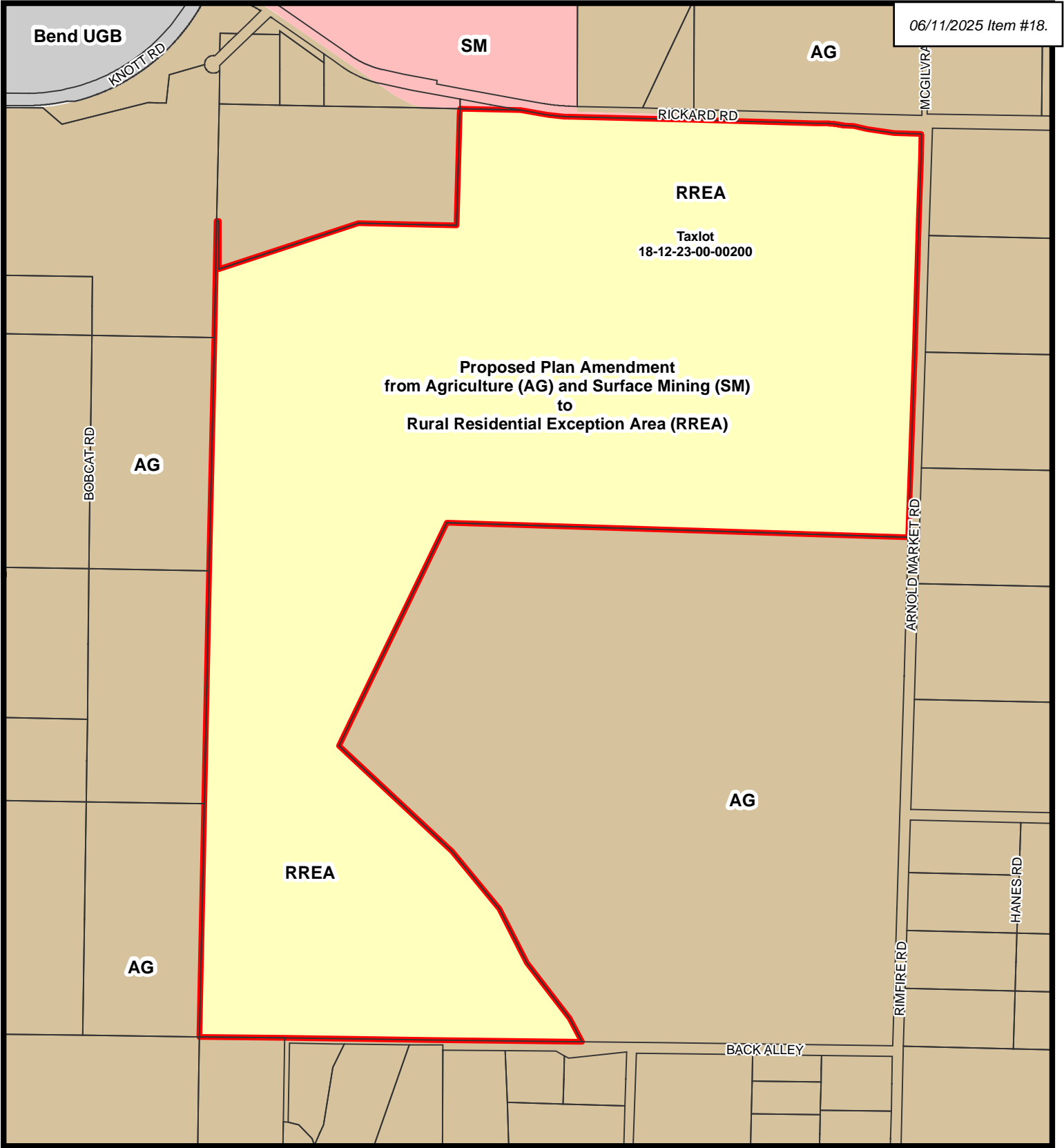
A tract of land located in the Northeast one-quarter, Southeast one-quarter, Southwest one-quarter and Northwest one-quarter of Section 23, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:



Commencing at the Southeast corner of said Section 23, marked by a 5.8-inch iron rod; thence N89°46'36"W along the South line of Section 23 a distance of 30.00 feet to a point on the West right-of-way line of Arnold Market Road; thence continuing N89°46'36"W along the South line of Section 23 a distance of 1753.05 feet to the TRUE POINT OF BEGINNING; thence N28°29'13"W 149.76 feet; thence N38°02'41"W 397.82 feet; thence N27°42'16"W 344.09 feet; thence N39°57'15"W 419.70 feet; thence N47°27'39"W 876.50 feet; thence N25°17'31"E 1402.04 feet; thence S88°42'18"E 2611.84 feet to a point on the West right-of-way line of Arnold Market Road; thence along said West right-of-way line N1°17'52"E 2269.64 feet to a point of curve; thence continuing along said West right of way line, along the arc of a tangent 50.00 foot radius curve to the left, through a central angle of 16°33'55" (the chord of which bears N6°59'11" W, 14.41 feet) an arc length of 14.46 feet to a point on the South right-of-way line of Rickard Road, as conveyed in Dedication Deed in Volume 2002, Page 44094, Deschutes County Official Records; thence along said South right-of-way line the following courses: N89°00'32"W 152.93 feet; thence N82°04'49"W 155.57 feet; thence N76°07'29"W 77.29 feet; thence N89°00'32"W 55.49 feet; thence along the arc of a non-tangent 537.37 foot radius curve to the left, through a central angle of 11°04'15" (the chord of which bears N83°28'24"W, 103.67 feet) an arc length of 103.83 feet to the point of tangency, said point being 30.00 feet Southerly from, when measured at right angles to the centerline of said Rickard Road; thence N89°00'32"W 1456.15 feet, continuing along the South right-of-way line of said Rickard Road, to a point of curvature; thence along the arc of a tangent 1030.00 foot radius curve to the right, through a central angle of 8°52'51" (the chord of which bears N84°34'06"W, 159.49 feet) an arc length of 159.65 feet to the point of tangency; thence continuing along the South right-of-way line of Rickard Road, N80°07'41"W 114.34 feet to a point on the North line of said Section 23; thence leaving said South right-of-way line and running along the North line of said Section 23, N89°00'32"W 344.43 feet to the North quarter corner of said Section 23; thence along the East line of the Northwest one-quarter of said Section 23, S1°13'52"W 659.27 feet to the Southeast corner of the North half of the Northeast quarter of the Northwest quarter of said Section 23; thence along the South line of said North half of the Northeast quarter of the Northwest quarter, N89°26'50"W 556.19 feet to the Northeast corner of that certain tract of land conveyed to Douglas Muck, et ux, in Volume 118, page 1740, Deschutes County Official Records; thence along the Southerly line of said Muck tract, S71°24'00"W 831.66 feet to the Southwest corner thereof; thence along the West line of said Muck tract, N0°34'01"W 272.91 feet to the Northwest corner thereof, being a point on the South line of said North half of the Northeast quarter of the Northwest quarter of said Section 23; thence along said South line, N89°26'50"W 10.80 feet to the Southwest corner of the North half of the Northeast quarter of the Northwest quarter of said Section 23; thence along the West line of the Northeast quarter of the Northwest quarter of said Section 23, S0°48'12"W 659.12 feet to the Southwest corner thereof; thence along the West line of the Southeast quarter of the Northwest quarter of said Section 23, S0°47'39"W 1317.84 feet to the Southwest corner thereof; thence along the West line of the Northeast quarter of the Southwest quarter of said Section 23, and along the East line of Partition Plat No. 1991-40, S0°34'04"W 2646.06 feet to the Southeast corner thereof, being the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 23; thence along the South line of said Section 23, S89°46'36"E 1317.18 feet to the South quarter corner of said Section 23; thence continuing along the South line of said Section 23, S89°46'36"E 852.70 feet to the TRUE POINT OF BEGINNING

EXCEPTING THEREFORM those portions lying within the bounds of those certain tracts of land described in Dedication Deed recorded October 31, 2001 as Instrument No. 2001-53597 and Dedication Deed recorded August 15, 2002 as Instrument No. 2002-44094 and Dedication Deed recorded April 26, 2007 as Instrument No. 2007-24052 and Dedication Deed recorded April 26, 2007 as Instrument No. 2007-24053, Deschutes County Records.




TOGETHER WITH that vacated portion which inured to said property by Ordinance No. 2010-054, recorded November 3, 2010 as Instrument No. 2010-43870, Deschutes County Records.





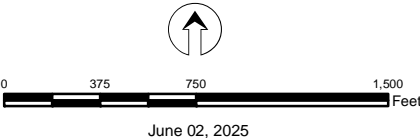
-  Plan Amendment Boundary
-  Bend Urban Growth Boundary (UGB)

**Comprehensive Plan**

-  RREA - Rural Residential Exception Area
-  AG - Agriculture
-  SM - Surface Mining

**PROPOSED  
COMPREHENSIVE PLAN**

Exhibit "B"  
to Ordinance 2025-010



BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

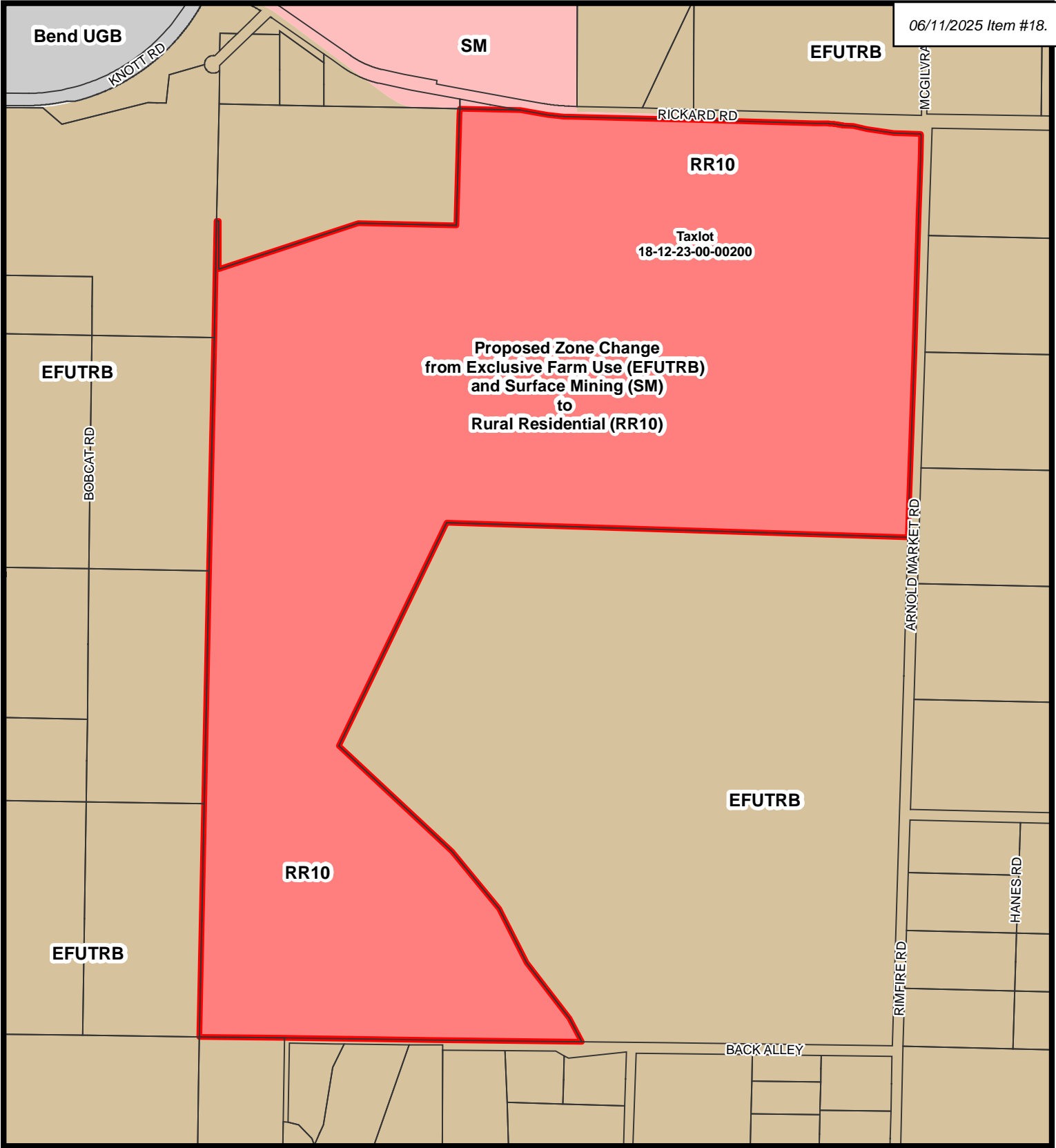
Anthony DeBone, Chair


Patti Adair, Vice Chair


Phil Chang, Commissioner

ATTEST: Recording Secretary


Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2025  
Effective Date: \_\_\_\_\_, 2025





 Zone Change Boundary

 Bend Urban Growth Boundary (UGB)

**Zoning**

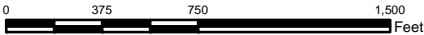
 EFUTRB - Exclusive Farm Use

 SM - Surface Mining

 RR10 - Rural Residential

# PROPOSED ZONING

Exhibit "C"  
to Ordinance 2025-010



June 02, 2025

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

Anthony DeBone, Chair

Patti Adair, Vice Chair

Phil Chang, Commissioner

ATTEST: Recording Secretary

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2025  
Effective Date: \_\_\_\_\_, 2025

## TITLE 23 COMPREHENSIVE PLAN

### CHAPTER 23.01 COMPREHENSIVE PLAN

- A. The Deschutes County Comprehensive Plan, adopted by the Board in Ordinance 2011-003 and found on the Deschutes County Community Development Department website, is incorporated by reference herein.
- B. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2011-027, are incorporated by reference herein.
- C. [Repealed by Ordinance 2013-001, §1]
- D. [Repealed by Ordinance 2023-017]
- E. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-012, are incorporated by reference herein.
- F. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-016, are incorporated by reference herein.
- G. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-002, are incorporated by reference herein.
- H. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-009, are incorporated by reference herein.
- I. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-012, are incorporated by reference herein.
- J. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-007, are incorporated by reference herein.
- K. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-005, are incorporated by reference herein.
- L. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-006, are incorporated by reference herein.
- M. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-012, are incorporated by reference herein.
- N. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-021, are incorporated by reference herein.
- O. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-027, are incorporated by reference herein.
- P. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-021, are incorporated by reference herein.

- Q. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-029, are incorporated by reference herein.
- R. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-018, are incorporated by reference herein.
- S. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-010, are incorporated by reference herein.
- T. [Repealed by Ordinance 2016-027 §1]
- U. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-022, are incorporated by reference herein.
- V. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-005, are incorporated by reference herein.
- W. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-027, are incorporated by reference herein.
- X. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-029, are incorporated by reference herein.
- Y. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2017-007, are incorporated by reference herein.
- Z. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-002, are incorporated by reference herein.
- AA. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-006, are incorporated by reference herein.
- AB. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-011, are incorporated by reference herein.
- AC. [repealed by Ord. 2019-010 §1, 2019]
- AD. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-008, are incorporated by reference herein.
- AE. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-002, are incorporated by reference herein.
- AF. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-001, are incorporated by reference herein.
- AG. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-003, are incorporated by reference herein.
- AH. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-004, are incorporated by reference herein.

- AI. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-011, are incorporated by reference herein.
- AJ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-006, are incorporated by reference herein.
- AK. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-019, are incorporated by reference herein.
- AL. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-016, are incorporated by reference herein.
- AM. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-001, are incorporated by reference herein.
- AN. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-002, are incorporated by reference herein.
- AO. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-003, are incorporated by reference herein.
- AP. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-008, are incorporated by reference herein.
- AQ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-007, are incorporated by reference herein.
- AR. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-006, are incorporated by reference herein.
- AS. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-009, are incorporated by reference herein.
- AT. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-013, are incorporated by reference herein.
- AU. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2021-002, are incorporated by reference herein.
- AV. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2021-005, are incorporated by reference herein.
- AW. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2021-008, are incorporated by reference herein.
- AX. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-001, are incorporated by reference herein.
- AY. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-003, are incorporated by reference herein.



- AZ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-006, are incorporated by reference herein.
- BA. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-010, are incorporated by reference herein.
- BB. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-011, are incorporated by reference herein. (superseded by Ord. 2023-015)
- BC. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-013, are incorporated by reference herein. (supplemented and controlled by Ord. 2024-010)
- BD. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-001, are incorporated by reference herein.
- BE. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-007, are incorporated by reference herein.
- BF. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-010 are incorporated by reference herein.
- BG. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-018, are incorporated by reference herein.
- BH. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-015, are incorporated by reference herein.
- BI. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-025, are incorporated by reference herein.
- BJ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-001, are incorporated by reference herein.
- BK. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-003, are incorporated by reference herein.
- BL. The Deschutes County Comprehensive Plan, adopted by the Board in Ordinance 2024-007 and found on the Deschutes County Community Development Department website, is incorporated by reference herein.
- BM. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-010, are incorporated by reference herein.
- BN. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-017, are incorporated by reference herein.
- BO. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-016, are incorporated by reference herein.

BP. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-011, are incorporated by reference herein.

BQ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-012, are incorporated by reference herein.

BR. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2025-001, are incorporated by reference herein.

BS. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2025-003, are incorporated by reference herein.

BT. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2025-010, are incorporated by reference herein.

Click here to be directed to the Comprehensive Plan (<http://www.deschutes.org/compplan>)

**Exhibit "E" to Ordinance 2025-010**

## Section 5.12 Legislative History

**Background**

This section contains the legislative history of this Comprehensive Plan.

**Table 5.12.1 Comprehensive Plan Ordinance History**

**Exhibit "E" to Ordinance 2025-010**

<b>Ordinance</b>	<b>Date Adopted/ Effective</b>	<b>Chapter/Section</b>	<b>Amendment</b>
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

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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
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.

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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

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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	8-22-18/11-20-18	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
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

## Exhibit "E" to Ordinance 2025-010

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 I boundary. The ordinance also amends the Comprehensive Plan designation of Urban Area Reserve for those lands leaving the UGB.



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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
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	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.

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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.

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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 Vandever Road from US 97.
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)
2021-005	06-16-21/06-16-21	23.01.01, 4.2	Comprehensive Plan Map Amendment Designation for Certain Property from Agriculture (AG) To Redmond Urban Growth Area (RUGA) and text amendment
2021-008	06-30-21/09-28-21	23.01.01	Comprehensive Plan Map Amendment Designation for Certain Property Adding Redmond Urban Growth Area (RUGA) and Fixing Scrivener’s Error in Ord. 2020-022

**Exhibit "E" to Ordinance 2025-010**

2022-001	04-13-22/07-12-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2022-003	04-20-22/07-19-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2022-006	06-22-22/08-19-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area (RREA) to Bend Urban Growth Area
2022-011	07-27-22/10-25-22 (superseded by Ord. 2023-015)	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) To Rural Industrial (RI)
2022-013	12-14-22/03-14-23 (supplemented and controlled by Ord. 2024-010)	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-001	03-01-23/05-30-23	23.01.010, 5.9	Housekeeping Amendments correcting the location for the Lynch and Roberts Store Advertisement, a designated Cultural and Historic Resource
2023-007	04-26-23/6-25-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)

**Exhibit “E” to Ordinance 2025-010**

2023-010	06-21-23/9-17-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-018	08-30-23/11-28-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-015	9-13-23/12-12-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Industrial (RI)
2023-025	11-29-23/2-27-24	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area (RREA) to Bend Urban Growth Area
2024-001	1-31-24/4-30-24	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area (RREA) to Bend Urban Growth Area
2023-016	5-8-24/8-6-24	23.01(BM) (added), 4.7 (amended), Appendix B (replaced)	Updated Tumalo Community Plan
2023-017	3-20-24/6-20-24	23.01(D) (repealed), 23.01(BJ) (added), 3.7 (amended), Appendix C (replaced)	Updated Transportation System Plan

**Exhibit “E” to Ordinance 2025-010**

2024-003	2-21-24/5-21-24	23.01.010, 5.8	Comprehensive Plan Map Amendment, changing designation of certain property from Surface Mining (SM) to Rural Residential Exception Area (RREA); Modifying Goal 5 Mineral and Aggregate Inventory
2024-007	10-02-24/12-31-24	23.01(A)(repealed) 23.01(BK) (added)	Repeal and Replacement of 2030 Comprehensive Plan with 2040 Comprehensive Plan
2024-010	10-16-24/01-14-25	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2024-011	11-18-24/02-17-25	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Redmond Urban Growth Area (RUGA)
2024-012	1-8-25/4-8-25	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2025-001	2-5-25/2-5-25	23.01.010	Comprehensive Plan and Zoning Map Amendment updating the Greater Sage-Grouse Area Combining Zone boundary.
2025-003	4-2-25/7-1-25	23.01.010	Comprehensive Plan Designation for Certain Property from Agriculture (AG) to Rural Industrial (RI)

**Exhibit “E” to Ordinance 2025-010**

<u>2025-010</u>	<u>TBD</u>	<u>23.01.010</u>	<u>Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) and Surface Mining (SM) to Rural Residential Exception Area (RREA)</u>
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## HEARINGS OFFICER RECOMMENDATION

**FILE NUMBERS:** 247-24-000404-PA, 247-24-000405-ZC

**SUBJECT PROPERTY/  
OWNER:**

Mailing Name: BEND PARK & RECREATION DISTRICT  
Map and Taxlot: 1812230000200  
Account: 112113  
Situs Address: 60725 ARNOLD MARKET RD, BEND, OR 97701

**APPLICANT:** Bend Park & Recreation District (BPRD)

**ATTORNEY:** Tia M. Lewis  
Schwabe, Williamson & Wyatt, P.C.  
360 SW Bond Street, Suite 500  
Bend, OR 97702

**REQUEST:** The Applicant requests approval of a Comprehensive Plan Amendment to change the designation of the subject property (+/- 279 Acres) from Agricultural (AG) and Surface Mining (SM) to Rural Residential Exception Area (RREA). The Applicant also requests a corresponding Zone Change to rezone the subject property from Exclusive Farm Use – Tumalo/ Redmond/ Bend subzone (EFU-TRB) & Surface Mining (SM) to Rural Residential (RR10).

**STAFF CONTACT:** Nathaniel Miller, AICP, Associate Planner  
Phone: 541-317-3164  
Email: [Nathaniel.Miller@deschutes.org](mailto:Nathaniel.Miller@deschutes.org)

**RECORD:** Record items can be viewed and downloaded from:  
[www.buildingpermits.oregon.gov](http://www.buildingpermits.oregon.gov)

**WEBPAGE:** <https://www.deschutes.org/cd/page/247-24-000404-pa-405-zc-bend-park-and-recreation-district-bprd-comprehensive-plan-amendment>

**HEARINGS OFFICER:** Gregory J Frank



## **I. APPLICABLE CRITERIA**

Title 18 of the Deschutes County Code, the County Zoning Ordinance:

- Chapter 18.04, Title, Purpose, and Definitions
- Chapter 18.16, Exclusive Farm Use Zones (EFU)
- Chapter 18.52, Surface Mining Zone (SM)
- Chapter 18.56, Surface Mining Impact Area Combining Zone (SMIA)
- Chapter 18.60, Rural Residential Zone (RR10)
- Chapter 18.136, Amendments

Title 22, Deschutes County Development Procedures Ordinance

Deschutes County Comprehensive Plan

- Chapter 2, Resource Management
- Chapter 3, Rural Growth Management
- Appendix C, Transportation System Plan

Oregon Administrative Rules (OAR), Chapter 660

- Division 12, Transportation Planning
- Division 15, Statewide Planning Goals and Guidelines
- Division 23, Procedures and Requirements for Complying with Goal 5
- Division 33, Agricultural Land

Oregon Revised Statutes (ORS)

- Chapter 215.010, Definitions
- Chapter 215.211, Agricultural Land, Detailed Soils Assessment

## **II. FINDINGS AND CONCLUSIONS**

### **A. Preliminary Findings:**

#### **1. Purpose of the Preliminary Findings**

The Hearings Officer, in these Preliminary Findings, responds to issues raised by Central Oregon LandWatch ("COLW"). These Preliminary Findings are intended to provide an overview of the COLW issues, discussion of relevant laws/rules related to those issues and the Hearings Officer's legal interpretation of various sections of the Deschutes County Code ("DCC") and State statutes/regulations as relevant to the identified COLW issues. The Hearings Officer incorporates these Preliminary Findings as additional findings for relevant approval criteria.

#### **2. Reclamation of SM Zoned Land**

COLW stated that the Applicant's proposal in this case must be denied because it failed to meet the following:

*“the SM zone may only be terminated and rezoned once the mining site has been reclaimed in accordance with the reclamation plan approved by DOGAMI or the reclamation provision of DCC 18.”* (COLW, 11/12/2024, page 3)

It appears that COLW SM termination argument is twofold: First, COLW argued that the SM zoned property in this case did not meet Oregon Department of Geology and Mineral Industries (“DOGAMI”) requirements. Second, COLW argued that the SM zoned property did not meet DCC Title 18 requirements. The Hearings Officer shall address both COLW arguments.

The Hearings Officer takes note of Deschutes County decision 247-23-000709-MC (hereafter the “Modified Reclamation Plan Decision”). The stated purpose of the Modified Reclamation Plan Decision was to

*document existing site conditions, clarify the obligations in the reclamation plan, to identify the remaining items to be completed and to modify and remaining reclamation requirements through an Amended Reclamation Plan.*

The Modified Reclamation Plan Decision also stated that

*the applicant’s proposed modification plan would replace an outdated, unrealistic reclamation plan under SP-92-98 with a specific plan that complies with current county and DOGAMI standards and that will have minimal impact on surrounding properties.*

The Hearings Officer also takes note of DCC 18.52.200 A. This section of the DCC states:

*When a surface mining site has been fully or partially mined, and the operator demonstrates that a significant resource no longer exists on the site, and the site has been reclaimed in accordance with the reclamation plan approved by DOGAMI or the reclamation provisions of DCC 18, the property shall be rezoned...*

The Hearings Officer finds that DCC 18.52.200 A contains the word “or” inserted between the DOGAMI reclamation requirement and the DCC 18 reclamation requirement. The Hearings Officer finds that *if* either the DOGAMI “or” DCC 18 reclamation requirement is met *then* the DCC reclamation requirements of DCC 18.52.200 A are satisfied.

The Hearings Officer first addresses the COLW argument that alleges that the Subject Property has not been reclaimed in accordance with DOGAMI requirements. Initially, the Hearings Officer finds COLW offered no authoritative evidence or legal support that the SM zoned portion of the Subject Property failed to meet DOGAMI reclamation requirements. COLW focused its comments on the bare fact that only partial reclamation had been accomplished not how partial reclamation failed to meet DOGAMI requirements.

The Hearings Officer next takes note of findings included in the Modified Reclamation Plan Decision. The following are specific references to the satisfaction of DOGAMI reclamation requirements found in the Modified Reclamation Plan Decision:

*Attached hereto as Exhibit 4 is a Memo dated October 14, 2011 from Robert Huston, Natural Resource Specialist with DOGAMI to the owner of the subject property indicating 'Reclamation has been completed' and "[a]ll obligations to the State of Oregon have been fulfilled, and the file has been closed." [finding for DCC 18.52.080 B., page 11 of 21]*

*Correspondence from DOGAMI in the record as Exhibit 4 demonstrates DOGAMI is satisfied with the site reclamation and has closed the file. [findings for DCC 18.52.130 A., page 18 of 21]*

The Hearings Officer finds, based upon the evidence in the record, that the DOGAMI reclamation requirement in DCC 18.52.200 A has been met. While the Hearings Officer finds that the satisfaction of the DCC 18.52.200 A. DOGAMI requirement is dispositive, the Hearings Officer also addresses the Title 18 requirement.

COLW provided the following comments related to the DCC 18.52.200 Title 18 requirement:

*At issue is whether the site reclamation has been completed in accordance with the 2023 Amended Reclamation Plan. The answer is no. The Amended Reclamation Plan approved by the County created a series of reclamation conditions contingent upon future BPRD development plans. Because BPRD has not yet redeveloped the property, these reclamation goals have not been achieved. For example, in reference to revegetation, the Amended Reclamation Plan provides- 'Based upon existing soil conditions some additional re-vegetation is proposed primarily within a 14.5-acre area that was not previously reclaimed in the southernmost portion of the site.' Application Materials, p. 272. This revegetation has not occurred. Another plan condition is similarly incomplete, noting that the '[t]he original DOGAMI reclamation plan (circa 1992) also called for reseeding with Crested Wheat, which may also be incorporated into future BPRD re-vegetation plans. Final reclamation grading work will minimize disturbance in those areas that have been revegetated. Natural re-vegetative processes are expected to continue and will be supplemented with additional re-vegetation work included with future BPRD development plans.' Application Materials, p. 272. The Amended Reclamation Plan also requires grading of the property and the distribution of stockpiled topsoil. Application Materials, p. 271-272. Other plan conditions will be completed in the future, providing simply that reclamation activities are 'To be determined based upon future BPRD development plans.' Application Materials, p. 272-273.*

*What is more, there appears to be no argument that the reclamation has been completed. In their burden of proof, the applicant admits that 'mining at the site ceased in 2005 and it has remained in a partial state of reclamation since that time.' (emphasis added) Application Materials, p. 25. An admission that reclamation work is incomplete is problematic for the applicant. A property in a state of partial reclamation cannot be considered 'reclaimed' as required under county code to rezone the subject property. DCC18.52.200.*

*Moreover, the 2023 Amended Reclamation Plan explicitly requires complete reclamation prior to an application for a re-zone. "C. Previous Site Plan Review Conditions" provides that 'unless explicitly modified by this decision, the previous conditions of approval in SP-92-98 shall remain in effect.' Application Materials, p. 85. Condition 11 of SP-92-98 (as modified) provides that the 'Developer shall apply to Deschutes County to rezone the subject property after the site has been reclaimed in*

*accordance with the amended reclamation plan approved by the County.’ Application Materials, p. 73. Condition 11 clearly and explicitly states that the developer shall apply for the rezone after the site has been reclaimed. Here, in the Applicant’s own words, the property is in a ‘partial state of reclamation’. Application Materials, p. 25. As a result, the property is ineligible for rezoning because it has not been reclaimed in accordance with the Amended Reclamation Plan approved by the County.*

The Hearings Officer believes the most important issue raised by COLW in the above-quoted comments is:

*Because BPRD has not yet redeveloped the property, these reclamation goals have not been achieved.”*

Applicant responded to COLW’s above-quoted comments (Final Argument, 12/9/2024, page 2) as follows:

*The Amended Reclamation Plan was approved by the County via the Modification of Conditions Decision, Exhibit 4 [footnote omitted] The Modification of Conditions Decision specifically recognized the existing site conditions, the incorrect information relied on to create the SP-92-98 conditions, and modified the reclamation requirements to reflect actual site conditions and allow for remaining topsoil to be applied and revegetation contemporaneously/concurrently with park development, as described in the Amended Reclamation Plan.*

The Hearings Officer interprets the COLW reclamation plan argument to require all (100%) reclamation duties to be completed prior to the approval of a Comprehensive Plan Amendment and/or zone change for the Subject Property and/or the development of the Subject Property. Applicant argues that reclamation duties may be completed at a later time such as after approval of the application in this case and during Applicant’s development process. The Hearings Officer reviewed the Amended Reclamation Plan and the Findings and Decision for case 247-23-000709-MC. The County, in the Findings and Decision for 247-23-000709-MC, added a condition stating that *“Developer shall complete site reclamation in accordance with the 2023 Amended Reclamation Plan approved by the County.”* The Hearings Officer finds the Amended Reclamation Plan establishes reclamation obligations related to the Subject Property. The Amended Reclamation Plan includes the following statement:

*“Approximately 26,000 yd<sup>3</sup> of silty-sand topsoil from 5 on-site stockpiles will be distributed throughout the site, as needed, to support the -revegetation contemporaneously with future site development.” (Section 9, page 4 of 10)*

The Hearings Officer finds the Amended Reclamation Plan clearly anticipates reclamation activities to occur during Applicant’s development process; a time following approval of the application in this case. The Hearings Officer finds *no* clear language in the Amended Reclamation Plan that would support COLW’s argument that all (100%) reclamation activities be completed prior to approval of an application for a Comprehensive Plan and/or zone change approval. The Hearings Officer finds COLW’s argument that one or more sections of SP-92-98 remains relevant to this case and provides a basis for denial is not persuasive.

### 3. Park Use Allowed in EFU Zone

COLW argued that Applicant's current proposal

*to amend the comprehensive plan from Agricultural designation to Rural Residential Exception Area (RREA) is unnecessary because the sought use of a public park is conditionally allowed in agricultural zones.*

The Hearings Officer finds this COLW argument is legally unsupportable. The Hearings Officer does not disagree with COLW that park use is permitted as a conditional use in the EFU zone. However, the Hearings Officer finds COLW failed to cite any relevant section of the DCC or any state law/regulation that precludes the Applicant from filing this application. The Hearings Officer finds Applicant, in this case, exercised its legal discretion to select an application avenue that it believes best meets its development goals. The Hearings Officer finds it common that a specific land use may be allowed in multiple zoning designations; here parks are allowed, for example, in EFU, MUA, RREA, F-1 and other zones.

An Applicant has the right to determine what land use application to file and the Hearings Officer is allowed only to consider the relevant approval criteria for that application. Thereafter, the Hearings Officer must, based upon the evidence and argument in the record, determine if the application meets relevant approval criteria. In this case COLW did not provide the Hearings Officer substantial evidence or persuasive argument that its "unnecessary" argument (as quoted above) is based upon a relevant approval criterion.

### 4. Public Interest (DCC 18.136.020)

COLW argued, that

*Pursuant to DCC 18.136.020, the application for a quasi-judicial rezoning must establish that the public interest is best served by rezoning the property.*

DCC 18.136.020 C. states:

*That changing the zoning will presently serve the public health, safety and welfare considering the following factors:*

- 1. The availability and efficiency of providing necessary public services and facilities.*
- 2. The impacts on surrounding land use will be consistent with the specific goals and policies contained within the Comprehensive Plan.*

The Hearings Officer takes exception to COLW's inclusion of the word "best" in its above-quoted statement. DCC 18.136.020 does not include the word "best." The Hearings Officer finds that an applicant's burden is to demonstrate that a proposed zone change will serve the public health, safety and welfare considering the factors in subsections 1. and 2.

The Hearings Officer takes notice of the following facts: First, the Applicant is the parks district for Bend and has publicly announced that the Subject Property will be used for park purposes and second, the Amended Reclamation Plan and Modification and Decision for 247-23-000709-MC are founded upon and approved for the eventual use of the Subject Property's use as a park. The Hearings Officer finds the use proposed through this application is the development of a public park.

The Hearings Officer finds Applicant's proposed park use serves the public health, safety and welfare of the nearby and surrounding land uses. The Hearings Officer finds no evidence in the record that public services will not be available when the Subject Property is developed even if for residential purposes. The Hearings Officer finds, based upon evidence in the record, that impacts on surrounding land uses will be consistent with the specific goals and policies contained in the Comprehensive Plan.

## B. General Findings

### Title 18 of the Deschutes County Code, County Zoning

#### Chapter 18.52, Surface Mining Zone Section 18.52.200 Termination Of The Surface Mining Zoning And Surrounding Surface Mining Impact Area Combining Zone

**A. When a surface mining site has been fully or partially mined, and the operator demonstrates that a significant resource no longer exists on the site, and that the site has been reclaimed in accordance with the reclamation plan approved by DOGAMI or the reclamation provisions of DCC 18, the property shall be rezoned to the subsequent use zone identified in the surface mining element of the Comprehensive Plan.**

**FINDING:** The Hearings Officer incorporates Preliminary Findings for Reclamation (Section II, A. 1. **Reclamation of the SM Zoned Land**) as additional findings for this section.

Applicant's Burden of Proof states:

*This standard requires that Site No. 392 be 1) fully or partially mined, 2) no longer contain a significant resource, and 3) reclaimed in accordance with the reclamation plan approved by DOGAMI. The first two prongs are addressed in the responses to OAR 660-023-0180, which sets out the standards for determining whether an aggregate resource is significant. In the 2010 Decision, the County found the applicant met the first two prongs of this test based on Page 9 of 50 247-24-000404-PA, 405-ZC the evidence in the public record from the pit operator that the mine was closed in 2005 because all the usable material had been removed and that there is not a significant resource of fill material remaining on site. See Decision of the Deschutes County Hearings Officer, PA10-5; ZC-10-3, pg. 11. Furthermore, the Wallace Group Surface Mine Reclamation Evaluation, dated September 15, 2023 (Exhibit 8), which was submitted in support of the recent County Decision approving a modified Reclamation Plan for the subject property, 247-23-00079-MC, attached hereto as Exhibit 4 substantiates the evidence that the majority of the fill material has been removed and the site no longer contains a significant resource. The ESEE for site 392 is attached as Exhibit 9. The site was listed as significant for the presence of fill*

*material (sand and gravel) and not for aggregate. Mining at the site ceased in 2005 and it has remained in a partial state of reclamation since that time. All DOGAMI files for Site 392 have been closed since 2011. (Exhibit 10).*

*The mining element of the Comprehensive Plan does not identify a subsequent use for Site No. 392 and subsequent uses are not identified in the ESEE analysis for Site No. 392 adopted by the County. The Hearings Officer in the 2010 Decision questioned the requirement that the original topsoil be retained and replaced as being an indication the subsequent use may be for agriculture. However the Wallace Group Report demonstrates the amount of fill and topsoil originally thought to be present was not accurate and was relied upon as the evidentiary basis to modify the reclamation requirement based on existing and accurate site conditions. The evidence submitted herein and in the Modification Decision establishes the soils for the entire site are predominantly Class 7 and 8 and were improperly classified under NCRS mapping in 1992 at the time the Site Plan decision and reclamation requirements were originally imposed. Because the property does not meet the definition of Agricultural land, the Applicant proposes rezoning the property to RR-10 to allow its use in conjunction with the adjoining property to be master planned as a public park.*

Staff (Staff Report, page 10 of 50) concurred with the Applicant's analysis and concluded that the proposal complied with the above criterion.

The Hearings Officer, consistent with the incorporated Preliminary Findings (II.A.2 **Reclamation of SM Zoned Land**) finds that there is substantial evidence in the record to demonstrate that mining no longer occurs at the Subject Property. The Hearings Officer finds the Amended Reclamation Plan and the Findings and Decision for 247-23-000709-MC are the controlling documents related to reclamation at the Subject Property. The Hearings Officer finds DOGAMI reclamation requirements are met/satisfied. The Hearings Officer finds that the reclamation requirements of DCC 18 will be met consistent with the Amended Reclamation Plan and Findings and Decision for 247-23-000709-MC.

The Hearings Officer finds the application in this case meets the requirements of this criterion.

**B. Concurrent with such rezoning, any surface mining impact area combining zone which surrounds the rezoned surface mining site shall be removed. Rezoning shall be subject to DCC 18.136 and all other applicable sections of DCC 18, the Comprehensive Plan and DCC Title 22, the Uniform Development Procedures Ordinance.**

**FINDING:** The Burden of Proof states:

*The applicant proposes to remove the SMIA overlay zone associated with Site No. 392 concurrent with the rezone because protection for Goal 5 resources will no longer be necessary.*

Staff (Staff Report, page 10 of 50) concurred with the Applicant's analysis. The Hearings Officer concurs with Applicant and Staff comments. The Hearings Officer finds that the applicable standards for rezoning are addressed herein.

## Chapter 18.136, Amendments

### Section 18.136.010, Amendments

**DCC Title 18 may be amended as set forth in DCC 18.136. The procedures for text or legislative map changes shall be as set forth in DCC 22.12. A request by a property owner for a quasi-judicial map amendment shall be accomplished by filing an application on forms provided by the Planning Department and shall be subject to applicable procedures of DCC Title 22.**

**FINDING:** The Applicant, also the property owner, has requested a quasi-judicial plan amendment and filed the applications for a plan amendment and zone change. The application will be reviewed utilizing the applicable procedures contained in Title 22 of the Deschutes County Code.

### Section 18.136.020, Rezoning Standards

**The applicant for a quasi-judicial rezoning must establish that the public interest is best served by rezoning the property. Factors to be demonstrated by the applicant are:**

**A. That the change conforms with the Comprehensive Plan, and the change is consistent with the plan's introductory statement and goals.**

**FINDING:** The Burden of Proof states:

*Per prior Hearings Officers decisions for plan amendments and zone changes on resource zoned property, this paragraph establishes two requirements: (1) that the zone change conforms to the Comprehensive Plan; and (2) that the change is consistent with the plan's introductory statement and goals. Both requirements are addressed below:*

**1. Conformance with the Comprehensive Plan:** *The applicant proposes a plan amendment to change the Comprehensive Plan designation of the subject property from Surface Mine and Agriculture to Rural Residential Exception Area. The proposed rezoning from SM and EFU-TRB to RR-10 will need to be consistent with its proposed new plan designation.*

**2. Consistency with the Plan's Introductory Statement and Goals.** *In previous decisions, the Hearings Officer found the introductory statement and goals are not approval criteria for the proposed plan amendment and zone change. [footnote states: Powell/Ramsey decision (PA-14-2 / ZC-14-2) and Landholdings decision (247-16-000317-ZC / 318-PA).] However, the Hearings Officer in the Landholdings decision found that depending on the language, some plan provisions may apply and found the following amended comprehensive plan goals and policies require consideration and that other provisions of the plan do not apply as stated below in the Landholdings decision:*

*"Comprehensive plan statements, goals and policies typically are not intended to, and do not, constitute mandatory approval criteria for quasi-judicial/and use permit applications. Save Our Skyline v. City of Bend, 48 Or LUBA 192 (2004). There, LUBA held:*



*'As intervenor correctly points out, local and statutory requirements that land use decisions be consistent with the comprehensive plan do not mean that all parts of the comprehensive plan necessarily are approval standards. [Citations omitted.] Local governments and this Board have frequently considered the text and context of cited parts of the comprehensive plan and concluded that the alleged comprehensive plan standard was not an applicable approval standard. [Citations omitted.] Even if the comprehensive plan includes provisions that can operate as approval standards, those standards are not necessarily relevant to all quasi-judicial land use permit applications. [Citation omitted.] Moreover, even if a plan provision is a relevant standard that must be considered, the plan provision might not constitute a separate mandatory approval criterion, in the sense that it must be separately satisfied, along with any other mandatory approval criteria, before the application can be approved. Instead, that plan provision, even if it constitutes a relevant standard, may represent a required consideration that must be balanced with other relevant considerations. [Citations omitted.]'*

*LUBA went on to hold in Save Our Skyline that it is appropriate to 'consider first whether the comprehensive plan itself expressly assigns particular role to some or all of the plan's goals and policies.' Section 23.08.020 of the county's comprehensive plan provides as follows:*

*The purpose of the Comprehensive Plan for Deschutes county is not to provide a site-specific identification of the appropriate land uses which may take place on a particular piece of land but rather it is to consider the significant factors which affect or are affected by development in the county and provide a general guide to the various decision which must be made to promote the greatest efficiency and equity possible, which managing the continuing growth and change of the area. Part of that process is identification of an appropriate land use plan, which is then interpreted to make decision about specific sites (most often in zoning and subdivision administration) but the plan must also consider the sociological, economic and environmental consequences of various actions and provide guidelines and policies for activities which may have effects beyond physical changes of the land (Emphases added.)*

*The Hearings Officer previously found that the above-underscored language strongly suggests the county's plan statements, goals and policies are not intended to establish approval standards for quasi-judicial/and use permit applications. In Bothman v. City of Eugene, 51 Or LUBA 426 (2006), LUBA found it appropriate also to review the language of specific plan policies to determine whether and to what extent they may in fact establish decisional standards. The policies at issue in that case included those ranging from aspirational statements to planning directives to the city to policies with language providing 'guidance for decision making' with respect to specific rezoning proposals. In Bothman LUBA concluded the planning commission erred in not considering in a zone change proceeding a plan policy requiring the city to '[r]ecognize the existing general office and commercial uses located \* \* \* [in the geographic area including the subject property] and discourage future rezonings of these properties.' LUBA held that:*

*'\* \* \* even where a plan provision might not constitute an independently applicable mandatory approval criterion, it may nonetheless represent a relevant and necessary consideration that must be reviewed and balanced with other relevant considerations, pursuant to ordinance provisions*

that require \* \* \* consistency with applicable plan provision.' (Emphasis added.)

*The county's comprehensive plan includes a large number of goals and policies. The applicant's burden of proof addresses goals for rural development, economy, transportation, public facilities, recreation, energy, natural hazards, destination resorts, open spaces, fish and wildlife, and forest lands. The Hearings Officer finds these goals are aspirational in nature and therefore are not intended to create decision standards for the proposed zone change."*

*Hearings Officer Karen Green adhered to these findings in the Powell/Ramsey decision (file nos. PA-14-2/ZC-14-2), and found the above-referenced introductory statements and goals are not approval criteria for the proposed plan amendment and zone change. This Hearings Officer also adheres to the above findings herein. Nevertheless, depending upon their language, some plan provisions may require "consideration" even if they are not applicable approval criteria. Save Our Skyline v. City of Bend, 48 Or LUBA 192, 209 (2004). I find that the following amended comprehensive plan goals and policies require such consideration, and that other provisions of the plan do not apply:"*

*The comprehensive plan goals and policies that the Landholdings Hearings Officer found to apply include the following . . .*

*The present application is nevertheless consistent with the introductory statement because the requested change, as demonstrated herein, is consistent with State law and County plan provisions and zoning code provisions implementing the Statewide Planning Goals.*

The Hearings Officer finds that the Applicant utilized the above-quoted analysis, as well as analyses provided in prior Hearings Officers' decisions, to determine and respond to only the Comprehensive Plan Goals and policies that apply. Staff (Staff Report, page 13 of 50) concurred with the Applicant's analysis and the Hearings Officer concurs with Applicant and Staff that the above provision shall be met based on Comprehensive Plan conformance as demonstrated in subsequent findings.

**B. That the change in classification for the subject property is consistent with the purpose and intent of the proposed zone classification.**

**FINDING:** The Burden of Proof states:

*The applicant is proposing to change the zone classification from SM and EFU to RR-10. Approval of the application is consistent with the purpose of the RR-10 zoning district, which is stated in DCC 18.60.010 as follows:*

**18.60.010 Purposes**

*The purposes of the Rural Residential Zone are to provide rural residential living environments; to provide standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources; to manage the extension of public services; to provide for public review of nonresidential uses; and to*

*balance the public's interest in the management of community growth with the protection of individual property rights through review procedures and standards.*

*The subject property is not suited to full-time commercial farming as discussed in the findings above. The RR-10 zone will allow property owners to engage in recreational uses, hobby farming, and redevelop the property in conjunction with the adjacent lands under a park Master Plan. The low-density of development allowed by the RR-10 zone will conserve open spaces and protect natural and scenic resources. In the Landholdings case, the Hearings Officer found:*

*I find that the proposed change in zoning classification from EFU is consistent with the purpose and intent of the MUA-10 zone. Specifically, the MUA-10 zone is intended to preserve the rural character of various areas of the County while permitting development consistent with that character and with the capacity of the natural resources of the area. Approval of the proposed rezone to MUA-10 would permit applications for low-density development, which will comprise a transition zone between EFU rural zoning, primarily to the east and City zoning to the west.*

Staff (Staff Report, page 14 of 50) requested the Hearings Officer make specific findings for this criterion. The Hearings Officer incorporates the findings for Goal 14 as additional findings for this policy. The Hearings Officer finds Applicant's above-quoted statement is consistent with the intent of this policy. Based upon the incorporated findings and the Applicant's statements contained in the Burden of Proof the Hearings Officer finds this policy is met.

**C. That changing the zoning will presently serve the public health, safety and welfare considering the following factors:**

**1. The availability and efficiency of providing necessary public services and facilities.**

**FINDING:** The Burden of Proof states:

*Necessary public facilities and services are available to serve the subject property. Transportation access to the property is available from Rickard Road to the north, Arnold Market Road to the east, Back Alley to the south and Bobcat Road to the west.*

*The Transportation Study prepared by Joe Bessman of Transight Consulting (Exhibit 12) submitted herewith establishes that considering the most intense residential scenario (clustered or planned units on 5-acre equivalent lots) the site would generate about 175 additional weekday daily trips, including about 29 more trips during the weekday p.m. peak hour. Comparatively, if the site were developed as a public park, the daily trips would be reduced, but a small increase in weekday p.m. peak hour trips could be generated. Again, with the current approval for a Surface Mining operation the type of trips would change, and passenger cars would have much less impact on the system than aggregate trucks. The study includes operational analysis of the SE 27th Street / SE Rickard Road intersection. Table 5 of the report, as set forth below, shows that within each of the scenarios the SE 27th Street / SE Rickard*

*Road intersection performs acceptably per the adopted City of Bend Standards.*

**Table 5. Intersection Operational Results Summary, Weekday PM Peak Hour**

Scenario	Jurisdiction/ Standard	LOS	v/c Ratio	Delay (s)	95 <sup>th</sup> % Queue (ft)	Acceptable?
Existing Zoning (Figure 5 Volumes)	City of Bend Peak Hour v/c Ratio <1.0	WB: LOS E	WB: 0.67	WB: 35.5 s	WB: 125 ft	✓
#1: Outright Uses		WB: LOS E	WB: 0.66	WB: 35.8 s	WB: 125 ft	✓
#2: Conditional Uses		WB: LOS E	WB: 0.71	WB: 40.3 s	WB: 125 ft	✓
#3: Park Use		WB: LOS E	WB: 0.67	WB: 36.5 s	WB: 125 ft	✓

*The property receives police services from the Deschutes County Sheriff. It is in Rural Fire Protection District #2. Neighboring properties contain residential uses, which have water service from a municipal source or wells, on-site sewage disposal systems, electrical service, telephone services, etc. There are no known deficiencies in public services or facilities that would negatively impact public health, safety, or welfare.*

Applicant provided evidence related to traffic impacts. County transportation staff reviewed Applicant's traffic analysis and concurred with the Applicant's assumptions, methodology and conclusions. The Hearings Officer finds no evidence in the record to dispute the Applicant's traffic analysis and concludes that the proposed zoning will serve the public health, safety and welfare considering traffic impacts. Applicant noted that the Subject Property is served by the Deschutes County Sheriff, and is in Rural Fire Protection District #2. Applicant also noted that the Subject and immediately surrounding area are served by either a municipal water source or by wells and that electrical and telephone services are available. Applicant stated that the Subject Property, including many nearby properties are served by on-site sewage disposal services.

The Hearings Officer finds evidence in the record that public services to serve the Subject Property, in the event this application is approved, are available. The Hearings Officer finds no evidence is in the record suggesting public services will not be available to the Subject Property if rezoned as requested by Applicant.

**2. The impacts on surrounding land use will be consistent with the specific goals and policies contained within the Comprehensive Plan.**

**FINDING:** The Burden of Proof states (pages 22 & 23):

*The RR-10 zoning is consistent with the specific goals and policies in the comprehensive plan discussed above. The RR-10 zoning allows rural uses consistent with the uses of many other properties in the area of the subject property. In addition, the RR-10 zoning provides a proper transition zone from the City, to rural zoning, to EFU zoning.*

*The zone change will not impose new impacts on the EFU-zoned land adjacent to or nearby the subject property because many of those properties are residential properties, hobby farms, already developed with dwellings, not engaged in commercial farm use, are idle, or are otherwise not suited for farm use due to soil conditions, topography, or ability to make a profit farming. The historic use of the property for surface mining created greater impacts to surrounding properties than the proposed RR-10 zoning would allow.*

*As discussed below, the subject property is not agricultural land, is comprised of predominantly Class 7 and 8 soils, and as described by the soil scientist, Mr. Gallagher, the nonproductive soils on the subject property make it not suitable for commercial farming or livestock grazing. The subject property is not land that historically has been or could be used in conjunction with the adjacent irrigated property for any viable agricultural use and any future development of the subject property would be subject to building setbacks.*

Staff requested that the Hearings Officer make specific findings for this criterion. The Hearings Officer reviewed the Applicant's submittals (Burden of Proof, Supplemental Burden of Proof, Open-record evidence submission and Final Argument). The Hearings Officer finds that Applicant did identify and provide extensive evidence related to comprehensive plan policies related to Applicant's assertion that the Subject Property was not agricultural land. The Hearings Officer finds Applicant's evidence related to other "relevant" Comprehensive Plan goals/policies was less comprehensive. However, the Hearings Officer finds that Applicant met the minimum standard in providing evidence that its proposal will create minimal impacts. The Hearings Officer finds Applicant's proposal, in this case, sufficiently addresses this policy.

**D. That there has been a change in circumstances since the property was last zoned, or a mistake was made in the zoning of the property in question.**

**FINDING:** COLW (11/12/2024, page 5) argued that this criterion was not satisfied. COLW stated the following:

*DCC18.136.020(D) requires the applicant to show that there has been a mistake in the initial zoning or a change in circumstances since the property was last zoned to justify such a rezone. Here, there is no initial mistake or change in circumstances that would justify a rezoning to RR-10.*

*1. Mistake: As the 2010 Hearings Officer Decision has already determined, zoning the relevant 91 acres*

*for surface mining was not a mistake, nor was a mistake made in zoning the remainder of the property EFU under PL-15 in 1979. "As an initial matter, Staff concluded that there was not a mistake made in either the decision to zone the 91 acres for surface mining, nor a mistake in zoning the remainder of the property exclusive farm use under PL-15 in 1979. Staff also speculated that the land holding was large, and the 450 or so acres would likely not have qualified for a rural residential exception area in 1979 because there was little development in the area and there was no evidence that the property was committed to any development proposal. The Hearings Officer agrees." Exhibit 1, 2010 Hearings Officer Decision p. 20.*

Applicant, in its Burden of Proof states (pages 23 & 24):

*In 1979, Deschutes County adopted its first comprehensive plan and zoning ordinance that implemented the Statewide Land Use Planning Goals. The County's comprehensive plan map was prepared prior to the USDA/NRCS's publication of the "Soil Survey of Upper Deschutes River Area, Oregon." This study replaced a prior study that provided very general information about soils. This Soil Survey of the Upper Deschutes River Area is more comprehensive than the prior soils mapping publication but it continues to provide only general soils information rather than not an assessment of soils on each parcel in the study area.*

*When the County first implemented the Statewide Goals, it applied resource zoning using a broad brush. All undeveloped rural lands were assumed to be resource land. Then-existing developed rural lands not suited for resource use were granted exceptions to the Goals that protect resource lands. The County allowed landowners a brief period of time after adoption of PL-15 (1979) to petition the County to remove nonresource properties from resource zone protections but made no effort to determine whether lands might be nonresource lands that do not merit the imposition of stringent land use regulations that protect rural resources – typical farm and forest resources.*

*The EFU zoning designation was likely based on the best soils data that was available to the County at the time it was originally zoned, during the late 1970's, when the comprehensive plan and map were first adopted and when agricultural zoning was applied to land with no history of farming. [footnotes 3 and 4 state the following:*

<sup>3</sup>*Mr. Gallagher's soils analysis report for the subject property determined that the subject property was previously mapped by the USDA-SCS Soil Survey of the Deschutes County Area and compiled by NRCS into the Web Soil Survey. The property was previously mapped at 1:20,000 scale, which is generally too small a scale for detailed land use planning and decision making, according to Mr. Gallagher.*

<sup>4</sup>*Source: Agricultural Lands Program, Community Involvement Results, Community Development, Deschutes County. June 18, 2014]*

The Hearings Officer incorporates as additional findings for this criterion, the findings (set forth later in this recommendation) for *Chapter 2, Resource Management, Section 2.2, Goal 1, Preserve and Maintain Agricultural Lands and Industry* and the findings for *Oregon Administrative Rules Division 33-Agricultural Lands & Statewide Planning Goal 3 – Agricultural Lands*. The Hearings Officer rejects COLW's assertion that the 2010 Hearings Officer decision referenced in the quoted material above

is determinative in this case.

The Hearings Officer finds the evidence provided in the record of this case is persuasive that the *initial* EFU zoning was based upon generalized soils mapping data and that the evidence (Applicant's soil study/analysis) in this case more accurately and precisely identified soil characteristics at the Subject Property. The Hearings Officer finds that the *initial* designation of EFU for the Subject Property was a mistake.

In the alternative, the Hearings Officer considers whether there has been a change in circumstances since the property was last zoned. COLW argued that this criterion was not met because there was not change in circumstances. COLW (11/12/24, page 5) stated the following:

*No change in circumstances, especially regarding the EFU-zoned portion of the property, can justify a rezone of the property.*

*The applicant has alleged that the soils have changed. Application Materials, p. 40. This is not true. The soils are the same agricultural soils that were properly mapped and zoned previously. Both the DOGAMI reclamation permit and the 2023 Amended Reclamation Plan required that the top soil initially stripped from the property be the same top soil that is restored to the property. In areas zoned EFU and not impacted by surface mining activity, the soil is the same.*

*The applicant also alleges that the viability of commercial farming has significantly changed based on water availability. This is unconvincing for several reasons. First, the subject property derives its water rights from Arnold Irrigation District (Arnold). Arnold holds water rights that are relatively senior within the basin and at minimal risk of being undeliverable. Second, many farm uses, including livestock grazing, do not necessarily require irrigation.*

Applicant, in its Burden of Proof (pages 24 & 25) stated the following:

*There has clearly been a change in circumstances since the property was last zoned in the 1970s:*

*Soils:* *New soils data provided in Mr. Gallagher's soils report shows the property does not have agricultural soils.*

*Surface Mining Complete:* *The Wallace Group Report (Exhibit 8) and Amended Reclamation Plan (Exhibit 11) approved by the County in 2023 established mining on the property is complete and the remaining reclamation activities can be completed in conjunction with the site development and master plan for a public park.*

*Farming Economics and Viability of Farm Uses:* *The economics of farming and the viability of commercial farm uses in Deschutes County have significantly changed. Making a profit in farming has become increasingly difficult, particularly on parcels that are relatively small for livestock grazing and that have inadequate soils or irrigation for raising crops such as the subject property. The reality of the difficulties agricultural producers face in Deschutes County is demonstrated below in the stakeholder interview of the Deschutes County Farm Bureau in the County's 2014*

Agricultural Lands Program, Community Involvement Results:

*Today's economics make it extremely difficult for commercial farmers in Deschutes County to be profitable. Farmers have a difficult time being competitive because other regions (Columbia Basin, Willamette Valley) produce crops at higher yields, have greater access to transportation and*

*Decline in Farm Operations: The number of farm operations have steadily declined in Deschutes County between 2012 and 2017, with only a small fraction of farm operators achieving a net profit from farming in 2017. Since the property was zoned, it has become evident that farm uses are not viable on the subject property. The economics of farming have worsened over the decades making it difficult for most Deschutes County property owners to make money farming good ground and impossible to earn a profit from attempting to farm Class 7 and 8 farm soils. In 2017, according to Table 4 of the 2017 US Census of Agriculture, Exhibit 13, only 16.03% of farm operators achieved a net profit from farming (238 of 1484 farm operations). In 2012, the percentage was 16.45% (211 of 1283 farm operations). In 2007, according to the 2012 US Census of Agriculture, that figure was 17% (239 of 1405 farm operations). Exhibit 14. The vast majority of farms in Deschutes County have soils that are superior to those found on the subject property. As farming on those superior soils is typically not profitable, it is reasonable to conclude that no reasonable farmer would purchase the subject property for the purpose of attempting to earn a profit in money from agricultural use of the land.*

*Population Changes; Encroaching development: The population of Deschutes County has, according to the US Census, increased by 336% between 1980 when the County's last zoned this property and 2021 from 62,142 persons to 209,266 persons. The supply of rural residential dwelling lots has been diminishing in the same time period. Encroaching development east of Bend's Urban Growth Boundary has brought both traffic and higher density residential uses and congestion to the area, and within a mile of the subject property.*

*The above analysis regarding the completion of surface mining, the farming economics, viability of farm uses, decline in farm operations, and changing population data and encroaching development demonstrates that a change in circumstances has occurred since the property was last zoned. In addition, Mr. Gallagher's soil assessment confirms that the subject property does not have agricultural soils.*

COLW's asserted that Applicant claimed that the "soils have changed." COLW referenced stockpiled soil that will be used to re-cover a portion of the mining section of the Subject Property as basis for Applicant's alleged claim that the "soils have changed." This COLW claim is not supported by evidence in the record.

The Hearings Officer reviewed Applicant's soil analysis carefully and concluded that Applicant's soil professional located test/bore pits throughout the Subject Property. The Hearings Officer finds the test/bore pits locations fairly and accurately provided representative results which can be relied upon in meeting the legal requirements of relevant state law/regulations.

The Hearings Officer finds the "changed circumstances" factors discussed in the Applicant's above-



quoted statements best address the changed circumstances portion of this approval criterion. The Hearings Officer concurs with Applicant that there have been changes in circumstances since the Subject Property was last zoned.

The Hearings Officer finds this criterion is met.

## **Deschutes County Comprehensive Plan**

### **Chapter 1, Comprehensive Planning**

#### Section 1.3, Land Use Planning

#### **Goal 1, Maintain an open and public land use process in which decisions are based on the objective evaluation of facts.**

**FINDING:** The Applicant's proposal in this case is being evaluated based on an objective review of compliance with Statewide Planning Goals, Deschutes County Comprehensive Plan policies, and Oregon Administrative Rules. A public hearing was held before a Hearings Officer on November 12, 2024, and members of the public were given an opportunity to attend and testify at that hearing. Pursuant to DCC 22.28.030, the Board of County Commissioners will take final action on the application and may choose to either adopt the Hearings Officer findings or conduct their own hearing. This Comprehensive Plan Amendment and Zone Change application will be evaluated through an open process that allows for public input and follows Deschutes County's Procedures Ordinance. The Hearings Officer finds that within each of the steps described above, there is an open and public process that is based on an objective evaluation of facts. The Hearings Officer finds that this criterion will be met.

### **Chapter 2, Resource Management**

#### Section 2.2 Agricultural Lands

#### **Goal 1, Preserve and maintain agricultural lands and the agricultural industry.**

**FINDING:** Applicant provided the following comments specifically related to Goal 1:

*The applicant is pursuing a plan amendment and zone change on the basis that the subject property does not constitute "agricultural lands", and therefore, it is not necessary to preserve or maintain the subject lands as such and this goal does not apply. In the Landholdings decision (and the Powell/Ramsey decision) the Hearings Officer found that Goal 1 is an aspirational goal and not an approval criterion.*

The Hearings Officer finds that COLW did not clearly address the import of Goal 1 (approval criterion or aspirational). Further, the Hearings Officer finds, consistent with prior decisions/recommendations, that Goal 1 is aspirational. However, despite Goal 1 being considered aspirational and not a relevant approval criterion, the Hearings Officer (in the alternative) provides

the following findings.

Issues related to this Goal 1 were extensively covered by the Applicant and COLW. The issues raised by Goal 1 are interwoven with other relevant Goals and State laws/regulations and policies and DCC approval criteria. The Hearings Officer intends to address comprehensively many of the issues related to the determination of whether the Subject Property is “Agricultural Land” in this section and will incorporate and supplement these findings in later relevant Goals and approval criteria.

Applicant asserts that the Subject Property is not “Agricultural Land” and COLW that the Subject Property is, based upon the factual evidence and relevant law, “Agricultural Land.” The Hearings Officer provides the following “Soils” and “Agricultural Land” findings.

### **Soils.**

COLW provided extensive comments related to “soils” (11/12/2024, pages 6-9). Those comments follow:

*ORS 215.211(1) allows a person to provide more detailed soil information to the county to the extent that it would “assist a county to make a better determination of whether land qualifies as agricultural land.” Here, the applicant’s soil survey should not be relied upon by the county because it is deficient for several reasons.*

*First, the applicant’s soil study varies so substantially from the existing NRCS data as to be unbelievable. The applicant’s soils report (“Gallagher Report”) asserts that the subject property is predominantly class VII and VIII soils, finding that “the combined percentage of Class 7 and 8 non-high value farmland soils is 66 percent (183 acres).” Application Materials, Page 91. This is a surprising departure from the NRCS soils information on file. Existing NRCS data shows that there are no class VII and VIII soils on the property. Instead, the entire property consists of exclusively class VI or below soils, including substantial acreage which would be class III soil if irrigated. Application Materials, p. 94. Put another way, according to NRCS data, far from containing 66% nonagricultural soils, the subject property consists entirely of the best agricultural soils available for farm use in the region.*

*DLCD has previously noted in 2010 that it is “surpris[ing] that the NRCS data would be off to such an extent.” Exhibit 1, p. 6. LandWatch agrees. Such a discrepancy seems hard to reconcile, especially considering that another independent soil scientist found that “[t]he NRCS soil survey on this study area was reviewed on-site and determined to be accurate at the time of mapping.” (emphasis added) Exhibit 4, p. 5. The Borine Soil Study at Exhibit 4 was provided to the County during the 2010 failed attempt to rezone the subject property to rural residential.*

*The second reason that the Gallagher Report is unreliable is the creation of a new “Mined Land and Filled” (MF) soil mapping unit within the subject property. Application Materials, p. 94. The MF mapping unit is the “reclaimed” area where mining excavation took place. The Gallagher Report revised the 68 acres (24%) within the MF mapping unit to a land capability class of VII and declared it non-suitable for farm use. Application Materials, p. 91. As a reminder, the 2023 Amended Reclamation Plan was approved based on findings that the surface mined area was presently covered with 6-12 inches of*

27A Clovekamp sandy loam soil. Application Materials, p. 270. As a result, the revision of the MF mapping unit to Class VII soil is hard to reconcile with the Amended Reclamation Plan because it suggests that the agricultural-quality topsoil was either never restored, or the Gallagher Report is misleading.

The creation of a revised nonagricultural soil mapping unit in the reclaimed mining area by a private soil study was similarly problematic during the 2010 failed attempt to rezone the property. LandWatch notes that in the Hearings Officers' 2010 Decision denying the previous rezone attempt, the County HO stated that they could not "recommend that the 91 acre former surface mine be counted in the ratio of agricultural land to nonagricultural land to determine predominance under OAR 660-003-0020(1)(a)(A)." Exhibit 1, p. 21-22. The 2010 County HO reasoned that based on evidence in the record, either (1) conditions of reclamation requiring the restoration of 27A Clovekamp Loamy sand to the former surface mine area had not been adhered to; or (2) the conditions were adhered to and the former surface mine area is properly covered with a layer of Class VI nonirrigated/Class III irrigated High-Value agricultural soil. Exhibit 1, p. 22. In either case, the circumstances would not allow the subject property to be rezoned consistent with Goal 3 and OAR 660-033-0020(1)(a)(A). Exhibit 1, p. 22. Moreover, the HO observed that based on the 1992 ESEE analysis for SP-92-98, there is a "strong inference that the surface mine could be reclaimed and used consistent with its former agricultural land status after mining was completed." Exhibit 1, p. 23. The 2010 decision concluded, "For this reason alone, the Hearings Officer cannot recommend approval of this application." Exhibit 1, p. 23.

The reasoning behind the 2010 HO denial remains persuasive. Based on the Gallagher Report, it is apparent that the MF mapping unit has not been properly reclaimed to its prior agricultural capability and therefore, should not be counted into the ratio of agricultural to nonagricultural land for the purposes of analysis under OAR 660-003-0020(1)(a)(A). The Gallagher Report describes various individual sample sites within MF mapping unit as "v. compacted," "extremely compacted," and "2-3 layers in compacted fill". Application Materials, p. 120. Other sample sites in the MF mapping unit contain "asphalt chunks," "chunks concrete," and "pea gravel". Application Materials, p. 109, p. 120, p. 123. Site 168 on the property is described as having been "eroded to bedrock on surface", and that it has been either "eroded or dug channel, all rocks." Application Materials, p. 128. Site 3 within the MF mapping unit does not contain any sort of sampling at all, and instead simply notes that there is a "Steep sided sand pile" and "stockpiled top soil". Application Materials, p. 109. Site 11 is described as a "Rock Pile" with notes providing that there was "only rock on surface". Application Materials, p. 110. Overall, of the 38 sample sites occurring in the MF mapping unit, 32 resulted in "refusal" which is to say termination of a borehole if the hammer does not advance more than six inches after fifty blows.[footnote omitted] Figure 1. Other test sites on the subject property, with the appropriate amount of agricultural soils, resulted in refusal less than 10% of the time. Figure 1. This suggests that the extent to which "soil" within the "reclaimed" area is compacted is the result of neglect by the property owner or that 6-12 inches of 27A Clovekamp soil was not restored at all.

**Figure 1: Gallagher Report Test Sites resulting in "Refusal"**

	Total Number	Number resulting in "refusal"	Percentage of sites resulting in "refusal"
Sample Sites Revised to MF	38	32	84%

Other Sample Sites	194	15	17%
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*If the 68 acres (24%) within the MF mapping unit was considered class VI soil or better (consistent with the NRCS information), when combined with the other 96 acres (35%) of Class III irrigated/class VI non-irrigated soil, the subject property would be predominantly soils suitable for agriculture under OAR 660-033-020(1)(a)(A). LandWatch respectfully requests the Hearings Officer to find that the subject property is agricultural land based on the fact that it is predominantly (>59%) Class III irrigated/Class VI non-irrigated soils.*

The Hearings Officer accepts COLW's comments as lay observations but not as expert testimony. The Hearings Officer finds COLW did not provide persuasive authoritative evidence disputing the Applicant's professional soil expert's evidence or analysis.

Applicant's Burden of Proof states:

*As demonstrated in this application, the subject property does not constitute "agricultural land" and therefore, is not necessary to preserve and maintain the County's agricultural industry. Mr. Gallagher's soils assessment demonstrates that the subject property consists predominantly (66%) of Class 7 and 8 non-agricultural soils.*

*According to Mr. Gallagher, these soils have severe limitations for agricultural use of the subject property. The soils found on the subject property are low fertility, being ashy sandy loams with a low cation exchange capacity (CEC) of 7.5 meq/100 gm and organic matter is very low for Gosney 0.75% and low for Deskamps 1.5%. These soils do not have a large capacity to store soil nutrients especially cations, and nitrogen fertilizers readily leach in sandy soils. The soil depth is further limiting because it limits the overall volume of soil available for plant roots and limits the size the overall soil nutrient pool. Additionally, the soil available water holding capacity is very low for Gosney and Henkle less than 1.8 inches for the whole soil profile, and for the very shallow soils it is half this much. The Deskamps soils have only about 2 to 4 inches AWHC for the entire profile. The combination of low fertility and low AWHC translate into low productivity for crops. NRCS does not provide any productivity data for non-irrigated crops on these soils. This site does not have water infrastructure for irrigation so the productivity is lower.*

*According to Mr. Gallagher the subject property is not suited for livestock grazing on a commercial scale. The soils here have major management limitations including ashy and sandy surface texture. The majority of the area has soils that are very shallow to shallow with many rock outcrops and very stony to extremely stony surface which makes seeding impractical with conventional equipment. The mined and filled area has low available water holding capacity and from the barren cover on the surface and very compacted subsoil they also have low potential for forage production.*

*Wind erosion is a potential hazard and is moderately high when applying range improvement practices. Because the soil is influenced by pumice ash, reestablishment of the native vegetation is very slow if the vegetation is removed or deteriorated. Pond development is limited by the soil depth. The restricted soil depth limits the choice of species for range seeding to drought-tolerant varieties. Further, range seeding with ground equipment is limited by the rock fragments on the surface. The*

*areas of very shallow soils and rock outcrop limit the areas suitable for grazing and restrict livestock accessibility.*

*Based on the revised Order-1 map the annual productivity in a normal year is about 74 tons annual range production for the entire property. This is lower (50 tons) for an unfavorable year and higher (98 tons) for a favorable year. The animal use months (AUMs) for this property is about 163 (based on the revised soil map and a monthly value of 910 pounds forage per 1 AUM equivalent to pounds per cow calf pair). This model assumes the cow's take to be 25% of annual productivity in order to maintain site productivity and soil health (NRCS 2009). This limits the grazing to 14 cow calf pairs for 12 months in a normal year and fewer 9 cow calf pairs in unfavorable year and more 18 in a favorable year. This is not at an economical cattle production scale because the productivity of the land is too poor and is not conducive to rangeland improvements.*

The Hearings Officer finds Applicant's soil study/report represents a soil analysis conducted by a qualified expert/professional. The Hearings Officer finds that Applicant's soil study/report professionally and accurately reflects the soil characteristics on the Subject Property. The Hearings Officer finds overall the Subject Property consists predominantly (66%) of Class 7 and 8 non-agricultural soils.

### **Agricultural Lands**

COLW disputed Applicant's claim that the Subject Property is "Agricultural Land" as that phrase is defined in relevant law (Hearing testimony of Robin Hawakawa and record submissions dated 11/12/24 and 12/3/24). Applicant responded to each of COLW's "Agricultural Land" arguments in a thorough and comprehensive manner in its Final Argument (12/9/24). The Hearings Officer finds that Applicant's Final Argument comments are persuasive. Rather than attempt to summarize or characterize (or mischaracterize) Applicant's Final Argument statements the Hearings Officer includes Applicant's Final Argument statements related to "Agricultural Land") (including discussion of "farm unit") in full. Those comments follow for multiple pages:

#### *A. Background*

*COLW conflates any agricultural activity with "farm use," which is a defined term and the central component of the determination of whether land is "agricultural land" as used in Goal 3 and the administrative rules. COLW likewise conflates EFU zoned and irrigated land with "agricultural land," again which is a defined term with distinct components the subject property lacks.*

*The relevant definitions for the analysis are as follows:*

**"Agricultural land"** *is land which includes:*

*"(A) Lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon;*

*(B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a),*

*taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; and*

*(C) Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.*

*(b) Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed;"*

ORAR 660-033-0020(1)(a)." *Emphasis added.*

**"Farm use" is:**

*"The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees or land described in ORS 321.267 (Lands not eligible for special assessment) (3) or 321.824 (Lands not eligible for special assessment) (3)."*

ORS 215.203(2)(a). *Emphasis added.*

**"Farm unit" is:**

*"[T]he contiguous and noncontiguous tracts in common ownership used by the farm operator for farm use as defined in ORS 215.203.*

ORS 215.203. *Emphasis added.*

*To qualify as "agricultural land" in Central Oregon, the land must be composed predominantly of Class 1-6 soils or it must be suitable for farm use, which means it must be capable of being farmed for a profit. As is evident from the local nonresource cases, it is rare to have land in Central Oregon that does not have predominantly Class 1-6 soils and that can be farmed for a profit. The present case is*

*no exception as demonstrated by the evidence in the record.*

#### *B. Nonresource Process—Definition of Agricultural land*

*OAR 660-033-0030 requires that “all land defined as ‘agricultural land’ in OAR 660-0330020(1) be inventoried as agricultural land.” As is relevant here, OAR 660-033-0020(1)(a)(A) defines “agricultural land” to include soils classified predominantly Class I-VI soils in Eastern Oregon.[footnote omitted] The Property would meet this definition under the NCRS soil map but this classification is not controlling when, as here, a more detailed soils analysis is provided. Both Statewide Goal 3 and ORS 215.211 allow the county to utilize information provided by a more detailed soil study to provide a better determination of whether land is “Agricultural Land” than provided by the NRCS soils survey. The soil study provided by the Applicant confirms the property is predominantly Class 7 and 8 soils and is the only evidence in the record other than the NCRS map, which is based on a scale of 1:20,000 and provides only a generalized map of soils in the area, not the detailed site-specific analysis provided by the Applicant.*

*COLW argues the soil study submitted by the Applicant’s certified soils examiner and certified by DLCD is somehow deficient because it varies significantly from the NCRS data and because it determined the soils in the mined area were poor and not Class 1-6, as was presumed when the original site plan for the mine was approved in 1998. None of COLW’s arguments or speculation about the soil study are sufficient to undermine the study or the qualifications of the soils examiner. It is neither surprising nor uncommon for the site specific study, which includes 232 samples from combined soil test pits, soil borings and surface observations to vary from the more generalized, non-site specific NCRS maps based on a 1:20,000 scale. Furthermore, the lack of agricultural soils in the mined area is also not surprising nor suspicious based on the site conditions discovered subsequent to the 1998 site plan and the bulk of evidence in the record substantiating the lack of agricultural soils.*

*OAR 660-033-0020(1)(a)(B) and (C) then expands the definition of “Agricultural Land” to include:*

*(B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; and*

*(C) Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.*

*OAR 660-033-0020(1)(a)(C) is addressed in more detail below, however it is important to note that even when the “considerations” found in sub (B) point towards the Property being suitable for “farm use,” none of the considerations, on their own, are determinative and all are qualified by the term “farm use as defined in ORS 215.203(2)(a)[.]” OAR 660-033-0020(1)(a)(B).*

*In relevant part, ORS 215.203(2)(a) states that:*

*“‘farm use’ means the current employment of land for the primary purpose of obtaining a profit*

*in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof.*

*Emphasis added.*

*What is clear in this definition is that “farm use” (as it is used in Oregon law) requires more than just having a cow or horses, growing a patch of grapes, or having a passion for rural living. What the law requires is that the land be used for “the primary purpose of obtaining a profit in money[.]” ORS 215.203(2)(a). In that, the law is clear.*

*Oregon courts have consistently addressed profitability as an element of the definition of “agricultural land.” In Wetherell v. Douglas County, 342 Or 666 (2007), the Oregon Supreme Court held that profitability is a “profit in money” rather than gross income. In Wetherell, the Court invalidated a rule that precluded a local government from analyzing profitability in money as part of this consideration. Id. At 683. As may be helpful here, the Court stated:*

*“We further conclude that the meaning of “profitability,” as used in OAR 660033-0030(5), essentially mirrors that of “profit.” For the reasons described above, that rule’s prohibition of any consideration of “profitability” in agricultural land use determinations conflicts with the definition of “farm use” in ORS 215.203(2)(a) and Goal 3, which permit such consideration. OAR 660-0330030(5) is therefore invalid, because it prohibits consideration of “profitability” The factfinder may consider “profitability” which includes consideration of the monetary benefits or advantages that are or may be obtained from the farm use of the property and the costs or expenses associated with those benefits, to the extent such consideration is consistent with the remainder of the definition of “agricultural land” in Goal 3.*

*Finally, the prohibition in OAR 660-033-0030(5) of the consideration of “gross farm income” in determining whether a particular parcel of land is suitable for farm use also is invalid. As discussed above, “profit” is the excess or the net of the returns or receipts over the costs or expenses associated with the activity that produced the returns. To determine whether there is or can be a “profit in money” from the “current employment of [the] land \* \* \* by raising, harvesting and selling crops[.]” a factfinder can consider the gross income that is, or could be, generated from the land in question, in addition to other considerations that relate to “profit” or are relevant under ORS 215.203(2)(a) and Goal 3.*

*We therefore hold that, because Goal 3 provides that “farm use” is defined by ORS 215.203, which includes a definition of “farm use” as “the current employment of land for the primary purpose of obtaining a profit in money[.]” LCDC may not preclude a local government making a land use decision from considering “profitability” or “gross farm income” in determining whether land is “agricultural land” because it is “suitable for farm use” under Goal 3. Because OAR 660-033-0030(5) precludes such consideration, it is invalid. Emphasis added. Id., at 681-683.*

*COLW argues that the Property is suitable for farm use because other properties in the surrounding area have irrigated land and appear to be engaged in some form of agricultural activity. However, the*



fact of the matter is that most Deschutes County EFU properties simply cannot meet this state definition because the land cannot be put to profitable use. The 2017 Census of Agriculture [footnote omitted] (**Exhibit 13**) makes it clear that most farms in the area lose money – a lot. And, while it is the Applicant's burden to show it meets the applicable criteria, the applicable criteria do not ask the Applicant to prove that no agricultural use could ever occur on the Property. The Applicant need only demonstrate that no reasonable farmer would attempt to make a "farm use" as that term is defined by ORS 215.203 – for the primary purpose of obtaining a profit. In essence, the applicant need only prove that the land is not suitable for farm use because it cannot make a profit from engaging in agricultural activities on the subject property. The Applicant has done so through the evidentiary submissions in the original application materials and as supplemented with the testimony of the farmer growing hay under the pivot on the adjacent parcel, Ethan O'Brien, **Exhibit 22**, and a local farmer/rancher Rand Campbell, **Exhibit 23**.

COLW's continued reference to TL300 being engaged in "commercial farm use" and being forced out of agricultural production is disingenuous and not supported by the evidence in the record. COLW offers its unsubstantiated opinions about the testimony of the two independent local farmers/ranchers about the unsuitability of the subject property for farm use with a complete lack of evidentiary support. These speculative arguments are not evidence and are insufficient to undermine the actual experience of the farmers and their first-hand experiences and impressions of the land based on their years of experience conducting viable commercial farm operations in Central Oregon.

### C. Suitability Factors

(B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices;

OAR 660-033-0020(1)(a)(B).

Broken apart individually, this leaves the decision maker with the following considerations:

- Soil fertility;
- Suitability for grazing;
- Climatic conditions;
- Existing and future availability of water for farm irrigation purposes;
- Existing land patterns;
- Technological and energy inputs required; and
- Accepted farm practices.

This list of considerations is just that: considerations. None of them are determinative of whether a property is suitable for farm use. As is described on pages 30-34 of the original application materials, and pages 8-11 of the Soil Assessment, Exhibit 6, [footnote – summarized mistaken labeling of Exhibits] and further supported below, each of these considerations, on balance, can reasonably determine that the Property is not suitable for farm use.

### **a. Soil Fertility**

*The Property, as already established, has shallow, rocky soils. COLW argues that the Property will become suitable under the “soil fertility” consideration once reclamation has properly occurred. COLW is wrong. It is established in the Reclamation Evaluation and the Amended Reclamation Plan, there is 6-12 inches of topsoil over reclaimed wasterock. Even with the additional topsoil, the property will not be suitable for farm use without significant expenditure as established in the testimony of Ethan O’Brien, Exhibit 22, and Rand Campbell, Exhibit 23. COLW opines that once reclaimed, the property could be suitable for farm use. However, it is not substantial evidence for COLW to simply argue that there must be some agricultural use that may be made on the property. It is substantial evidence that the Applicant has submitted testimony of 2 farmers and ranchers, both of whom are familiar with and have been onsite, testifying that they would not attempt to establish such uses on the Property, or, that other cost concerns make it infeasible. COLW has submitted no actual evidence to the contrary and it is insufficient to merely attempt to poke holes in the Applicant’s evidence as opposed to offering evidence to support its own position. See *May Trucking Co. v. Dept. of Transportation*, 203 Or App. 564, 572-573, 126 P.3d 695, 700-701 (2006).*

*Furthermore, the Applicant’s DLCD-accepted Soil Study that was prepared by Mr. Andy Gallagher, Red Hills Soils, contains several notable findings within the Soil Study. For example, Mr. Gallagher found:*

*“Important soil properties affecting the soil fertility and productivity of the soils are very limiting to crop production on this parcel. The soils here are low fertility, being ashy sandy loams with a low cation exchange capacity (CEC) of 7.5 meq/100 gm and organic matter is very low for Gosney 0.75% and low for Deskamps 1.5%. These soils do not have a large capacity to store soil nutrients especially cations, and nitrogen fertilizers readily leach in sandy soils. The soil depth is further limiting because it limits the overall volume of soil available for plant roots and limits the size the overall soil nutrient pool. Additionally, the soil available water holding capacity is very low for Gosney and Henkle less than 1.8 inches for the whole soil profile, and for the very shallow soils it is half this much. The Deskamps soils have only about 2 to 4 inches AWHC for the entire profile. The combination of low fertility and low AWHC translate into low productivity for crops. NRCS does not provide any productivity data for non-irrigated crops on these soils.” **Exhibit 6**, page 8.*

*These findings are further supported by the experience of Ethan O’Brien in farming of the adjacent parcel under the pivot who testified that the parcel, even when irrigated, was not worth farming based on a number of factors affecting the fertility including soil capacity, expense of soil amendments, spraying, seeding, etc. **Exhibit 22**. Likewise, Rand Campbell corroborated these findings based on his experience farming and ranching in Central Oregon and his onsite assessment of the subject property. Mr. Campbell found even if the mined area were improved with additional topsoil, the cost to purchase water and improve the land with irrigation facilities would far outweigh any anticipated profit given the low productivity of the land.*

### **b. Suitability for Grazing**

*COLW argues that the Property is suitable for grazing, if not by itself than in conjunction with other lands, seasonally. COLW is incorrect. Suitability for grazing was addressed in the Soil Assessment,*

pages 8-9, **Exhibit 6**, and again in the onsite assessment conducted by Rand Campbell, a Central Oregon farmer and rancher. **Exhibit 23**. Mr. Campbell found the soil condition and topography were not suitable for grazing considering the necessary costs to improve the soil for crop production sufficient to graze livestock. Ethan O'Brien corroborated this testimony based on his own experience and agreed no reasonable farmer would undertake the expense to improve this property to permit livestock grazing given the low productivity of the land. **Exhibit 22**.

### **c. Climatic Conditions**

The climatic conditions were addressed in the Soil Assessment, pages 9-10, Exhibit 6 and corroborated by the testimony of both local farmers. The bottom line is this: the climatic conditions on the Property do not make it suitable for farm use. This is because the Property receives very little precipitation such that the growing season is very short and the cultivation of crops or forage is extremely limited.

### **d. Existing and Future Availability of Water for Farm Irrigation Purposes**

The question of whether water is available necessary implicates whether, if irrigated, the Property could viably support an irrigated agriculture farm use. It cannot. Soils on the property are predominantly Class 7 and 8 based on 232 samples from combined soil test pits, soil borings and surface observations. Oregon case law establishes that it is reasonable to look at nearby farm properties for what are accepted farming practices in the area. The only irrigated agriculture in the area includes the raising of hay and grass crops and, almost all of these neighboring farms have testified that they have been unable to make a profit in money, despite having access to irrigation water. **Exhibit 19**.

Moreover, the cost of providing additional irrigation water and the required infrastructure is cost prohibitive and no reasonable farmer would attempt to do so. **Exhibits 20-23**.

### **e. Existing Land Patterns**

Applicant has provided extensive information related to the various non-farm uses in the area. **Exhibit 19**. The Applicant attempted to contact every EFU-zoned property identified by COLW as being irrigated and engaged in some agricultural activity. Many of the commenters themselves live on properties that have received approvals for non-farm dwellings. This is relevant only to show that existing land use patterns in the area are not dissimilar from the proposed designation here, that is, rural residential use. This evidence also demonstrates that rural residential uses have been established in the area without any measurable harm to area agricultural uses.

Applicant has also shown that the vast majority of surrounding privately owned properties are either not engaged in any farm use or are engaged in some agricultural activity with small amounts of irrigated land but not making a profit as a working farm. This information shows that the surrounding land use pattern is clearly characterized by non-farm and non-agricultural uses that exist in harmony with area rural and agricultural activities.

### **f. Technological and Energy Inputs Required**

As has already been discussed in detail, the test is whether the land itself can support a particular farm use. It cannot. This consideration then includes additional costs outside of the already prohibitive cost of purchasing irrigation water. **Exhibits 20 and 21.** This includes specialized equipment or structures to establish a legitimate farm use, including bringing power to the property, drilling wells and installing pumps, purchasing and installing irrigation equipment and using electricity to power pumps to obtain water from wells. It would also include the costs of developing breeding facilities for farm animals. All of these improvements would require significant financial expense, as testified in writing by two professional ranchers/farmers. **Exhibits 22 and 23.**

#### **g. Accepted Farm Practices**

COLW argues that there is “agricultural activity occurring in the area” but that is not the test. The test is whether there is a “farm use” as that term is defined in ORS 215.203(2)(a). As explained in *Wetherell*, the definition of “farm use” is related to that established under the taxation code found at ORS 308A.056. *Wetherell*, at 681. ORS 308A.056 also defines “accepted farm practice” as “a mode of operation that is common to farms of a similar nature, necessary for the operation of these similar farms to obtain a profit in money and customarily utilized on conjunction with farm use.”

As it may pertain to the availability of irrigation water, in the *Aceti* case, LUBA accepted the County’s finding that it is not an accepted farming practice in Central Oregon to irrigate and cultivate Class VII and VIII soils.

No other party has credibly argued that an accepted farm practice could be initiated on the Property.

#### **D. OAR 660-033-0020(1)(a)(C)**

For the purposes of Goal 3, “agricultural land” includes “[l]and that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.” OAR 660-0330020(1)(a)(C). LUBA has explained what that means, explaining that:

“in order to be ‘agricultural land’ under OAR 660-033-0020(1)(a)(C), ‘there must be some connection between the subject property and adjacent or nearby farm practices, such that the subject property must remain as ‘agricultural land’ in order to permit such practices on other lands to be undertaken.” *Emphasis in original.*

*Central Oregon LandWatch et al v. Deschutes County*, \_\_ Or LUBA \_\_ (LUBA No. 2023-006/009, slip op 57-58)(hereinafter “LUBA 710 Decision”) quoting *Wetherell v. Douglas County*, 50 Or LUBA 167, 190-91 (2005).

In further explaining the rule, LUBA discusses the case of *Walker v. Josephine County*, 60 Or LUBA 186 (2009) in which it held that in determining whether “resource use of the subject property [was] necessary to permit the farm and forest practices on nearby BLM land, including operation of the BLM’s seed orchard” and stated that the “possibility that certain potential uses might cause some conflicts with the existing farm and forest uses [did] not demonstrate that the subject property [was]

*necessary for continued farm and forest operations.” 60 Or LUBA at 19293.*

*In the LUBA 710 Decision, LUBA then stated that:*

*“OAR 660-033-0020(1)(a)(C) asks not only whether the land itself is necessary to permit farm practices on adjacent or nearby lands but, also, whether the land’s resource designation and zoning, and the presumed lack of impacts or conflicts with farming on adjacent or nearby lands, are necessary to permit farm practices on adjacent or nearby lands.” LUBA 710 Decision, slip op 59.*

*More simply stated, the test is whether or not the existing designation of the property and its presumed lack of impacts is necessary for nearby and adjacent farm practices. In this case, the “impacts” that have been identified are water, traffic, and nuisance or trespass.*

*Before addressing potential impacts, however, it is important to further frame the test as to what is “necessary” under the rule. The Court of Appeals said it best:*

*“we note that we also agree with LUBA that ‘necessary to permit farm practices on adjacent or nearby agricultural lands’ is a ‘high standard.’ Webster’s Third New Int’l Dictionary 1510 (unabridged 2002) (‘necessary’ means ‘whatever is essentially for some purpose’ and ‘things that must be had’). That is, we do not understand land to be agricultural land under OAR 660-033-0020(1)(a)(C) merely because its designation as such would merely be ‘useful’ or ‘desirable’ for nearby farm practices. Rather, for ‘land’ to be agricultural land under OAR 660-033-0020(1)(a)(C), that land, considering its resource designation and zoning, must truly be necessary to adjacent nearby farm practices.” Emphasis added. Central Oregon LandWatch et al v. Deschutes County, 33 Or App 321, 333 (2024).*

*The subject property has no history of farm use and has been in mining use or post-mining use since the early 1990s. Contrary to the assertions of COLW, the property line adjustment between the subject property (TL200) and the adjacent parcel (TL300) completed in 2016 was to separate the property being put to agricultural use (TL300) from the nonagricultural use subject property. This is further supported by the Arnold piping project which stubbed irrigation to TL300 and not to the subject property. And it is corroborated by the testimony of Ethan O’Brien, Exhibit 22, who testified he has never farmed the subject property, sees no evidence it has ever been farmed, and would not farm or otherwise use the subject property in his operation. The historical nonagricultural purposes establishes it is not necessary for any farm practices to be undertaken on adjacent lands. This is further corroborated by the testimony of the land owners in the area engaging in agricultural activities. Exhibit 19.*

#### **E. OAR 660-033-0020(1)(b) – Farm Unit**

*This provision provides:*

*“Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though*

*this land may not be cropped or grazed.” Emphasis added.*

*The important consideration for the above language is the lands must be a part of a farm unit for this requirement to be implicated. Farm unit is defined as “the contiguous and noncontiguous tracts in common ownership used by the farm operator for farm use as defined in ORS 215.203.” The present case does not involve a farm unit as the subject property is not currently being used for a farm use and there is no evidence it ever has been. It therefore does not constitute land intermingled with higher value lands “within a farm unit” as described by the rule quoted above. As demonstrated by the testimony of both farmers/ranchers familiar with the property, it is not productive land, shows no evidence of having been farmed, and has not been used as a part of the existing operation on TL300.*

*COLW’s argument that the subject property is a part of a farm unit is patently false and not supported by the evidence in the record. The lot line adjustment they cite to as evidence the properties were “jointly managed for agriculture” shows exactly the opposite. The lot line application materials show that the subject property was being separated from TL300 because TL300 was being used for agricultural purposes, although at a loss, COLW Ex 5, p. 5 and therefore not “farm use”; and the area which now makes up TL200 (the subject property) was not. The testimony of Ethan O’Brien and Rand Campbell further supports the fact that the subject property has not been used as a part of any farm use on the adjacent parcel, or any other parcel.*

*Likewise, the exhibits COLW cites to in support of their incorrect narrative that the property could be farmed profitably (see COLW Dec 3 letter, pg. 4) do not support the conclusion. There is no evidence that the numbers on COLW EX 5, p. 17 include any portion of the subject property. In fact, those income numbers are from 2008-2010 when the Reclamation Evaluation establishes that 70-90 acres of the subject property was being mined up to 2005 and incrementally reclaimed through 2010, **Exhibit 8**, page 10, which was verified by DOGAMI in 2011. Exhibit 10. Lastly, the numbers COLW cites to in support of its claim the subject property could be farmed profitably in conjunction with TL300 were submitted by the applicant in that case to support its position that the farm activities operate “at a consistent loss.” COLW **Exhibit 5**, pg. 5. This fact is confirmed by the testimony of both farmers familiar with the subject property and what it takes to make a profit farming in Central Oregon.*

### ***End of Applicant’s Final Argument “Agricultural Land” Comments***

The Hearings Officer, as noted above, finds the Applicant’s above-quoted “Soils” and “Agricultural Land” comments correctly connect the evidence in the record to an appropriate interpretation of relevant laws. The Hearings Officer takes note that COLW (12/9/24, pages 2 through 6) argued that emails from Ethan O’Brien and Rand Campbell are “not conclusive to prove the subject property is not suitable for farm use.” The Hearings Officer agrees with COLW that the O’Brien and Campbell comments are not *conclusive* with respect to whether the Subject Property is suitable for farm use. However, the Hearings Officer does find that the O’Brien and Campbell comments can be considered in this case. The Hearings Officer finds the O’Brien and Campbell comments constitute substantial evidence that the Subject Property is not suitable for farm use.

The Hearings Officer finds the above-quoted Applicant Final Argument comments and the sections of the Burden of Proof cited by Staff (Staff Report, pages 33 through and including 39) adequately

address each COLW argument raised in oral testimony at the Hearing and in record submissions (11/12/24 and 12/9/24). The Hearings Officer finds that the Subject Property is not “Agricultural Land” as defined by relevant law. The Hearings Officer finds, to the extent it could be considered relevant, this policy is satisfied.

**Policy 2.2.2 Exclusive Farm Use sub-zones shall remain as described in the 1992 Farm Study and shown in the table below, unless adequate legal findings for amending the sub-zones are adopted or an individual parcel is rezoned as allowed by Policy 2.2.3.**

**FINDING:** The Applicant did not ask to amend the subzone that applies to the Subject Property; rather, the Applicant requested a change under Policy 2.2.3 and has provided evidence to support rezoning the Subject Property to RR-10.

**Policy 2.2.3 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.**

**FINDING:** The Hearings Officer adopts as additional findings for this Policy the findings for *Deschutes County Comprehensive Plan, Chapter 2, Resource Management Section 2.2 Agricultural Lands Goal 1, Preserve and Maintain Agricultural Lands and the Agricultural Industry* and also the findings for *Oregon Administrative Rules Division 33- Agricultural Lands & Statewide Planning Goal 3 – Agricultural Lands*.

The Applicant requested approval of a plan amendment and zone change to re-designate the property from Agricultural to Rural Residential Exception Area and rezone the property from EFU to RR-10. The Applicant did not seek an exception to Goal 3 – Agricultural Lands, but rather to demonstrate that the Subject Property does not meet the state definition of “Agricultural Land” as set forth in Statewide Planning Goal 3 (OAR 660-033-0020). The Hearings Officer found, in the referenced incorporated and adopted findings, that the Subject Property is not “Agricultural Land” as described in relevant law. The Hearings Officer notes that the Land Use Board of Appeals (“LUBA”) allowed this approach in *Wetherell v. Douglas County*, 52 Or LUBA 677 (2006), where LUBA states, at pp. 678-679:

Applicant, in its Burden of Proof provided the following comments related to this Policy:

*Deschutes County has allowed this approach in previous Deschutes County Board and Hearings Officer’s decisions as previously cited and summarized herein. Additionally, the Land Use Board of Appeals (LUBA) allowed this approach in Wetherell v. Douglas County, 52 Or LUBA 677 (2006), where LUBA states, at pp. 678-679:*

*"As we explained in DLCD v. Klamath County, 16 Or LUBA 817, 820 (1988), there are two ways a county can justify a decision to allow nonresource use of land previously designated and zoned for farm use or forest uses. One is to take an exception to Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands). The other is to adopt findings which demonstrate the land does not qualify either as forest lands or agricultural lands under the statewide planning goals. When a county pursues the latter option, it must demonstrate that despite the prior resource plan and zoning designation,*

*neither Goal 3 or Goal 4 applies to the property."* Caine v. Tillamook County, 25 Or LUBA 209, 218 (1993); DLCD v. Josephine County, 18 Or LUBA 798, 802 (1990).

*LUBA's decision in Wetherell was appealed to the Oregon Court of Appeals and the Oregon Supreme Court but neither court disturbed LUBA's ruling on this point. In fact, the Oregon Supreme Court changed the test for determining whether land is agricultural land to make it less stringent. Wetherell v. Douglas County, 342 Or 666, 160 P3d 614 (2007). In that case, the Supreme Court stated that:*

*"Under Goal 3, land must be preserved as agricultural land if it is suitable for "farm use" as defined in ORS 215.203(2)(a), which means, in part, "the current employment of land for the primary purpose of obtaining a profit in money" through specific farming-related endeavors." Wetherell, 342 Or at 677.*

*The Wetherell court held that when deciding whether land is agricultural land "a local government may not be precluded from considering the costs or expenses of engaging in those activities." Wetherell, 342 Or at 680. The facts presented in the subject application are sufficiently similar to those in the Wetherell decisions and in the above-mentioned Deschutes County plan amendment and zone change applications. The subject property is primarily composed of Class 7 and 8 nonagricultural soils making farm-related endeavors not profitable. This application complies with Policy 2.2.3.*

Staff, in the Staff Report (page 22), stated that:

*Staff agrees that the facts presented by the Applicant in the Burden of Proof for the subject application are similar to those in the Wetherell decisions and in the aforementioned Deschutes County plan amendment and zone change applications. The Applicant provided evidence in the record addressing whether the property qualifies as non-resource land. Therefore, the Applicant has the potential to prove the property is not agricultural land and does not require an exception to Goal 3 under state law.*

The Hearings Officer concurs with Applicant's above-quoted analysis and Staff's conclusions. The Hearings Officer finds this application does not require an exception to Goal 3 under state law.

**Policy 2.2.4 Develop comprehensive policy criteria and code to provide clarity on when and how EFU parcels can be converted to other designations.**

**FINDING:** This plan policy provides direction to Deschutes County to develop new policies to provide clarity when EFU parcels can be converted to other designations. Staff concurred with the County's previous determinations in plan amendment and zone change applications, and concluded that the proposal is consistent with this policy. Goal 3, Ensure Exclusive Farm Use policies, classifications and codes are consistent with local and emerging agricultural conditions and markets. The Hearings Officer agrees with Staff's interpretation.

**Goal 3, Ensure Exclusive Farm Use policies, classifications and codes are consistent with local and emerging agricultural conditions and markets.**



### **Policy 2.2.13 Identify and retain accurately designated agricultural lands.**

**FINDING:** This plan policy requires the County to identify and retain agricultural lands that are accurately designated. The Applicant proposed that the Subject Property was not accurately designated as demonstrated by the soil study, Applicant's Burden of Proof and Final Argument. The Hearings Officer adopts as additional findings for this Policy the findings for *Deschutes County Comprehensive Plan, Chapter 2, Resource Management Section 2.2 Agricultural Lands Goal 1, Preserve and Maintain Agricultural Lands and the Agricultural Industry* and also the findings for *Oregon Administrative Rules Division 33- Agricultural Lands & Statewide Planning Goal 3 – Agricultural Lands*.

The Hearings Officer finds Applicant identified and accurately designated the Subject Property as not being "Agricultural Land" under relevant law.

#### Section 2.3, Forests

**FINDING:** The Subject Property has a Comprehensive Plan designation of Surface Mine and Agriculture and is therefore not categorized as forest land. The Hearings Officer finds forest land policies do not apply.

#### Section 2.4 Goal 5 Overview Policies

##### **Goal 1 Protect Goal 5 Resources**

**FINDING:** The Hearings Officer adopts as additional findings for this Goal the findings for *Preliminary Issues, Reclamation* (Section II, A. 2.)

The Hearings Officer finds that the surface mine site has concluded all mining activities. Individual resources within this section are addressed independently.

##### **Policy 2.4.4 Incorporate new information into the Goal 5 inventory as requested by an applicant or as County staff resources allow.**

**FINDING:** The Hearings Officer adopts as additional findings for this Goal the findings for *Preliminary Issues, Reclamation* (Section II, A. 2.)

The Burden of proof states:

*This application provides new information supporting rezoning of Site No. 392 and removal of Site No. 392 from the County's Surface Mining Mineral and Aggregate Inventory (Comprehensive Plan Table 5.8.1). Mining of the subject property ceased in 2005, DOGAMI closed its file in 2011 and the County recently approved an Amended Reclamation Plan (Exhibit 11 to allow any remaining reclamation to be conducted in conjunction with the master planning and redevelopment of the site as a public park. (Exhibit 4). Furthermore, the Gallagher Report demonstrates the site does not contain a significant Goal 5 resource based on the quantity, quality, and location of the resource and was never subject to a DOGAMI approved reclamation plan.*

The Hearings Officer concurs with the Applicant's analysis.

### Section 2.5, Water Resources Policies

#### **Goal 6, Coordinate land use and water policies.**

##### **Policy 2.5.24 Ensure water impacts are reviewed and, if necessary, addressed for significant land uses or developments.**

**FINDING:** The Applicant has not proposed a specific development application at this time. Therefore, the Applicant is not required to address water impacts associated with development. Rather, the Applicant will be required to address this criterion during development of the Subject Property, which would be reviewed under any necessary land use process for the site (e.g. conditional use permit, tentative plat). The Hearings Officer finds that this criterion does not apply to the subject application.

### Section 2.6, Wildlife

**FINDING:** The Hearings Officer finds that there are no Goal 5 listed wildlife species present on the Subject Property, based on the Goal 5 inventory nor threatened or endangered species. The Hearings Officer finds that there is no identified wildlife habitat on the Subject Property.

### Section 2.7, Open Spaces, Scenic Views and Sites

#### **Goal 1, Coordinate with property owners to ensure protection of significant open spaces and scenic view and sites.**

##### **Policy 2.7.3 Support efforts to identify and protect significant open spaces and visually important areas including those that provide a visual separation between communities such as the open spaces of Bend and Redmond or lands that are visually prominent.**

##### **Policy 2.7.5 Encourage new development to be sensitive to scenic views and sites.**

**FINDING:** The Burden of Proof states:

*As the County Hearings Officer recently ruled in a similar file under Deschutes County File Nos. 247-21-001043-PA, 247-21-001044-ZC, these policies are fulfilled by the County's Goal 5 program. The County protects scenic views and sites along major rivers and roadways by imposing Landscape Management (LM) Combining Zones to adjacent properties. There is no LM combining zone applicable to the subject property, nor is the subject property identified as a Goal 5 resource for Open Space or Scenic Views/Site<sup>5</sup> [footnote <sup>5</sup> is set forth immediately below] Furthermore, no new development is proposed under the present application. These plan provisions are not applicable to consideration of the proposed zone change and plan amendment.*

*Footnote <sup>5</sup> SM site 392 is listed on the County's Surface Mining Mineral and Aggregate inventory. The present application, together with the previously approved Amended Reclamation Plan, establishes the necessary basis for removal of the site from the inventory and rezoning for a subsequent use.*

The Hearings Officer concurs with the Applicant's above-quoted analysis.

#### Section 2.10 Surface Mining

**Goal 1 Protect and utilize mineral and aggregate resources while minimizing adverse impacts of extraction, processing and transporting the resource.**

**Policy 2.10.1 Goal 5 mining inventories, ESEEs and programs are retained and not repealed.**

**Policy 2.10.2 Cooperate and coordinate mining regulations with the Oregon Department of Geology and Mineral Industries.**

**Policy 2.10.3 Balance protection of mineral and aggregate resources with conflicting resources and uses.**

**Policy 2.10.4 Review surface mining codes and revise as needed to consider especially mitigation factors, imported material and reclamation.**

**Policy 2.10.5 Review surface mining site inventories as described in Section 2.4, including the associated Economic, Social, Environmental and Energy (ESEE) analyses.**

**Policy 2.10.6 Support efforts by private property owners and appropriate regulatory agencies to address reclamation of Goal 5 mine sites approved under 660-016 following mineral extraction.**

**FINDING:** Applicant's Burden of Proof states:

*The present application asks the County to rezone Site No. 392 from SM to RR-10 because it no longer has a significant mineral resource and will be reclaimed in accordance with the Amended Reclamation Plan (Exhibit 11) approved by the County in 2023. The subject property should be rezoned for a subsequent use consistent with the surrounding uses as it is underutilized and ready for a subsequent use outside of the SM zone. The Applicant proposes the SMIA zone associated with Site No. 392 also be removed.*

Staff provided the following comments:

*Staff concurs with this analysis but requests the Hearings Officer modify as they see fit. Staff notes that Policy 2.10.4 is not addressed by the applicant in the Burden of Proof. However, no amendment is proposed to the provisions of the Surface Mining Zone or the Surface Mining Impact Area Combining*

Zone.

The Hearings Officer finds Applicant's comments, as quoted above, adequately address these policies. The Hearings Officer concurs with Staff's comment that no amendment is proposed to the provisions of the Surface Mining Zone or Surface Mining Impact Area Combining Zone. The Hearings Officer finds these policies, as relevant, are met.

## **Chapter 3, Rural Growth**

### Section 3.2, Rural Development

#### **Growth Potential**

**As of 2010, the strong population growth of the last decade in Deschutes County was thought to have leveled off due to the economic recession. Besides flatter growth patterns, changes to State regulations opened up additional opportunities for new rural development. The following list identifies general categories for creating new residential lots, all of which are subject to specific State regulations.**

- **2009 legislation permits a new analysis of agricultural designated lands**
- **Exceptions can be granted from the Statewide Planning Goals**
- **Some farm lands with poor soils that are adjacent to rural residential uses can be rezoned as rural residential**

**FINDING:** This section of the Comprehensive Plan does not contain Goals or Policies, but does provide the guidance above. The Applicant provided the following response to this section in its Burden of Proof:

*The above part of the plan is not a plan policy and is not an applicable approval criterion but rather an explanation of how the County calculated expected growth. As shown above, the County's Comprehensive Plan provisions anticipate the need for additional rural residential lots as the region continues to grow. This includes providing a mechanism to rezone surface mine lands which have been fully mined and reclaimed as well as farm lands with poor soils to a rural residential zoning designation. While this rezone application does not include the creation of new residential lots, the applicant has demonstrated the subject property is comprised of poor soils that are adjacent to rural residential uses and is near (within ½ mile) of the City limits of Bend.*

*Rezoning the subject property to RR-10 to facilitate its redevelopment with recreational uses, including a public park is consistent with this criterion, as it will provide for an orderly and efficient transition from the Bend Urban Growth Boundary to rural and agricultural lands. Additionally, it will link the non-productive lands of the subject property with existing rural and urban development and street systems, furthering the creation a buffer of RR-10 zoned land along the City's southeastern boundary where the quality of soils are poor and the land is not conducive for commercial agriculture.*

Staff provided the following comments:

*Staff notes this policy references the soil quality, which staff has discussed above. Staff requests the Hearings Officer make specific findings on this topic.*

The Hearings Officer adopts as additional findings for this section the findings for *Deschutes County Comprehensive Plan, Chapter 2, Resource Management Section 2.2 Agricultural Lands Goal 1, Preserve and Maintain Agricultural Lands and the Agricultural Industry* and also the findings for *Oregon Administrative Rules Division 33- Agricultural Lands & Statewide Planning Goal 3 – Agricultural Lands*. The Hearings Officer finds the soil quality of the Subject Property can fairly be characterized as “poor.” The characterization of the Subject Property as having “poor” quality soil qualifies the Subject Property to be rezoned as rural residential.

### Section 3.3, Rural Housing

#### **Rural Residential Exception Areas**

**In Deschutes County most rural lands are designated for farms, forests or other resources and protected as described in the Resource Management chapter of this Plan. The majority of the land not recognized as resource lands or Unincorporated Community is designated Rural Residential Exception Area. The County had to follow a process under Statewide Goal 2 to explain why these lands did not warrant farm or forest zoning. The major determinant was that many of these lands were platted for residential use before Statewide Planning was adopted.**

**In 1979 the County assessed that there were over 17,000 undeveloped Rural Residential Exception Area parcels, enough to meet anticipated demand for new rural housing. As of 2010 any new Rural Residential Exception Areas need to be justified through initiating a nonresource plan amendment and zone change by demonstrating the property does not meet the definition of agricultural or forest land, or taking exceptions to farm, forest, public facilities and services and urbanization regulations, and follow guidelines set out in the OAR.**

**FINDING:** The Applicant provided the following response to this provision in the Burden of Proof:

*Prior Hearings Officer's decisions have found that Section 3.3 is not a plan policy or directive.[footnote references prior decisions/recommendations] Further, no goal exception to Statewide Planning Goal 3 is required for the rezone application because the subject property does not qualify as farm or forest zoning or agricultural lands under the statewide planning goals. The County has interpreted the RREA plan designation as the proper “catchall” designation for non-resource land and therefore, the Rural Residential Exception Area (RREA) plan designation is the appropriate plan designation to apply to the subject property.[footnote 7 included, in full, below]*

*Footnote 7:*

*The Hearings Officer's decision for PA-11-17/ZC-11-2 concerning this language of Section 3.3 states:*

To the extent that the quoted language above represents a policy, it appears to be directed at a fundamentally different situation than the one presented in this application. The quoted language addresses conversions of "farm" or "forest" land to rural residential use. In those cases, the language indicates that some type of exception under state statute and DLCD rules will be required in order to support a change in Comprehensive Plan designation. See ORS 197.732 and OAR 660, Division 004. That is not what this application seeks to do. **The findings below explain that the applicant has been successful in demonstrating that the subject property is composed predominantly of nonagricultural soil types. Therefore, it is permissible to conclude that the property is not "farmland" as defined under state statute, DLCD rules, and that it is not correctly zoned for exclusive farm use. As such, the application does not seek to convert "agricultural/and" to rural residential use.** If the land is demonstrated to not be composed of agricultural soils, then there is no "exception" to be taken. There is no reason that the applicant should be made to demonstrate a reasons, developed or committed exception under state law because the subject property is not composed of the type of preferred land which the exceptions process was designed to protect. **For all these reasons, the Hearings Officer concludes that the applicant is not required to obtain an exception to Goal 3.**

There is one additional related matter which warrants discussion in connection with this issue. It appears that part of Staff's hesitation and caution on the issue of whether an exception might be required is rooted in the title of the Comprehensive Plan designation that would ultimately apply to the subject property – which is "Rural Residential Exception Area." There appears to be seven countywide Comprehensive Plan designations as identified in the plan itself. These include "Agriculture, Airport Development, Destination Resort Combining Zone, Forest, Open Space and Conservation, Rural Residential Exception Area, and Surface Mining." Of the seven designations, only rural Residential Exception Area provides for associated zoning that will allow rural residential development. **As demonstrated by reference to the Pagel decision discussed above, there appears to be instances in which rural residential zoning has been applied without the underlying land necessarily being identified as an exception area.** This makes the title of the "Rural Residential Exception Area" designation confusing and in some cases inaccurate, because no exception is associated with the underlying land in question. However, it is understandable that since this designation is the only one that will allow rural residential development, that it has become a catchall designation for land types that are authorized for rural residential zoning. That is the case with the current proposal, and again, for the same reason set forth in the Hearings Officer Green's decision in Pagel, I cannot find a reason why the County would be prohibited from this practice. (emphasis added).

I find that Deschutes County has interpreted the RREA plan designation as the property "catchall" designation for non-resource land. As a result, the Hearings Officer finds that the RREA plan designation is the appropriate plan designation for the subject property.

The Hearings Officer finds the above-quoted Applicant statement (including footnotes) fairly and accurately reflect the law as applied to Section 3.3, Rural Housing, Rural Residential Exception Areas.

## Section 3.7, Transportation

### **Appendix C – Transportation System Plan ARTERIAL AND COLLECTOR ROAD PLAN**

...

**Goal 3. Mobility and Connectivity: Promote a multimodal transportation system that moves people and goods between rural communities and Sisters, Redmond, Bend, La Pine, and other key destinations within the County as well as to the adjacent counties, Central Oregon, and the state.**

**FINDING:** This goal applies to the County and advises it to consider the roadway function, classification and capacity as criteria for plan amendments and zone changes. The County will comply with this direction by determining compliance with the Transportation Planning Rule ("TPR"), also known as OAR 660-012, as described below in subsequent findings.

**Goal 4. Establish a transportation system, supportive of a geographically distributed and diversified economic base, while also providing a safe, efficient network for residential mobility and tourism.**

...

**Policy 4.4 Deschutes County shall consider roadway function, classification and capacity as criteria for plan map amendments and zone changes. This shall assure that proposed land uses do not exceed the planned capacity of the transportation system.**

**FINDING:** This Goal policy applies to the County and advises it to consider the roadway function, classification and capacity as criteria for plan amendments and zone changes. The County will comply with this direction by determining compliance with OAR 660-012, also known as the TPR, as described below in subsequent findings.

## **OREGON ADMINISTRATIVE RULES CHAPTER 660, LAND CONSERVATION AND DEVELOPMENT DEPARTMENT**

### **Division 6, Goal 4 – Forest Lands**

#### OAR 660-006-0005, Definitions

**(7) "Forest lands" as defined in Goal 4 are those lands acknowledged as forest lands, or, in the case of a plan amendment, forest lands shall include:**

- (a) Lands that are suitable for commercial forest uses, including adjacent or nearby lands which are necessary to permit forest operations or practices; and**
- (b) Other forested lands that maintain soil, air, water and fish and wildlife resources.**

**FINDING:** Applicant's Burden of Proof states:

*The subject property and surrounding areas do not include any lands that are suited for forestry operations. Goal 4 says that forest lands "are those lands acknowledged as forest lands as of the date*

*of adoption of this goal amendment." The subject property does not include lands acknowledged as forest lands as of the date of adoption of Goal 4. Goal 4 also says that "where\*\*a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources." This plan amendment does not involve any forest land. The subject property does not contain any merchantable timber and is not located in a forested part of Deschutes County. The subject property is not zoned for forest lands, nor are any of the properties within a 3.5mile radius.*

*The subject property does not contain merchantable tree species and there is no evidence in the record that the property has been employed for forestry uses historically. The soil mapping unit on the subject property does not contain wood fiber production capabilities and the subject property does not qualify as forest land.*

The Subject Property is not zoned for forest lands, nor are any of the adjacent properties. Staff noted (Staff Report, page 29) that forest zoning is present on lands to the southwest and directly south of the Subject Property. The Subject Property does not contain merchantable tree species and there is no evidence in the record that the Subject Property has been employed for forestry uses historically. The Hearings Officer finds that the Subject Property does not qualify as forest land.

## **Division 23 - Procedures and requirements for Complying with Goal 5**

### OAR 660-023-0180, Mineral and Aggregate Resources

**(2) Local governments are not required to amend acknowledged inventories or plans with regard to mineral and aggregate resources except in response to an application for a post acknowledgement plan amendment (PAPA) or at periodic review as specified in section (9) of this rule. The requirements of this rule modify, supplement, or supersede the requirements of the standard Goal 5 process in OAR 660-023-0030 through 660-023-0050, as follows:**

...

**(b) Local governments shall apply the criteria in section (3) or (4) of this rule, whichever is applicable, rather than OAR 660-023-0030(4), in determining whether an aggregate resource site is significant;**

**FINDING:** The Burden of Proof states:

*Under OAR 660-023-010, the term "post acknowledgement plan amendment" (PAPA) encompasses actions taken in accordance with ORS 197.610 through 197.625, including amendments to an acknowledged comprehensive plan or land use regulation and the adoption of any new plan or land use regulation. In the Stott (PA-98-12/ZC-98-6) and Kimble (PA-07-2/ZC-07-2) decisions, the Hearings Officer held that a plan amendment and zone change to "de-list" and rezone an inventoried surface mining site constitutes a PAPA, and therefore the provisions of OAR 660-023-0180 concerning mineral and aggregate resources apply to such an application to the extent they reasonably can be applied to a decision to remove a site from the County's adopted inventory.*



*The proposed amendment constitutes a PAPA as outlined in the Stott and Kimball decisions. A determination of significance is required to de-list a Goal 5 aggregate resource. The thresholds for significance are addressed in the responses to OAR 660-023-0180(3) and (4), below.*

The Hearings Officer takes note of Applicant's above-quoted statement and shall address sections (3) and (4) below.

**(3) An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:**

**(a) A representative set of samples of aggregate material in the deposit on the site meets applicable Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or more than 500,000 tons outside the Willamette Valley;**

**FINDING:** The Burden of Proof states:

*The County's Goal 5 inventory indicates that Site No. 392 contains the following:*

#	Taxlot	Name	Type	Quantity*	Quality	Access/Location
392	181223-00-00300	Rose	Rock	10 M Est.	Mixed	
392	181223-00-00300	Rose	Dirt	7.5 M	Good	

\*Quantity in cub [sic] yards

*The County's Goal 5 mineral and aggregate inventory lists site 392 as a sand and gravel site and the findings in the ESEE establish the County did not find the aggregate resource on site worthy of protection. The ESEE further acknowledges the mining use is transitional and the site could be rezoned for other uses where the mining use is complete. The ESEE does not specify, and in fact is silent as to, a subsequent zoning designation. The DOGAMI files for the subject property have been closed since 2011.*

The Hearings Officer finds Applicant's statement and analysis is credible and reflects relevant law.

**(b) The material meets local government standards establishing a lower threshold for significance than subsection (a) of this section; or**

**FINDING:** No lower threshold has been established by Deschutes County.

**(c) The aggregate site was on an inventory of significant aggregate sites in an acknowledged plan on September 1, 1996.**

**FINDING:** The Burden of Proof states:

*Site No. 392 is included in the County's inventory for the sand and gravel resource not for aggregate. This criterion does not apply.*

The Hearings Officer concurs with the Applicants' analysis.

**(d) Notwithstanding subsections (a) and (b) of this section, except for an expansion area of an existing site if the operator of the existing site on March 1, 1996, had an enforceable property interest in the expansion area on that date, an aggregate site is not significant if the criteria in either paragraphs (A) or (B) of this subsection apply:**

**(A) More than 35 percent of the proposed mining area consists of soil classified as Class I on Natural Resource and Conservation Service (NRCS) maps on June 11, 2004; or**

**(B) More than 35 percent of the proposed mining area consists of soil classified as Class II, or of a combination of Class II and Class I or Unique soil, on NRCS maps available on June 11, 2004, unless the average thickness of the aggregate layer within the mining area exceeds:**

- (i) 60 feet in Washington, Multnomah, Marion, Columbia, and Lane counties;**
- (ii) 25 feet in Polk, Yamhill, and Clackamas counties; or**
- (iii) 17 feet in Linn and Benton counties.**

**FINDING:** The Burden of Proof states:

*The criterion does not apply. The subject property does not contain any Class I, Class II, or Unique soils as confirmed by the Wallace Group Report (Exhibit 8) and Amended Reclamation Plan (Exhibit 11), as well as the Site-Specific Soil Survey that was conducted by Certified Soil Scientist, Andy Gallagher and has been submitted to the Department of Land Conservation and Development (DLCD) in accordance with OAR 660-033-0045(6)(a) (Exhibit 6). Staff concurs with the applicant's analysis.*

The Hearings Officer concurs with Applicant's analysis.

**(4) Notwithstanding section (3) of this rule, a local government may also determine that an aggregate resource site on farmland is significant if subsections (a) and (b) of this section apply or if subsection (c) of this section applies:**

**FINDING:** The Burden of Proof states:

*The criterion does not apply. Site No. 392 is not identified as agricultural lands on the acknowledged Deschutes County Comprehensive Plan map, and it has not been farmed or used in conjunction with any farming operation. The study conducted by Mr. Gallagher confirms the site is composed*

*predominantly of Class 7 and 8 soils and therefore does not meet the definition of agricultural land. (Exhibit 6).*

The Hearings Officer concurs with the Applicant's analysis.

### **Division 33 - Agricultural Lands & Statewide Planning Goal 3 - Agricultural Lands;**

OAR 660-015-0000(3)

**To preserve and maintain agricultural lands.**

**Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.**

**FINDING:** The Hearings Officer incorporates the findings for *Deschutes County Comprehensive Plan, Chapter 2, Resource Management Section 2.2 Agricultural Lands Goal 1, Preserve and Maintain Agricultural Lands and the Agricultural Industry* and also the findings for *Oregon Administrative Rules Division 33- Agricultural Lands & Statewide Planning Goal 3 – Agricultural Lands* as additional findings for this section.

OAR 660-033-0020, Definitions

**For purposes of this division, the definitions in ORS 197.015, the Statewide Planning Goals, and OAR Chapter 660 shall apply. In addition, the following definitions shall apply: (1)(a) "Agricultural Land" as defined in Goal 3 includes:**

**(A) Lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon;**

**FINDING:** The Applicant's stated reason for not requesting an exception to Goal 3 is based on the premise that the Subject Property is not "Agricultural Land." The Hearings Officer incorporates the findings for *Deschutes County Comprehensive Plan, Chapter 2, Resource Management Section 2.2 Agricultural Lands Goal 1, Preserve and Maintain Agricultural Lands and the Agricultural Industry* and also the findings for *Oregon Administrative Rules Division 33- Agricultural Lands & Statewide Planning Goal 3 – Agricultural Lands* as additional findings for this section. The Hearings Officer also found persuasive Applicant's Burden of Proof statements as set forth in the Staff Report (pages 33 through and including 45). Based upon the incorporated findings the Hearings Officer finds that the Subject Property is comprised predominantly of Class 7 and Class 8 soils. The Hearings Officer finds that the Subject Property is not "Agricultural Land" as defined in OAR 660-033-0020(1)(a)(A) above.

**(B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted**

## **farming practices; and**

**FINDING:** The Applicant's stated reason for not requesting an exception to Goal 3 is based on the premise that the Subject Property is not "Agricultural Land." The Hearings Officer incorporates the findings for *Deschutes County Comprehensive Plan, Chapter 2, Resource Management Section 2.2 Agricultural Lands Goal 1, Preserve and Maintain Agricultural Lands and the Agricultural Industry* and also the findings for *Oregon Administrative Rules Division 33- Agricultural Lands & Statewide Planning Goal 3 – Agricultural Lands* as additional findings for this section. The Hearings Officer also found persuasive Applicant's Burden of Proof statements as set forth in the Staff Report (pages 33 through and including 38).

Based upon the incorporated findings the Hearings Officer finds that the Subject Property is comprised predominantly of Class 7 and Class 8 soils and based upon the factors identified in (B) above that the Subject Property is not "Agricultural Land" and not "suitable for farm use" as defined by ORS 215.203(2)(a).

## **(C) Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.**

**FINDING:** The Applicant's stated reason for not requesting an exception to Goal 3 is based on the premise that the Subject Property is not "Agricultural Land." The Hearings Officer incorporates the findings for *Deschutes County Comprehensive Plan, Chapter 2, Resource Management Section 2.2 Agricultural Lands Goal 1, Preserve and Maintain Agricultural Lands and the Agricultural Industry* and also the findings for *Oregon Administrative Rules Division 33- Agricultural Lands & Statewide Planning Goal 3 – Agricultural Lands* as additional findings for this section. The Hearings Officer also found persuasive Applicant's Burden of Proof statements as set forth in the Staff Report (page 39).

Staff (Staff Report, page 39) concurred with the Applicant's analysis and finds no feasible way that the Subject Property is necessary for the purposes of permitting farm practices on any nearby parcels. The Hearings Officer finding that the Subject Property is not necessary for purposes of permitting farm practices on any nearby parcels is based in part on poor soil quality and existing development on surrounding EFU properties.

## **(b) Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed;**

**FINDING:** The Applicant's stated reason for not requesting an exception to Goal 3 is based on the premise that the Subject Property is not "Agricultural Land" and by extension not part of a "farm unit." The Hearings Officer incorporates the findings for *Deschutes County Comprehensive Plan, Chapter 2, Resource Management Section 2.2 Agricultural Lands Goal 1, Preserve and Maintain Agricultural Lands and the Agricultural Industry* and also the findings for *Oregon Administrative Rules Division 33- Agricultural Lands & Statewide Planning Goal 3 – Agricultural Lands* as additional findings for this section. The Hearings Officer also finds persuasive the Applicant's Burden of Proof statements included by Staff in the Staff Report (Staff Report, pages 39 and 40). Staff included the

following Burden of Proof comments:

*The subject property is not, and has not, been a part of a farm unit that includes other lands not currently owned by the applicant. The property has no history of farm use and contains soils that make it unsuitable for farm use and therefore, no basis to inventory the subject property as agricultural land.*

*Goal 3 applies a predominant soil type test to determine if a property is "agricultural land." If a majority of the soils are Class 1-6 in Central or Eastern Oregon, it must be classified "agricultural land." Case law indicates that the Class 1-6 soil test applies to a subject property proposed for a non-agricultural plan designation while the farm unit rule looks out beyond the boundaries of the subject property to consider how the subject property relates to lands in active farming in the area that was once a part of the area proposed for rezoning. It is not a test which requires that 100% of soils on a subject property be Class 1-6.*

*The farm unit rule is written to preserve large farming operations in a block. It does this by preventing property owners from dividing farmland into smaller properties that, alone, do not meet the definition of "agricultural land." The subject property is not formerly part of a larger area of land that is or was used for farming operations and was then divided to isolate poor soils so that land could be removed from EFU zoning. As demonstrated by the historic use patterns and soils reports, it does not have poor soils adjacent to or intermingled with good soils within a farm unit. The subject property is not in farm use and has not been in farm use of any kind. It has no history of commercial farm use and contains soils that make the property generally unsuitable for farm use as the term is defined by State law. It is not a part of a farm unit with other land.*

*The subject property is predominately Class 7 and 8 soils and would not be considered a farm unit itself nor part of a larger farm unit based on the poor soils and the fact that it has not been used in conjunction with any adjacent farm properties.*

*As shown by the soils assessment conducted by Mr. Gallagher, the predominant soil type found on the subject property is Class 7 and 8, nonagricultural land (66%). The predominance test says that the subject property is not agricultural soil and the farm unit rule does not require that the Class 7 and 8 soils that comprise the majority of the subject property be classified as agricultural land due to the presence of a small amount of Class 6 soils on the subject property that are not employed in farm use and are not part of a farm unit. As a result, this rule does not require the Class 7 and 8 soils on the subject property to be classified agricultural land because a minority of the property contains soils rated Class 6.*

The Hearings Officer, based upon the incorporated findings and the Applicant's above-quoted Burden of Proof statements, that the Subject Property does not include land in capability classes other than I-IV-I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit.

**(c) "Agricultural Land" does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.**

**FINDING:** The Subject Property is not within an acknowledged urban growth boundary or land within acknowledged exception areas for Goals 3 or 4.

OAR 660-033-0030, Identifying Agricultural Land

**(1) All land defined as "agricultural land" in OAR 660-033-0020(1) shall be inventoried as agricultural land.**

**(2) When a jurisdiction determines the predominant soil capability classification of a lot or parcel it need only look to the land within the lot or parcel being inventoried. However, whether land is "suitable for farm use" requires an inquiry into factors beyond the mere identification of scientific soil classifications. The factors are listed in the definition of agricultural land set forth at OAR 660-033-0020(1)(a)(B). This inquiry requires the consideration of conditions existing outside the lot or parcel being inventoried. Even if a lot or parcel is not predominantly Class I-IV soils or suitable for farm use, Goal 3 nonetheless defines as agricultural "lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands". A determination that a lot or parcel is not agricultural land requires findings supported by substantial evidence that addresses each of the factors set forth in 660-033-0020(1).**

**FINDING:** The Applicant's stated reason for not requesting an exception to Goal 3 is based on the premise that the Subject Property is not "Agricultural Land" and by extension not part of a "farm unit." The Hearings Officer incorporates the findings for *Deschutes County Comprehensive Plan, Chapter 2, Resource Management Section 2.2 Agricultural Lands Goal 1, Preserve and Maintain Agricultural Lands and the Agricultural Industry* and also the findings for *Oregon Administrative Rules Division 33- Agricultural Lands & Statewide Planning Goal 3 – Agricultural Lands* as additional findings for this section. The soil study produced by Mr. Gallagher focuses on the land within the Subject Property and the Applicant provided responses indicating the Subject Property is not necessary to permit farm practices undertaken on adjacent and nearby lands. The Hearings Officer finds that the Subject Property is not "Agricultural Land" based upon the incorporated findings and that the Subject Property is not necessary to permit arm practices undertaken on adjacent and/or nearby lands.

**(3) Goal 3 attaches no significance to the ownership of a lot or parcel when determining whether it is agricultural land. Nearby or adjacent land, regardless of ownership, shall be examined to the extent that a lot or parcel is either "suitable for farm use" or "necessary to permit farm practices to be undertaken on adjacent or nearby lands" outside the lot or parcel.**

**FINDING:** The Applicant's stated reason for not requesting an exception to Goal 3 is based on the premise that the Subject Property is not "Agricultural Land" and by extension not part of a "farm unit." The Hearings Officer incorporates the findings for *Deschutes County Comprehensive Plan, Chapter 2, Resource Management Section 2.2 Agricultural Lands Goal 1, Preserve and Maintain Agricultural Lands and the Agricultural Industry* and also the findings for *Oregon Administrative Rules Division 33- Agricultural Lands & Statewide Planning Goal 3 – Agricultural Lands* as additional findings

for this section. The Hearings Officer attached no significance to the ownership of the Subject Property or adjacent parcels in considering whether or not the Subject Property was “suitable for farm use” or “necessary to permit farm practices to be undertaken on adjacent or nearby lands.”

**(5)(a) More detailed data on soil capability than is contained in the USDA Natural Resources Conservation Service (NRCS) soil maps and soil surveys may be used to define agricultural land. However, the more detailed soils data shall be related to the NRCS land capability classification system.**

**(b) If a person concludes that more detailed soils information than that contained in the Web Soil Survey operated by the NRCS as of January 2, 2012, would assist a county to make a better determination of whether land qualifies as agricultural land, the person must request that the department arrange for an assessment of the capability of the land by a professional soil classifier who is chosen by the person, using the process described in OAR 660-033-0045.**

**FINDING:** The Applicant’s stated reason for not requesting an exception to Goal 3 is based on the premise that the Subject Property is not “Agricultural Land” and by extension not part of a “farm unit.” The Hearings Officer incorporates the findings for *Deschutes County Comprehensive Plan, Chapter 2, Resource Management Section 2.2 Agricultural Lands Goal 1, Preserve and Maintain Agricultural Lands and the Agricultural Industry* and also the findings for *Oregon Administrative Rules Division 33- Agricultural Lands & Statewide Planning Goal 3 – Agricultural Lands* as additional findings for this section.

Applicant’s Burden of Proof states:

*Attached as Exhibit 6 is a more detailed agricultural soil assessment related to the NRCS land capability classification system conducted by Andy Gallagher, a Certified Professional Soil Scientist authorized by the Department of Land Conservation and Development (DLCD).*

*The soils assessment prepared by Mr. Gallagher provides more detailed soils information than contained on the Web Soil Survey operated by the NRCS, which provides general soils data at a scale generally too small for detailed land use planning and decision making. Mr. Gallagher’s soils assessment report provides a high intensity Order-1 soil survey and soils assessment – a detailed and accurate soils assessment on the subject property based on numerous soil samples – to determine if the subject property is “agricultural land” within the meaning of OAR 660-033-020. Mr. Gallagher’s Order-1 soil survey is included as evidence in the application to assist the County in making a better determination of whether the subject property qualifies as “agricultural land.”*

*As explained in Mr. Gallagher’s report, the NRCS soil map of the subject property shows three soil mapping units, 27A Clovkamp loamy sand 0 to 3% slopes, 155C Wanoga sandy loam 0 to 15% slopes, 157C Wanoga-Fremkle-Rock outcrop complex 0 to 15% which is estimated to be 35 percent Wanoga, 30 percent Fremkle and 20 percent Rock Outcrop. The more detailed Order-1 survey conducted by Mr. Gallagher included 232 samples from combined soil test pits, soil borings and surface observations of bedrock outcrops. The results of the previous and revised soils mapping units with land capacity class are provided in the Table 1 below from Mr. Gallagher’s report:*

TABLE 1...PREVIOUS AND REVISED SOIL MAPPING UNITS  
WITH LAND CAPABILITY CLASS.

Previous Map Symbol	Revised Map Symbol	Soil Series Name	Capability Class	Previous Map*		Revised Map	
				Ac	-%-	Ac	-%-
27A	--	Clovkamp	6	111	40	0	0
155C	--	Wanoga sandy loam	6	10	4	0	0
157C	--	Wanoga- Fremkle- Rock outcrop	6 (80%) 8 (20%)	158	56	0	0
--	GR	Gosney- Henkle- Outcrop	7 (%) 8 (%)	0	0	115	42
--	WD	Wanoga- Deskamp complex	6	0	0	96	34
--	MF	Mined and Filled Area	7	0	0	68	24
Total				279	100	279	100

Based on the findings and analysis of the Order-1 soil survey and soil assessment, Mr. Gallagher made the following summary and conclusions in determining whether the subject property is agricultural land:

Soils were remapped in a high intensity (Order-1) soil survey 279.25-acre tract currently zoned partly SM and partly EFU. Previously this area was mapped as Clovkamp loamy sand in the basin, Wanoga-Fremkle-Rock outcrop and Wanoga sandy loam were mapped in the surrounding wooded rangelands and hillsides. These collectively range from Land Capability Class 6 to Class 8 with a predominance of Class 6 high-value farmland.

In the revised Order-1 soil mapping soils were reclassified and remapped as predominantly Class 7 and 8, based on 232 samples from combined soil test pits, soil borings and surface observations of bedrock outcrops. Most of the area formerly mapped Clovkamp by NRCS was mined and then filled and graded so that most of it (68 acres, 24 percent of total parcel) is made-land that is Class



*7 based on stoniness and low AWHC remapped as ML. There are 115 acres (42 percent of total parcel) of shallow and very to extremely stony, very shallow and rock outcrop that are remapped as GR unit. These two units of Class 7 and 8 land are 183 acres combined. The remaining acres 96 acres (34 percent of total parcel) are remapped as Class 6 and include mostly Deskamp and Wanoga soils. Based upon the findings of this Order-1 soil survey, the subject parcel is predominantly, 66 percent (183 acres), Class 7 and 8 soils and therefore is not "agricultural land" within the meaning of OAR 660033-0020(1)(a)(A).*

*The soil mapping and on-site studies also show the subject property is not agricultural land within the meaning of OAR 660-033-0020(1)(b) as it is not adjacent to or intermingled with land in capability classes 1-6 within a farm unit. There is no clear evidence that the Capability Class 6 non-irrigated soils on the subject property were farmed or utilized in conjunction with any farming operation in the past.*

*With few exceptions the Wanoga soils exist in irregularly shaped pockets interspersed with short steep slopes, rocky, shallow soils creating severe limitations for any agricultural use either alone or in conjunction with other lands.*

*As previously discussed, the State's agricultural land rules, OAR 660-033-0030, allow the county to rely on the more detailed soil capability analysis prepared by Mr. Gallagher. The applicant has submitted the soils assessment to DLCD for review of the soils assessment and will submit the certification as a condition of approval. Based on the Order-1 soils report, the subject property is not "agricultural land."*

The Hearings Officer finds that Applicant's professional soil study/analysis provides more detailed and site specific soils information than contained in the NRCS Web Soil Survey. NRCS sources provide general soils data for large units of land. The Applicant's soil study/analysis provided detailed and accurate information about individual parcels based on numerous soil samples taken from the Subject Property. The Applicant's soil study/analysis is related to the NRCS Land Capability Classification ("LLC") system that classifies soils class 1 through 8 and provided ratings for each soil type based on rules provided by the NRCS.

According to the NRCS Web Soil Survey tool, the Subject Property contains a mix of 157C (GosneyRock Outcrop-Deskamp complex), 27A (Clovkamp loamy sand) 155C (Wanoga sandy loam). The Hearings Officer finds that the Gallagher soil study meets the requirements of these sections and allows the Hearings Officer to rely upon the Gallagher soil study conclusions.

**(c) This section and OAR 660-033-0045 apply to:**

**(A) A change to the designation of land planned and zoned for exclusive farm use, forest use or mixed farm-forest use to a non-resource plan designation and zone on the basis that such land is not agricultural land; and**

**FINDING:** The Applicant's stated reason for not requesting an exception to Goal 3 is based on the premise that the Subject Property is not "Agricultural Land" and by extension not part of a "farm unit." The Hearings Officer incorporates the findings for *Deschutes County Comprehensive Plan*,

Chapter 2, Resource Management Section 2.2 Agricultural Lands Goal 1, Preserve and Maintain Agricultural Lands and the Agricultural Industry and also the findings for Oregon Administrative Rules Division 33- Agricultural Lands & Statewide Planning Goal 3 – Agricultural Lands as additional findings for this section.

The Burden of Proof states:

*The applicant is seeking approval of a non-resource plan designation and zone on the basis that the subject property is not agricultural land. The recognition of the nonresource process to rezone lands which do not qualify as resource lands and therefore do not implicate the protections of the resource designations under the Statewide Planning Goals is well established under state law and local Deschutes County code provisions and land use decisions. Attached as Exhibit 16 is the County Comprehensive Plan Section 5.12 detailing the plan amendment, zone changes under the nonresource process which have occurred since 2011. In 2016, the County specifically adopted Ordinance 2016-005, Exhibit 17, which included Policy 2.2.3 recognizing the process and explicitly authorizing comprehensive plan and zoning map amendments, including nonresource lands, for EFU properties. The findings included in the Comprehensive Plan text at 3.3 specifically provide that “[a]s of 2010 any new Rural Residential Exception Areas need to be justified through initiating a non-resource plan amendment and zone change by demonstrating the property does not meet the definition of agricultural or forest land, or taking exceptions to farm, forest, public facilities and services and urbanization regulations, and follow guidelines set out in the OAR.”*

The Hearings Officer, based upon the incorporated findings and the Applicant’s Burden of Proof statement above, finds the Subject Property is not “Agricultural Land” as defined and described by relevant laws.

**(d) This section and OAR 660-033-0045 implement ORS 215.211, effective on October 1, 2011. After this date, only those soils assessments certified by the department under section (9) of this rule may be considered by local governments in land use proceedings described in subsection (c) of this section. However, a local government may consider soils assessments that have been completed and submitted prior to October 1, 2011.**

**FINDING:** The Hearings Officer incorporates the findings for *Deschutes County Comprehensive Plan, Chapter 2, Resource Management Section 2.2 Agricultural Lands Goal 1, Preserve and Maintain Agricultural Lands and the Agricultural Industry* and also the findings for *Oregon Administrative Rules Division 33- Agricultural Lands & Statewide Planning Goal 3 – Agricultural Lands* as additional findings for this section. The Applicant submitted a soil study dated May 24, 2024. Applicant’s soil study/analysis was submitted to DLCD in conformance with ORS 215.211. Staff received acknowledgement from Hilary Foote, Farm/Forest Specialist with the DLCD, on October 9, 2024, that Applicant’s soil study/analysis was complete and consistent with DLCD’s reporting requirements. The Hearings Officer finds this criterion to be met based on Applicant’s soil study/analysis and that soil study/analysis was submitted and confirmed by DLCD to be complete and consistent with relevant laws/rules.

**(e) This section and OAR 660-033-0045 authorize a person to obtain additional information**

**for use in the determination of whether land qualifies as agricultural land, but do not otherwise affect the process by which a county determines whether land qualifies as agricultural land as defined by Goal 3 and OAR 660-033-0020.**

**FINDING:** The Hearings Officer incorporates the findings for *Deschutes County Comprehensive Plan, Chapter 2, Resource Management Section 2.2 Agricultural Lands Goal 1, Preserve and Maintain Agricultural Lands and the Agricultural Industry* and also the findings for *Oregon Administrative Rules Division 33- Agricultural Lands & Statewide Planning Goal 3 – Agricultural Lands* as additional findings for this section. The Applicant has provided a DLCD certified soil study/analysis as well as NRCS soil data. The Hearings Officer finds the Applicant has demonstrated compliance with this provision.

## **Division 12, Transportation Planning**

### OAR 660-012-0060 Plan and Land use Regulation Amendments

**(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:**

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
- (b) Change standards implementing a functional classification system; or**
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**
  - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
  - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**
  - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**

**FINDING:** This above language is applicable to the proposal because it involves an amendment to an acknowledged comprehensive plan. The Applicant provided the following response in the submitted Burden of Proof:

*Attached as Exhibit 11 is a transportation impact analysis memorandum dated June 18, 2024 prepared by traffic engineer, Joe Bessman, PE. Mr. Bessman made the following key findings with regard to the proposed zone change and concluded that a significant affect does not occur with the proposed rezone:*

- Rezoning of the approximately 279-acre "Rose Pit" property from Surface Mining and Exclusive Farm Use to Rural Residential results in a small increase in the trip generation potential of the property. A slightly higher difference occurs in consideration of conditionally allowed uses (such as the use of the density bonus or provision of a future park). Conservatively, these analysis scenarios were also included within this review.*
- The small increase in trips could impact the Rickard Road corridor or the SE 27th Street/Rickard Road intersection. An operational assessment was prepared to determine whether these locations operate adequately with the proposed rezone, using each of the potential trip generation scenarios.*
- The assessment shows that even with the inclusion of conditional uses the Rickard Road segment and SE 27th Street/Rickard Road intersection will continue to operate acceptably. As the impacted facilities can continue to meet adopted performance standards, a significant impact does not occur with this rezone.*
- Coordination of this rezone application with the City of Bend will be required by the Transportation Planning Rule.*

*Based on the traffic analysis and findings by Mr. Bessman, the application complies with the County transportation code requirements, transportation system plan and the TPR.*

The Applicant submitted a traffic study (Exhibit 12) dated June 18, 2024, prepared by Joe Bessman of Transight Consulting LLC. As noted in the agency comments section above, the County Transportation Planner, agreed with the report's conclusions. The Hearings Officer, based upon Applicant's traffic study and analysis, finds that the proposed plan amendment and zone change will be consistent with the identified function, capacity, and performance standards of the County's transportation facilities in the area. The Hearings Officer finds, based upon the Applicant's traffic study and analysis, that the proposed zone change will not change the functional classification of any existing or planned transportation facility or change the standards implementing a functional classification system.

The Hearings Officer finds, considering the Applicant's traffic study/analysis, along with the above-quoted Applicant comments, that approval of the application in this case will not significantly affect an existing or planned transportation facility. The Hearings Officer finds Applicant's traffic analysis and findings comply with the County transportation code requirements, transportation system plan and the TPR.

The proposed plan amendment would change the designation of the Subject Property from AG to RREA and change the zone from EFU to RR10. The Applicant is not proposing any land use development of the property at this time.

The Hearings Officer finds, based upon the County Senior Transportation Planner's comments and

Applicant's traffic study and analysis from Transight Consulting LLC, the application in this case complies with the Transportation Planning Rule.

## Division 15, Statewide Planning Goals

### OAR 660-015, Division 15, Statewide Planning Goals and Guidelines

**FINDING:** The Statewide Planning Goals and the Applicant's responses from Applicant's Burden of Proof are outlined below:

**Goal 1, Citizen Involvement.** *Deschutes County will provide notice of the application to the public through mailed notice to affected property owners and by requiring the applicant to post a "proposed land use action sign" on the subject property. Notice of the public hearings held regarding this application will be placed in the Bend Bulletin. A minimum of two public hearings will be held to consider the application.*

**Goal 2, Land Use Planning.** *Goals, policies, and processes related to zone change applications are included in the Deschutes County Comprehensive Plan and Titles 18 and 23 of the Deschutes County Code. The outcome of the application will be based on findings of fact and conclusions of law related to the applicable provisions of those laws as required by Goal 2.*

**Goal 3, Agricultural Lands.** *The applicant has shown that the subject property is not agricultural land because it is comprised predominantly of Class 7 and 8 soils that are not suitable for farm use. Therefore, the proposal is consistent with Goal 3.*

**Goal 4, Forest Lands.** *Goal 4 is not applicable because the subject property does not include any lands that are zoned for, or that support, forest uses. Forest land is defined by OAR 660005-0010 as lands suitable for commercial forest use protection under Goal 4, which are identified using NCRS soil survey maps to determine average annual wood fiber production figures. The NCRS maps for the subject property map it with soil mapping units 27A, 155C and 157 C. The NCRS Soils Survey for the upper Deschutes River lists all soils mapped by its survey that are suitable for wood crop production in Table 8 (Exhibit 18). None of the soils mapped on the subject property are listed in Table 8 as suitable for wood crop production.*

**Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces.** *The subject property does not contain any inventoried Goal 5 resources.*

**Goal 6, Air, Water, and Land Resources Quality.** *The approval of this application will not impact the quality of the air, water, and land resources of the County. Any future development of the property would be subject to local, state, and federal regulations that protect these resources.*

**Goal 7, Areas Subject to Natural Disasters and Hazards.** *According to the Deschutes County DIAL property information and Interactive Map the entire Deschutes County, including the subject property, is located in a Wildfire Hazard Area. The subject property is also located in Rural Fire Protection District #2. Rezoning the property to MUA-10 does not change the Wildfire Hazard Area designation. Any*

*future development of the property would need to demonstrate compliance with any fire protection regulations and requirements of Deschutes County.*

**Goal 8, Recreational Needs.** *This goal is not applicable because no development is proposed and the property is not planned to meet the recreational needs of Deschutes County. Therefore, the proposed rezone will not impact the recreational needs of Deschutes County. Goal 9, Economy of the State. This goal does not apply to this application because the subject property is not designated as*

**Goal 9 economic development land.** *In addition, the approval of this application will not adversely affect economic activities of the state or area.*

**Goal 10, Housing.** *The County's comprehensive plan Goal 10 analysis anticipates that farm properties with poor soils, like the subject property, will be converted from EFU to MUA-10 or RR-10 zoning and that these lands will help meet the need for rural housing. The planned regional park will serve the surrounding rural community and approval of this application, therefore, is consistent with Goal 10 as implemented by the acknowledged Deschutes County comprehensive plan.*

**Goal 11, Public Facilities and Services.** *The approval of this application will have no adverse impact on the provision of public facilities and services to the subject site.*

**Goal 12, Transportation.** *This application complies with the Transportation System Planning Rule, OAR 660-012-0060, the rule that implements Goal 12. Compliance with that rule also demonstrates compliance with Goal 12.*

**Goal 13, Energy Conservation.** *The approval of this application does not impede energy conservation. The subject property is located within 1 mile from the city limits of Bend. If the property is developed with additional residential dwellings in the future, providing homes in this location as opposed to more remote rural locations will conserve energy needed for residents to travel to work, shopping and other essential services provided in the City of Bend. If the property is developed with the regional park, as planned, it will provide recreational opportunities in close proximity to rural and urban residences, thereby conserving energy and vehicle miles traveled.*

**Goal 14, Urbanization.** *This goal is not applicable because the applicant's proposal does not involve property within an urban growth boundary and does not involve the urbanization of rural land. The RR-10 zone is an acknowledged rural residential zoning district that limits the intensity and density of developments to rural levels. The compliance of this zone with Goal 14 was recently acknowledged when the County amended its comprehensive plan. The plan recognizes the fact that the MUA-10 and RR zones are the zones that will be applied to lands designated Rural Residential Exception Areas.*

**Goals 15 through 19.** *These goals do not apply to land in Central Oregon.*

Staff (Staff Report, page 29) generally accepted the Applicant's responses and finds compliance with the applicable Statewide Planning Goals had been effectively demonstrated. Staff did take note of public comments concerning potential loss of farmland, increased rural density, and traffic. Staff stated that these comments detail concerns related to specific potential use patterns.

Staff concluded that the overall proposal appears to comply with the applicable Statewide Planning Goals for the purposes of this review. Further, Staff indicated that issues related to a specific future development will be addressed at that time. The Hearings Officer concurs with Staff's summary comments related to statewide goals.

The Hearings Officer takes note that COLW alleged that the application in this case somehow violates or is not consistent with Goal 14. The Hearings Officer includes COLW's comments related to Goal 14 (11/12/24, pages 17 and 18) below:

*In its Curry County decision, the Oregon Supreme Court established a series of factors used to assess whether a particular land use change qualifies as urban or rural for purposes of Goal 14 compliance. 1000 Friends of Oregon v. Land Conservation & Development Commission ("Curry County"), 301 Or 447, 474 (1986); Oregon Shores Conservation Coalition v. Coos County, 55 Or LUBA 545, 550 (2008); 1000 Friends of Oregon v. Josephine County (Marvin I), \_\_ Or LUBA\_\_, slip op at 25 (LUBA No. 2021-116, June 2, 2022). These factors must be considered holistically rather than in isolation from one another. Oregon Shores, 55 Or LUBA 545, 556. LUBA summarized the Curry factors in Oregon Shores, 55 Or LUBA at 550: "(a) the size of the area in relationship to the developed use (density); (b) its proximity to an acknowledged UGB and whether the proposed use is likely to become a magnet attracting people from outside the rural area; and (c) the types and levels of services which must be provided to it." Here, under the Curry County factors, the proposed PAPA decision, if approved, would violate Goal 14 by allowing urban population outside of a UGB and undermining the effectiveness of an established UGB.*

**a. Density** *The application proposes to rezone the subject property to allow greatly increased residential density. Under RR-10 zoning, Deschutes County Code allows either a 10 acre minimum lot size, or 5-acre equivalent density for planned and cluster developments within one mile of the UGB:*

*"Minimum lot size shall be 10 acres, except planned and cluster developments shall be allowed an equivalent density of one unit per 7.5 acres. Planned and cluster developments within one mile of an acknowledged urban growth boundary shall be allowed a five-acre minimum lot size or equivalent density. For parcels separated by new arterial rights of way, an exemption shall be granted pursuant to DCC 18.120.020." (DCC 18.60.060(C))*

*In a planned developments, there is no minimum lot size:*

*"The minimum lot area, width, frontage and yard requirements otherwise applying to individual buildings in the zone in which a planned development is proposed do not apply within a planned development. An equivalent overall density factor may be utilized in lieu of the appropriate minimum lot area." (DCC 18.128.210(D)(3))*

*In this way, should the re-zone be approved, up to 56 rural residences could be conditionally permitted on the subject property with no consideration of Goal 14. This is an urban level of density.*

**b. Proximity to UGB and magnet for attracting people** *The subject property is about one mile from the City of Bend UGB and will become a magnet for attracting urban population outside the UGB. The allowed uses in the RR-10 zone will both attract people who would otherwise reside in the UGB, and attract people who could reside on the subject property into the UGB for urban services. Both outcomes will undermine the effectiveness of the UGB in violation of Goal 14.*

**c. Types and levels of services** *The proposed rezoning is also likely to make the potential residents of a new neighborhood in the RR-10 zone reliant on urban public services and infrastructure. The “types and levels of services” that will be provided to the subject property will nearly all be from urban service providers. Oregon Shores Conservation Coalition v. Coos County, 55 Or LUBA 545, 550 (2008). Future residents will attend urban schools, ride urban public transit, visit urban libraries, use urban healthcare services, rely on urban public safety services, and patronize urban commercial services. Just like the first two Curry County factors, this also frustrates and undermines the effectiveness of the UGB in violation of Goal 14.*

*The increase in density, proximity to a UGB and potential to undermine the effectiveness of the UGB, and reliance of urban services all point toward the decision urbanizing rural land in violation of Goal 14 in the absence of an exception to Goal 14.*

Applicant (Final Argument, pages 15 through and including 17) provided the following response to COLW's Goal 14 arguments:

*In section XI of its November 12 letter, COLW argues that the application does not comport with Statewide Planning Goal 14. However, COLW's analysis is predicated entirely under what are often referred to as the Curry County factors derived from 1000 Friends of Oregon v. Land Conservation & Development Commission, 301 Or 447, 474, 724 PO2d 268 (1986) (“Curry County”).[footnote omitted] Although helpful when determining if a use is “rural” versus “urban,” not ever Goal 14 issue turns on that nuanced distinction. In this case, COLW's argument ignores that the Curry County factors were not the dispositive Goal 14 analysis in three similarly-situated cases arising out of Deschutes County, two of which reached the Court of Appeals. Central Oregon LandWatch v. Deschutes County, \_\_ Or LUBA \_\_ (LUBA No 2023-006/009, July 28, 2023) (slip op at 80-84), *aff'd*, 330 Or App 321, 543 P3d 736 (2024) (concerning the RR-10 zone); Central Oregon LandWatch v. Deschutes County, \_\_ Or LUBA \_\_ (LUBA No 2023-008, April 24, 2023) (slip op at 12) (concerning the Rural Industrial zone); Central Oregon LandWatch v. Deschutes County, \_\_ Or LUBA \_\_ (LUBA No 2022-075, Dec 6, 2022) (slip op at 17-18), *aff'd* without opinion, 324 Or App 655 (2023) (concerning the Rural Industrial zone).*

*In another Deschutes County case, COLW raised essentially the identical Curry County factor density argument as raised herein to try and compel the County to adopt a Goal 14 exception as a prerequisite to approving that map amendment / zone change application. See Central Oregon LandWatch v. Deschutes County, \_\_ Or LUBA \_\_ (LUBA No 2023-049, February 15, 2024), *aff'd*, 333 Or App 263 (2024) (concerning the MUA-10 zone). Although mostly decided on preservation grounds, both LUBA and the Court of Appeals directly addressed and rejected COLW's undeveloped density argument. *Id* (slip op at 23; slip op at \*2).*

*In short, COLW's Goal 14 argument entirely misses the mark because it fails to address that the RR-10*



zone was acknowledged by DLCD as consistent with Goal 14. In the aforementioned cases, both LUBA and the Court of Appeals confirmed that such an acknowledgement means in this case that all uses allowed in the RR-10 zone are “rural,” therefore not prompting or requiring any further Goal 14 inquiry. As a party in all of the above-cited matters, it is further notable that COLW is yet again recycling tired Goal 14 arguments without citing or distinguishing any of the aforementioned cases.

While not conceding that an analysis of Goal 14, Urbanization is required, we provide one below.

The RR-10 zoning district does not authorize urban development that violates Statewide Goal 14. DCCP Chapter 1, Section 1.3 p. 15 (Definitions) says that RREAs provide opportunities for rural residential living; not urban living that violates Goal 14. A review of the factors identified by the Supreme Court in Curry County all confirm that the zoning district does not allow urban development

### **i. Density**

The RR-10 imposes a maximum density of 1 dwelling per 10 acres. The only exception is that a higher density may be allowed in planned or cluster developments not burdened by the WA overlay zone; but only if such development complies with the County’s conditional use criteria, comprehensive plan and rules that require the dedication of 65% open space. The large open space areas created by this type of development create large areas that maintain the rural character of the parent parcel. The maximum density for properties like the subject property is one house per 7.5 acres. This is not an urban density. Such a density would never be allowed in any urban residential zoning district other than a reserve or holding zone. For instance, in the City of Bend, a density of 1.1 dwellings per acre is the lowest density allowed for an urban residential district. This density is allowed only for areas not served by sewer. For properties served by sewer, a minimum density of 4.0 dwellings per one acre is required.

In Curry County, the Supreme Court accepted the concession of 1000 Friends a density of one house per ten acres is generally “not an urban intensity.” COLW argues that the comprehensive plan requires a 10-acre minimum parcel size. If they are correct, this minimum will apply during a review of any subdivision on the subject property and assure that development is “not an urban intensity. Furthermore, in Curry County, 1000 Friends argued that densities greater than one dwelling per three acres (e.g., one dwelling per one or two acres) are urban.

The density allowed by the RR-10 zone in a planned development is 2.5 times less dense. For a standard subdivision, the density allowed (1 house per 10 acres) is over 3 times less dense. The density of the RR-10 zone is not, as claimed by COLW, 8 times greater than the density allowed in the EFU-zone. Deschutes County’s EFU zone allows for non-irrigated land divisions for parcels as small as 40 acres that create two nonfarm parcels (1:20 acres density). It also allows for 2-lot irrigated land divisions that, in Deschutes County, can occur on parcels less than 30 acres in size (23 acres irrigated, no minimum lot size for the nonfarm parcel) that result in a density of one house per less than 15 acres.

## **ii. Lot Size**

*The RR-10 zoning district requires a minimum lot size of one house per ten acres. An exception to the minimum lot size is allowed only if 65% of the land being divided is dedicated as open space and a maximum density of 1 dwelling per 7.5 acres is achieved on the subject property.*

*The EFU zone that applies to the subject property imposes no minimum lot size for new nonfarm parcels. DCC 18.16.055. The only exception is that 5-acre minimum is required for non-irrigated land divisions of properties over 80 acres in size. DCC 18.16.055(C)(2)(a)(4). The EFU zone requires that other nonfarm uses be on parcels that are “no greater than the minimum size necessary for the use.”*

*Lot size by itself is not determinative of urban vs. rural use, this is particular try given that irrigated land division may result in lots of only 5-acres. Although not relevant to this Application, OAR 660-004-0040 contemplates lot sizes as small as two acres in rural residential areas.*

## **iii. Proximity to Urban Growth Boundaries**

*The County's zoning map shows that the subject Property is less than 1 mile from the City of Bend UGB. As recognized by COLW, the planned regional park is allowed on EFU lands. The zone change to allow park development on the former SM lands and unproductive EFU lands will therefore not have the effect of drawing residents outside of the City for services since those services are allowed without the change. The magnet effect was an issue of concern to the Oregon Supreme Court in the Curry County case. LCDRC currently strictly limits the size of magnet uses in the EFU zoning district if they are within 3 miles of an urban growth boundary by OAR 660-033-0130(2) and Table OAR 660-033-0120, thereby addressing the proximity issue.*

## **iv. Services**

*Sewer service is prohibited by Goal 11. An increase in the density of development is not allowed if a public water system is developed to serve the subject Property. The plan is to use septic systems and well water to serve the park development.*

## **v. Conclusion of Factors**

*In totality, none of the above-factors indicates that the Applicant's rezone request implicates Goal 14. As discussed at the Hearing, the Property already qualifies for the regional park given the existing requirements in the Code and state law. Applicant's proposal would increase the flexibility to permit additional structures in the park, but not to urban levels. Instead, approval of the proposal will enable the land to remain in a rural state, and to avoid the haphazard land use patterns that could otherwise result from serial non-farm dwelling applications.*

This Hearings Officer notes that he has considered essentially the same COLW Goal 14 argument in prior plan/zone change recommendation cases. (See, for example, Hearings Officer recommendation for cases 247-22-000436-ZC/247-22-000443-PA/247/23/000651-MA) This Hearings Officer has consistently found that a Comprehensive Plan change from AG to RREA and a

zone change from EFU to RR-10 does not **require** a Goal 14 exception. The Hearings Officer appreciates that each case is unique and that in certain instances a contrary decision could result.

The Hearings Officer takes note that LUBA has held that the RR-10 zone is a “rural zone.” (See, for example, *Central Oregon LandWatch v. Deschutes County*, LUBA 2023-006 (2023).<sup>1</sup> Applicant’s perspective is that “COLW’s Goal 14 argument entirely misses the mark because it fails to address that the RR-10 zone was acknowledged by DLCD as consistent with Goal 14.”

The Hearings Officer notes that the Comprehensive Plan RREA designation describes rural (not urban) use of land. The purpose section for the RR-10 zone (DCC 18.60.010) states the following:

*The purposes of the Rural Residential Zone are to provide rural residential living environments; to provide standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources; to manage the extension of public services; to provide for public review of nonresidential uses; and to balance the public's interest in the management of community growth with the protection of individual property rights through review procedures and standards.*

The Hearings Officer finds the Applicant’s discussion and analysis quoted above to be persuasive. The Hearings Officer finds COLW’s discussion and analysis quoted above is not persuasive. The Hearings Officer finds Applicant’s discussion and analysis correctly reflect the current status of Goal 14 law and that Applicant appropriately applied such law to this case. The Hearings Officer finds no Goal 14 exception is required in this case.

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<sup>1</sup> *Central Oregon LandWatch v. Deschutes County*, LUBA 2023-006 (2023), “The DCCP provides that the RREA comprehensive plan designation is implemented by the RR-10 and Multiple Use Agriculture (MUA) zones. We have no reason to believe that DLDC’s acknowledgement of the 2015 amendments as consistent with Goal 14 was premised on anything other than the conclusion that the RREA plan designation facially does not allow urban urban uses of rural land...We similarly conclude that the board of commissioners did not err in relying on DLCD’s acknowledgment of the 2016 amendments to conclude that the RR-10 zone facially complies with Goal 14.”

**III. CONCLUSION AND RECOMMENDATION:**

The Hearings Officer finds that the Applicant has met the burden of proof necessary to justify changing the Plan Designation from Agricultural (AG) and Surface Mining (SM) to Rural Residential Exception Area (RREA) and Zoning of the Subject Property from Exclusive Farm Use – Tumalo/Redmond/Bend subzone (EFU-TRB) & Surface Mining (SM) to Rural Residential (RR-10) by effectively demonstrating compliance with the applicable criteria of DCC Title 18 (The Deschutes County Zoning Ordinance), the Deschutes County Comprehensive Plan, and applicable sections of Oregon statutory and regulatory law.

The Hearings Officer recommends approval of the Applicant's proposal.

**DESCHUTES COUNTY HEARINGS OFFICER**A handwritten signature in black ink that reads "Gregory J. Frank". The signature is written in a cursive, flowing style.

Gregory J. Frank  
Deschutes County Hearings Officer



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 11, 2025

**SUBJECT:** Western Rivers Conservancy request for letter supporting BLM's funding request to the Department of the Interior (Paulina Meadows / Little Deschutes River land acquisition)

**RECOMMENDED MOTION:**

The Board can choose to approve or deny this request.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Western Rivers Conservancy seeks a letter from the Board supporting the Bureau of Land Management's request for \$5,000,000 from the Fiscal Year 2026 Land and Water Conservation Fund (LWCF) to acquire the 674-acre Paulina Meadows property along Paulina Creek and the Little Deschutes River.

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Jen Patterson, Strategic Initiatives Manager

[Letterhead]

(Date)

Lisa Clark - Field Manager  
Deschutes Field Office, Bureau of Land Management  
3050 N.E. 3rd Street  
Prineville, OR 97754

Dear Field Manager Clark:

\_\_\_\_\_ strongly supports the conservation of the scenic 674-acre Paulina Meadows property along Paulina Creek and the Little Deschutes River. We support the Bureau of Land Management's request for \$5,000,000 from the Fiscal Year 2026 Land and Water Conservation Fund (LWCF) to acquire this property, which includes two miles of the Little Deschutes River, a popular spot to float and explore. Conservation of this property will provide additional opportunities close to LaPine to hike, fish and float, ensuring that Central Oregon will continue to draw visitors to its natural beauty and outdoor adventures.

The property also includes the last unprotected over two-mile seasonal reach of Paulina Creek as it flows from Newberry National Volcanic Monument to its confluence with the Little Deschutes River. The property is home to some of the highest density of federally listed Oregon spotted frogs on the Little Deschutes, whose recovery is a focus of the USFWS and the irrigation districts in Central Oregon as part of a Habitat Conservation Plan. Restoration efforts on the property, along with preserving existing pristine wetlands, will lead to additional habitat for the federally threatened Oregon spotted frog, thus furthering this effort.

The area around the property, especially between La Pine and Sunriver, contains the largest mule deer migration corridor in Oregon and an important winter range for both elk and deer. Acquisition of Paulina Meadows will ensure protection of this critical habitat for wildlife.

We also support Western Rivers Conservancy's efforts to mitigate wildfire risk on the property during its interim ownership. We encourage BLM to continue its efforts to use grazing in the area, eventually including the property, to further manage for wildfire risks and as a tool for managing habitat.

This project will enhance recreational access to the river for rafters, anglers, hunters, hikers and birdwatchers while protecting critical habitat for threatened native species. Thank you for your request for funds from the LWCF to conserve this important property, and for your consideration of this letter of support.

Sincerely,





## WESTERN RIVERS CONSERVANCY



A Request for a Letter of Support from the  
DESCHUTES COUNTY BOARD OF COMMISSIONERS  
Fiscal Year 2026

# LITTLE DESCHUTES RIVER, PAULINA MEADOWS

## Project Facts

<b>Funding Source:</b>	Land and Water Conservation Fund (LWCF)
<b>Intended Steward:</b>	BLM, Prineville District
<b>Location:</b>	Deschutes County, Oregon
<b>Project:</b>	Paulina Meadows
<b>Size:</b>	674 acres
<b>Congressional Dist.:</b>	OR-2 (Rep. Cliff Bentz)





## Conserving Confluence Lands for Recreation with Prime Habitat for Frog, Mule Deer and Elk

**T**he Wild and Scenic Deschutes River is one of Oregon's most beloved treasures. Located in north central Oregon, the basin drains from the many glaciers along the Cascade crest east to the Ochoco Mountains. Once the headwater streams tumble out of the mountains and forests, the remainder of the river carves a course north through the high desert to meet the Columbia River just east of The Dalles.

The Little Deschutes, also a Wild and Scenic River in its upper reaches, is the southernmost of the Deschutes' principal tributaries, flowing from the Mount Thielsen Wilderness in the Deschutes National Forest. The lower 80 miles of the Little Deschutes' 105-mile course has beautiful, low-gradient meanders until it meets the mainstem Deschutes near Sunriver Resort. Here the river valley has gentle topography and depressions with forested wetlands, marshes, meandering streams and shallow lakes. These features are the result of nearby volcanic eruptions and depositions of highly permeable material which created coarse, rapidly draining soils and high groundwater tables. Paulina Creek, a tributary to the lower Little Deschutes, flows from Paulina Lake in the Newberry Crater National Volcanic Monument. The majority of the stream is inside the monument and national forest, with just a short reach from the national forest boundary to the Little Deschutes confluence that is not in federal ownership.

The 674-acre Paulina Meadows property contains the lowest **2.3 miles** of the creek as well as nearly **2 miles** of the Little Deschutes centered on their confluence. The BLM owns almost all the adjacent land except for the property immediately upstream on the creek that was recently conserved by the Deschutes Land Trust. The property has a diverse mix of forest, meadow, riparian and wetland habitats. The meadow habitats are part of the Paulina Prairie, which is a combination of wet and dry meadows. The upland areas are dominated by lodgepole pine woodlands with scattered ponderosa pines. The undergrowth includes sagebrush

### Project Highlights

- Enhancing access for boating, hiking, fishing, hunting and bird watching on **2 miles** of the Little Deschutes
- Conserving a stronghold for Oregon spotted frog and migratory habitat for mule deer and Rocky Mountain elk
- Continued grazing management and preserving heritage on a part of the historic Triangle Outfit ranch
- Mitigating risk of fire with thinning on 180 acres north of Quail Run Golf Course and residential area on Pine Grove Road

and perennial bunchgrasses. The meadow areas are dominated by grasses, sedges and rushes with copses of willow. The riparian corridor consists of stands of willow, alder and cottonwood.

The property has a farmstead with a dilapidated house, plus several sheds and a set of corrals, once a part of the Triangle Outfit, an expansive and historic ranch worked by generations of the Stearns family — early pioneers in Central Oregon. The Triangle Outfit has been broken up and sold over many years, and the Paulina Meadows Property is one of the last large undeveloped blocks that remains.

### Special Values

**Fish:** The Little Deschutes and Paulina Creek are well above the basin's natural and manmade anadromous fish passage barriers, but they provide important water quality and habitat for the system. Currently, the Little Deschutes is home to native rainbow and introduced brown trout. Bull trout, which are ESA-listed as threatened, once occurred in strong numbers in the Little Deschutes



decades of habitat degradation caused their extirpation from the basin. The recent conservation of the property immediately upstream on Paulina Creek includes a potential water right in-stream dedication that could rewater the property's reach, and reconnect the stream to the Little Deschutes.

**Wildlife:** The stretch of the Little Deschutes that runs through the property has some of the densest occurrences of Oregon spotted frog (OSF) in the entire basin. A federally threatened species, OSF populations have seen a steep decline in recent years due to predation by non-native bullfrogs, water withdrawals and habitat alterations. The Paulina Meadows property has highly productive OSF breeding and rearing habitat, which are critical habitat targets outlined in the species recovery plan. The project will preserve these breeding grounds and continue to work towards the eradication of bull frogs from the property, improving local OSF population levels. Coupled with the 30-year water management actions outlined in the Deschutes Basin Habitat Conservation Plan, this project will aid in the recovery of OSF and help to alleviate future water use restrictions in the basin.

The area around the property, especially between La Pine and Sunriver, contains the longest mule deer migration corridor in the state. The pattern of continued development and the associated roads and traffic all threaten successful mule deer migration. In addition to its role in the migration corridor, the property also offers good mule deer and Rocky Mountain elk habitat. Other notable wildlife species on the property include river otter, beaver, Townsend's big-eared bat, Lewis's woodpecker, great-horned owl, golden eagle, cinnamon teal and wood duck, among others.

**Recreation:** This extremely scenic property has potential to become a recreational treasure for the public. It offers recreational opportunities for a wide range of users with just under **2 miles** of the Little Deschutes River meandering through, as well as an existing network of interior gravel roads in close proximity to La Pine, Sunriver, and the Newberry National Volcanic Monument.

The Little Deschutes provides great opportunities to fish for the river's famous "redside" native rainbow trout and brown trout, as well as horseback-riding, flat-water boating, hiking, wildlife viewing and hunting. Paulina Meadows is just upstream from a public boat launch and, in time, will be open for public access to all recreational users.

**Conservation Opportunity:** Conservation of the Paulina Meadows property will protect nearly **2 miles** of the Little Deschutes River and over **2 miles** of Paulina Creek and will improve recreational access for rafters, fishermen, hunters, hikers and birdwatchers. It will complete conservation of the entire length of Paulina Creek and complement significant habitat restoration efforts immediately upstream. Lastly, the project will safeguard important big game habitat within the state's longest mule deer migration corridor and conserve critical habitat for Oregon spotted frog.

**Local Support:** This project has received letters of support from local business, non-profit organizations, and state and federal agencies, including Oregon Hunter's Association, Rocky Moun-



tain Elk Foundation, Mule Deer Foundation, Visit Central Oregon, Confluence Fly Shop, Fly and Field Outfitters, Trout Unlimited, Deschutes River Conservancy, Upper Deschutes Watershed Council, Deschutes Land Trust, Amphibian and Reptile Conservancy, Three Rivers Environmental ODFW, USFWS, BLM. The La Pine Chamber of Commerce and the Newberry Regional Partnership are currently considering writing letters of support. .

**Status:** WRC acquired the Paulina Meadows property in summer 2024 with a loan. We will manage and restore forest and riparian habitats during our ownership and plan to convey to the BLM an FY26 LWCF appropriation.

# Little Deschutes River

## Paulina Creek – Paulina Meadows Property

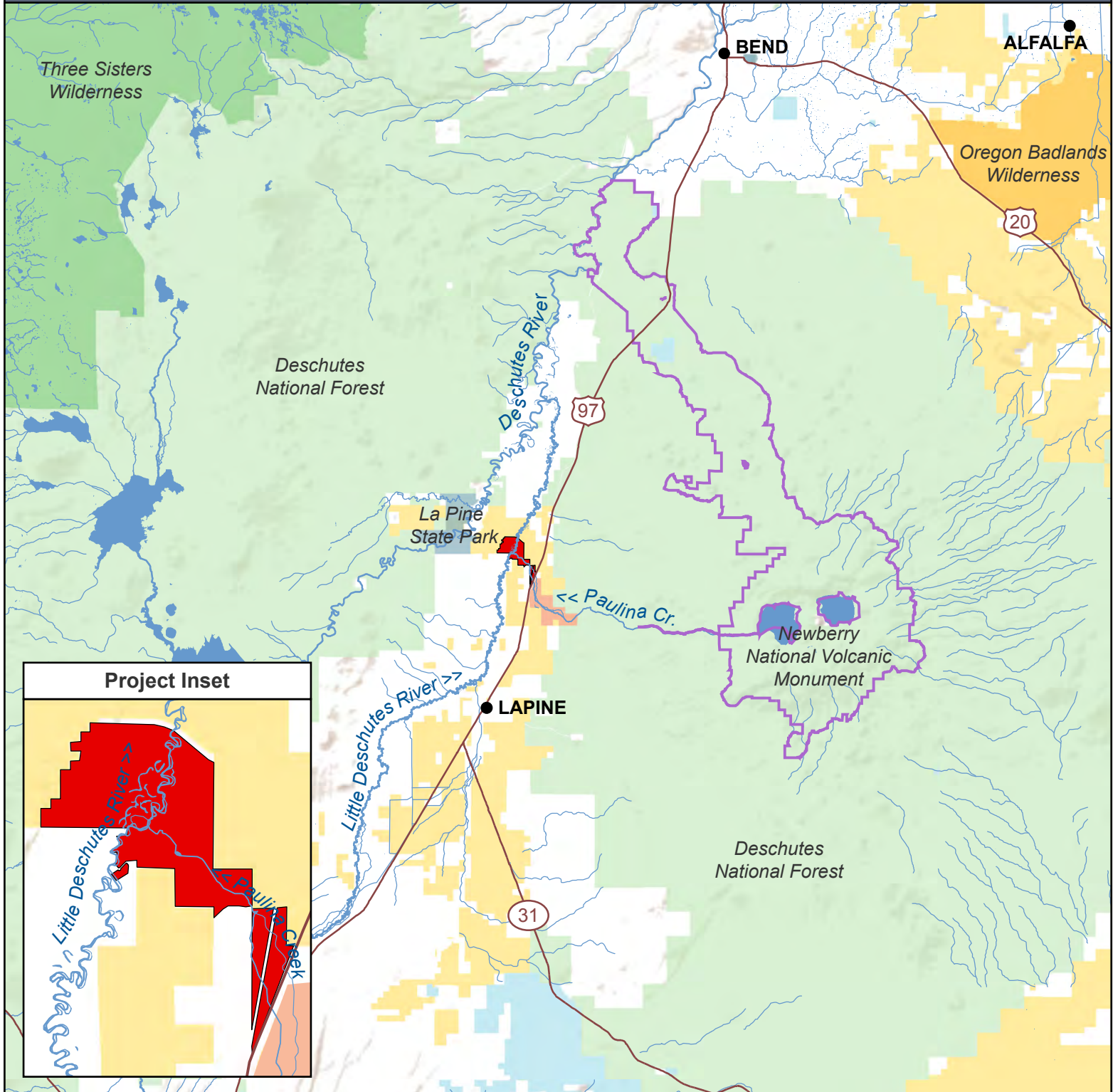
Deschutes County, Oregon



06/11/2025 Item #19.

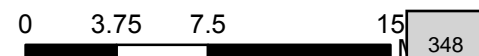
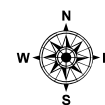


WESTERN RIVERS  
CONSERVANCY



- Paulina Meadows Property (674 acres)  
1.97 miles fronting Little Deschutes River  
2.3 miles of historic Paulina Creek bed
- Deschutes Land Trust (1,099 acres)
- US Forest Service
- Bureau of Land Management
- Newberry National Volcanic Monument

- BLM Wilderness Area
- Oregon Parks and Recreation  
Department or Oregon State Parks
- State Lands
- Major Roads











## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 11, 2025

**SUBJECT:** Deliberations: Reconsideration of Deschutes County 2040 Comprehensive Plan Update

**RECOMMENDED MOTION:**

At the conclusion of deliberations, the Board may choose one of the following options:

- Move to approve the amended 2040 Plan and conduct first reading of Ordinance 2025-007 by title only
- Move to approve the amended 2040 Plan and direct staff for first reading of Ordinance 2025-007 at a subsequent meeting
- Move to continue deliberations.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Deschutes County Board of Commissioners (Board) will deliberate on June 11, 2025, to reconsider Ordinance 2024-007 – adopting the Deschutes County 2040 Comprehensive Plan (2040 Plan). The associated file number is 247-25-000145-PA. The entire record is available on the project website: <https://bit.ly/Deschutes2040Reconsideration>.

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Nicole Mardell, AICP, Senior Planner

Will Groves, Planning Manager

Stephanie Marshall, Senior Assistant Legal Counsel



## COMMUNITY DEVELOPMENT

## MEMORANDUM

**TO:** Deschutes County Board of County Commissioners

**FROM:** Nicole Mardell, AICP, Senior Planner  
Will Groves, Planning Manager  
Stephanie Marshall, Senior Assistant Legal Counsel

**DATE:** June 4, 2025

**SUBJECT:** Deliberations: Reconsideration of Deschutes County 2040 Comprehensive Plan Update

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The Deschutes County Board of Commissioners (Board) will deliberate on June 11, 2025, to reconsider Ordinance 2024-007 – adopting the Deschutes County 2040 Comprehensive Plan (2040 Plan). The associated file number is 247-25-000145-PA. The entire record is available on the project website: <https://bit.ly/Deschutes2040Reconsideration>.

## I. BACKGROUND

On October 2, 2024, the Board voted 2-1 to adopt Ordinance 2024-007, repealing and replacing the 2011 Deschutes County Comprehensive Plan (2011 Plan) with the 2040 Plan (file no. 247-23-000644-PA). The decision was subsequently appealed by Central Oregon Landwatch (COLW) to the Land Use Board of Appeals (LUBA). The 2040 Plan is not in effect until the appeal process is resolved.

On February 20, 2025, the County received the *Petitioner's Brief* from COLW. Staff determined that new issues were raised in the *Petitioner's Brief* that were not previously discussed at the local level.<sup>1</sup> ORS and Oregon Administrative Rule allow local governments to reconsider a legislative decision in response to new issues raised by LUBA appellants by conducting a new hearing. The Board voted on March 5, 2025, to adopt Order No. 2025-004 initiating reconsideration of the 2040 Plan. LUBA confirmed this approach through LUBA Order No. 2024-080, on March 12, 2025, enabling the Board to initiate a *limited de novo* hearing process

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<sup>1</sup> Oregon Revised Statute (ORS) 197.835(3) and 197.797, also known as the "raise it or waive it" doctrine, does not apply to legislative proceedings, therefore, applicants are not required to raise all arguments during the local hearings process to preserve those issues for appeal.

to gather additional testimony relating to COLW's *Petitioner's Brief*. The County is required to complete the hearing process and file a reconsideration decision by September 8, 2025.

## II. TESTIMONY RECAP

The Board held public hearings on April 23, 2025<sup>2</sup> and May 21, 2025<sup>3</sup>. At the conclusion of the hearing on May 21, the Board closed the oral portion of the record and kept the written record open until Wednesday, May 28 at 4:00 p.m. Deschutes County received 95 public comments emphasizing:<sup>4</sup>

- New residential and industrial development on rural lands.
- Rezoning of farm and forest land.
- Acknowledged policies from the 2011 Plan.

## III. KEY ISSUES FOR DELIBERATION

The following summarizes the key issues for Board deliberation as raised in COLW's *Petitioner's Brief*. The information below was initially presented in an April 23, 2025, staff memorandum and has been updated to reflect the recent public hearing process.

### A. Repeal and Replacement of the 2011 Plan

Ordinance 2024-007 stated that the effect of the 2040 Plan was to "repeal and replace" the 2011 Plan. COLW characterizes the 2040 Plan as "newly adopted," rather than "amended," because the ordinance recitals state that it repealed and replaced the 2011 Plan. Based on this language, COLW challenges proposed goals and revised and acknowledged policies. COLW believes they must all comply with Oregon Statewide Land Use Goals, including Goal 14, related to urbanization of rural lands.

**Staff Response:** The County did not intend to renounce acknowledged policies through the adoption of the 2040 Plan. Instead, the use of the phrase "repeal and replace" was employed to simplify the adoption of the plan. Staff recommends the Board adopt and updated ordinance without "repeal and replace" language. Staff has provided a draft ordinance for the Board's consideration to address this item - Ordinance 2025-007 as shown in Attachment 1. This ordinance clarifies that this Post Acknowledgement Plan Amendment (PAPA) represents a conventional amendment to Deschutes County's Comprehensive Plan. A "redlined" and clean copy of the 2040 Plan is included as Exhibit B to Ordinance 2025-007 (Attachment 1B). The redline version of the document identifies introductory statements, and acknowledged goals and policies from Plan 2011, and those that were removed,

<sup>2</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-227>

<sup>3</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-231>

<sup>4</sup> No agency comments were received.

amended, or newly added. It also incorporates scrivener and formatting errors, along with staff recommendations presented below.

## **B. Goal 14 Compliance - Urbanization of Rural Land**

COLW alleges that certain provisions of the 2040 Plan violate Goal 14 because they allow “unlimited conversion” of resource-zoned properties to residential, industrial, and commercial uses. COLW challenges the following goals and policies:

1. *Policy 3.3.6.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 Rule, and this Comprehensive Plan.*
2. *New Goals 9.2 and 9.3 and revised Policies 9.2.1 to 9.3.15 pertaining to Rural Commercial and Rural Industrial Lands (see full language in Attachments 1B2).*

COLW believes Goals 9.2 and 9.3, Policy 3.3.6.a, and Policies 9.2.1 to 9.3.15 should specify that plan amendments require a Goal 14 analysis, including site-specific application of the *Curry County* factors.<sup>5</sup> COLW asserts that, because the 2040 Plan repealed and replaced the 2011 Plan, the County is obligated to require Goal 14 analysis for nonresource land plan amendment and zone change applications, regardless of whether the land remains rural. Additionally, COLW argues that the effect of Policy 3.3.6.a. expands the County's rural residential exception areas (Multiple Use Agricultural – MUA 10 and Rural Residential – RR10), and Rural Industrial, and Rural Commercial zones without requiring a new Goal 14 exception.

**Staff Response:** Policy 3.3.6.a is an existing policy from the 2011 Plan and is acknowledged. Deschutes County is not subject to periodic review.<sup>6</sup> Consistent with state law, the Board, after considering testimony and evidence in the record, has discretion to choose which acknowledged policies they want to maintain from the 2011 Plan and which ones they want to revise.

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<sup>5</sup> *1000 Friends of Oregon v. Land Conservation & Development Commission and Curry County*, 301 Or 447, 456, 724 P2d 268 (1986). The Supreme Court held that the county and the Land Conservation and Development Commission had to determine whether the plan allowed no “urban uses” outside of urban growth boundaries unless those “urban uses” were supported by exceptions to land use planning Goal 14 prior to acknowledgement that the plan complied with the goals.

<sup>6</sup> Deschutes County completed periodic review on January 23, 2003. Periodic Review is a term used in Oregon law to describe the periodic evaluation and revision of a local comprehensive plan. Prior to 2003, state law (ORS 197.628 – 636) called for counties to review their comprehensive plans according to a periodic schedule established by the Land Conservation and Development Commission (LCDC). The Oregon Legislature eliminated periodic review requirements for counties in 2003 (SB 920).

During the May 21 hearing, Commissioner Chang requested the Board amend Policy 3.3.6.a or add a new policy to address the cumulative impacts on rural lands from nonresource land amendments.

Staff defers to the Board to discuss this option.

Goals 9.2 and 9.3 were added to the 2040 Plan because acknowledged Rural Industrial and policies, Policies 9.2.1 to 9.3.15, did not follow a statement of overarching goals. The County determined that this would be a best practice for the organization of the Comprehensive Plan. Staff now recommends removing these new goals from the document. This change is reflected in draft Ordinance 2025-007 for Board consideration to address COLW arguments.

Similarly, revisions to Policies 9.2.1 to 9.3.15 were adopted for simplification. Staff now recommends the Board revert these policies back to their original acknowledged language from the 2011 Plan (as noted in Attachment 2). This change is also reflected in draft Ordinance 2025-007 for Board consideration to address COLW arguments.

### **C. Comprehensive Plan and Deschutes County Code and Comprehensive Plan**

COLW argues that the MUA-10 and RR-10 zones allow for urban levels of density through cluster and planned developments (PUD)<sup>7</sup> and that such allowances should be removed. Each zone, respectively, allows for cluster or PUDs as conditional uses. The standards for these types of developments either do not include a required minimum lot size (PUDs) or allow smaller than 10-acre minimum lot sizes (cluster developments), which COLW argues violate Goal 14 and could lead to urban levels of density if resource-zoned land is rezoned to MUA-10 or RR-10.

**Staff Response:** Deschutes County Code (DCC) 18.32.040 and 18.60.060(C) are acknowledged zoning regulations that have been in effect since 1992.<sup>8</sup> As noted above, Deschutes County is not subject to periodic review. The Board, consistent with state law, after considering testimony and evidence in the record, has discretion to choose whether these code provisions should be revised.<sup>9</sup>

### **III. NEXT STEPS**

Following deliberations, staff will return with Ordinance 2025-007 for consideration of first reading.

---

<sup>7</sup> Deschutes County Code (DCC) 18.32.040(A) and 18.60.060(C).

<sup>8</sup> Ordinance 92-055.

<sup>9</sup> See Footnote #6.



Attachments:

1. Ordinance 2025-007
  - A. 23.01 Legislative History
  - B. Updated Deschutes 2040 Document (redline version and clean versions)
  - C. 5.12 Legislative History
  - D. Findings
2. Comparison Table of Contested Policies - 2011 and 2040 Comprehensive Plan Language

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

## BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Superseding Ordinance 2024-007 and  
 Amending Title 23, the Deschutes County  
 Comprehensive Plan, to incorporate revisions  
 resulting from the Deschutes County 2040 Update  
 Process

\*  
\*  
\*  
\*

ORDINANCE NO. 2025-007

WHEREAS, on October 2, 2024, the Board of County Commissioners (“Board”) adopted Ordinance 2024-007, repealing and replacing the Deschutes County Comprehensive Plan with the Deschutes County 2040 Plan (File No. 247-23-000644-TA), and

WHEREAS, Central Oregon Landwatch appealed Ordinance 2024-007 to the Land Use Board of Appeals (“LUBA”) on October 28, 2024; and

WHEREAS, on March 23, LUBA issued Order No. 2024-080, initiating a *limited de novo* hearing process to allow the county to gather additional testimony on items related to the *Petitioner’s Brief* submitted by Central Oregon Landwatch; and

WHEREAS, after notice was given in accordance with applicable law, public hearings were held before the Board on April 23 and May 21, 2025; and

WHEREAS, the Board concluded the amendments are of benefit to the public and finds it in the public interest to supersede Ordinance 2024-007 and adopt the following Comprehensive Plan amendments; and

WHEREAS, the Goal Post rule set forth in ORS 227.178(3)(a) prescribes the newly adopted amendments apply to applications submitted after the effective date; now, therefore,

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

Section 1. AMENDING. DCC 23.010.010 is amended as described in Exhibit “A”, attached and incorporated by reference herein with repealed language set forth in ~~strike through~~ and underlined.

Section 2. AMENDING The 2010 Deschutes County Comprehensive Plan, adopted by Ordinance 2011-003, is amended to read as described in Exhibit “B”, attached and incorporated by reference herein.

Section 3. AMENDING. Deschutes County Comprehensive Plan Section 5.12, Legislative History, is amended to read as described in Exhibit “C”, attached and incorporated by reference herein, with new language underlined.

Section 4. FINDINGS. The Board adopts as its findings Exhibit “D,” attached and incorporated by reference herein.

Section 5. EFFECTIVE DATE. This Ordinance takes effect on the 90<sup>th</sup> day after the date of adoption or, if appealed, the date the ordinance is no longer subject to appeal.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2025

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DeBONE, Chair

\_\_\_\_\_  
PATTI ADAIR, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHILIP CHANG, Commissioner

Date of 1<sup>st</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Date of 2<sup>nd</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Anthony DeBone	_____	_____	_____	_____
Patti Adair	_____	_____	_____	_____
Philip Chang	_____	_____	_____	_____

Effective date: \_\_\_\_\_ day of \_\_\_\_\_, 2025.

## TITLE 23 COMPREHENSIVE PLAN

### CHAPTER 23.01 COMPREHENSIVE PLAN

- A. The Deschutes County Comprehensive Plan, adopted by the Board in Ordinance 2011-003 and found on the Deschutes County Community Development Department website, is incorporated by reference herein.
- B. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2011-027, are incorporated by reference herein.
- C. [Repealed by Ordinance 2013-001, §1]
- D. [Repealed by Ordinance 2023-017]
- E. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-012, are incorporated by reference herein.
- F. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-016, are incorporated by reference herein.
- G. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-002, are incorporated by reference herein.
- H. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-009, are incorporated by reference herein.
- I. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-012, are incorporated by reference herein.
- J. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-007, are incorporated by reference herein.
- K. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-005, are incorporated by reference herein.
- L. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-006, are incorporated by reference herein.
- M. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-012, are incorporated by reference herein.
- N. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-021, are incorporated by reference herein.
- O. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-027, are incorporated by reference herein.
- P. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-021, are incorporated by reference herein.

- Q. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-029, are incorporated by reference herein.
- R. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-018, are incorporated by reference herein.
- S. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-010, are incorporated by reference herein.
- T. [Repealed by Ordinance 2016-027 §1]
- U. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-022, are incorporated by reference herein.
- V. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-005, are incorporated by reference herein.
- W. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-027, are incorporated by reference herein.
- X. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-029, are incorporated by reference herein.
- Y. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2017-007, are incorporated by reference herein.
- Z. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-002, are incorporated by reference herein.
- AA. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-006, are incorporated by reference herein.
- AB. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-011, are incorporated by reference herein.
- AC. [repealed by Ord. 2019-010 §1, 2019]
- AD. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-008, are incorporated by reference herein.
- AE. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-002, are incorporated by reference herein.
- AF. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-001, are incorporated by reference herein.
- AG. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-003, are incorporated by reference herein.
- AH. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-004, are incorporated by reference herein.

- AI. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-011, are incorporated by reference herein.
- AJ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-006, are incorporated by reference herein.
- AK. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-019, are incorporated by reference herein.
- AL. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-016, are incorporated by reference herein.
- AM. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-001, are incorporated by reference herein.
- AN. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-002, are incorporated by reference herein.
- AO. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-003, are incorporated by reference herein.
- AP. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-008, are incorporated by reference herein.
- AQ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-007, are incorporated by reference herein.
- AR. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-006, are incorporated by reference herein.
- AS. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-009, are incorporated by reference herein.
- AT. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-013, are incorporated by reference herein.
- AU. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2021-002, are incorporated by reference herein.
- AV. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2021-005, are incorporated by reference herein.
- AW. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2021-008, are incorporated by reference herein.
- AX. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-001, are incorporated by reference herein.
- AY. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-003, are incorporated by reference herein.

- AZ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-006, are incorporated by reference herein.
- BA. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-010, are incorporated by reference herein.
- BB. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-011, are incorporated by reference herein. (superseded by Ord. 2023-015)
- BC. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-013, are incorporated by reference herein. (supplemented and controlled by Ord. 2024-010)
- BD. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-001, are incorporated by reference herein.
- BE. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-007, are incorporated by reference herein.
- BF. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-010 are incorporated by reference herein.
- BG. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-018, are incorporated by reference herein.
- BH. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-015, are incorporated by reference herein.
- BI. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-025, are incorporated by reference herein.
- BJ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-001, are incorporated by reference herein.
- BK. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-003, are incorporated by reference herein.
- BL. The Deschutes County Comprehensive Plan, adopted by the Board in Ordinance 2024-007 and found on the Deschutes County Community Development Department website, is incorporated by reference herein- (superseded by Ord. 2025-007).
- BM. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-010, are incorporated by reference herein.
- BN. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-017, are incorporated by reference herein.
- BO. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-016, are incorporated by reference herein.

BP. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-011, are incorporated by reference herein.

BQ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-012, are incorporated by reference herein.

BR. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2025-001, are incorporated by reference herein.

BS. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2025-003, are incorporated by reference herein.

BT. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2025-010, are incorporated by reference herein.

BU. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2025-007, are incorporated by reference herein.

Click here to be directed to the Comprehensive Plan (<http://www.deschutes.org/compplan>)



# Deschutes County **Comprehensive Plan**



DESCHUTES  
COUNTY  
**2040**

Draft – Updated June 3, 2025  
'Redline Version'

## Acknowledgements

### BOARD OF COUNTY COMMISSIONERS

Anthony DeBone, Chair  
Patti Adair, Vice Chair  
Phil Chang

### DESCHUTES COUNTY PLANNING COMMISSION

Jessica Kieras, Chair  
Nathan Hovekamp, Vice Chair  
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Letz Consulting  
Kittelson and Associates

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

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# 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.

**Commented [NM1]:** 2011 Plan Chapter 1, Section 1.1, Page 2

**Commented [NM2]:** 2011 Plan Chapter 1, Section 1.1, Page 2

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.

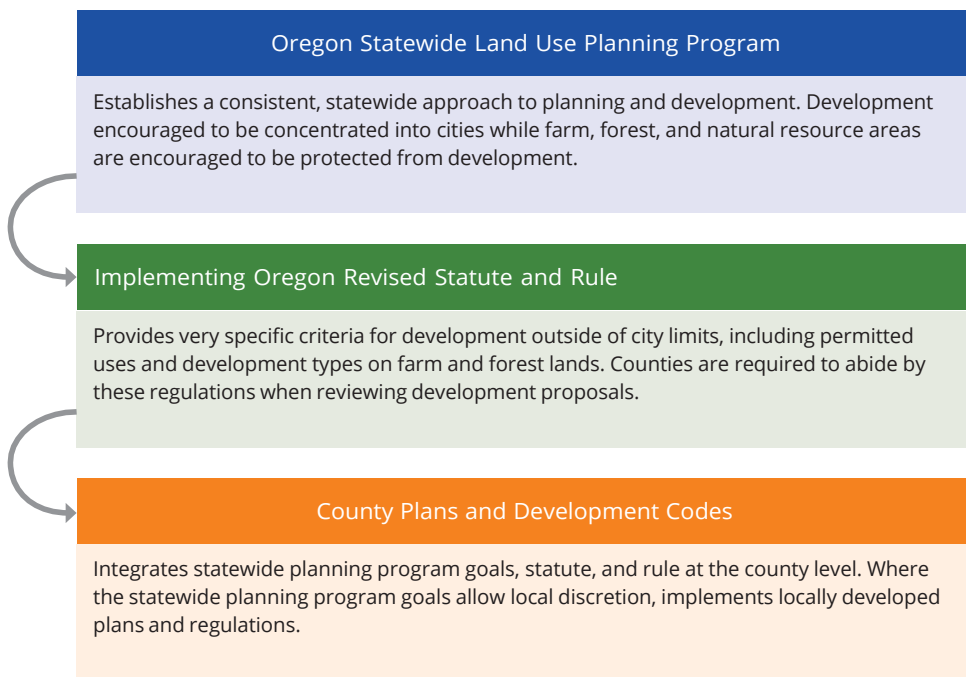


In Oregon, comprehensive plans must comply with the statewide planning system, which was adopted in 1973 to ensure consistent land use policies across the State. While compliance with the statewide system is required, it is also important for a comprehensive plan to reflect local needs and interests.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

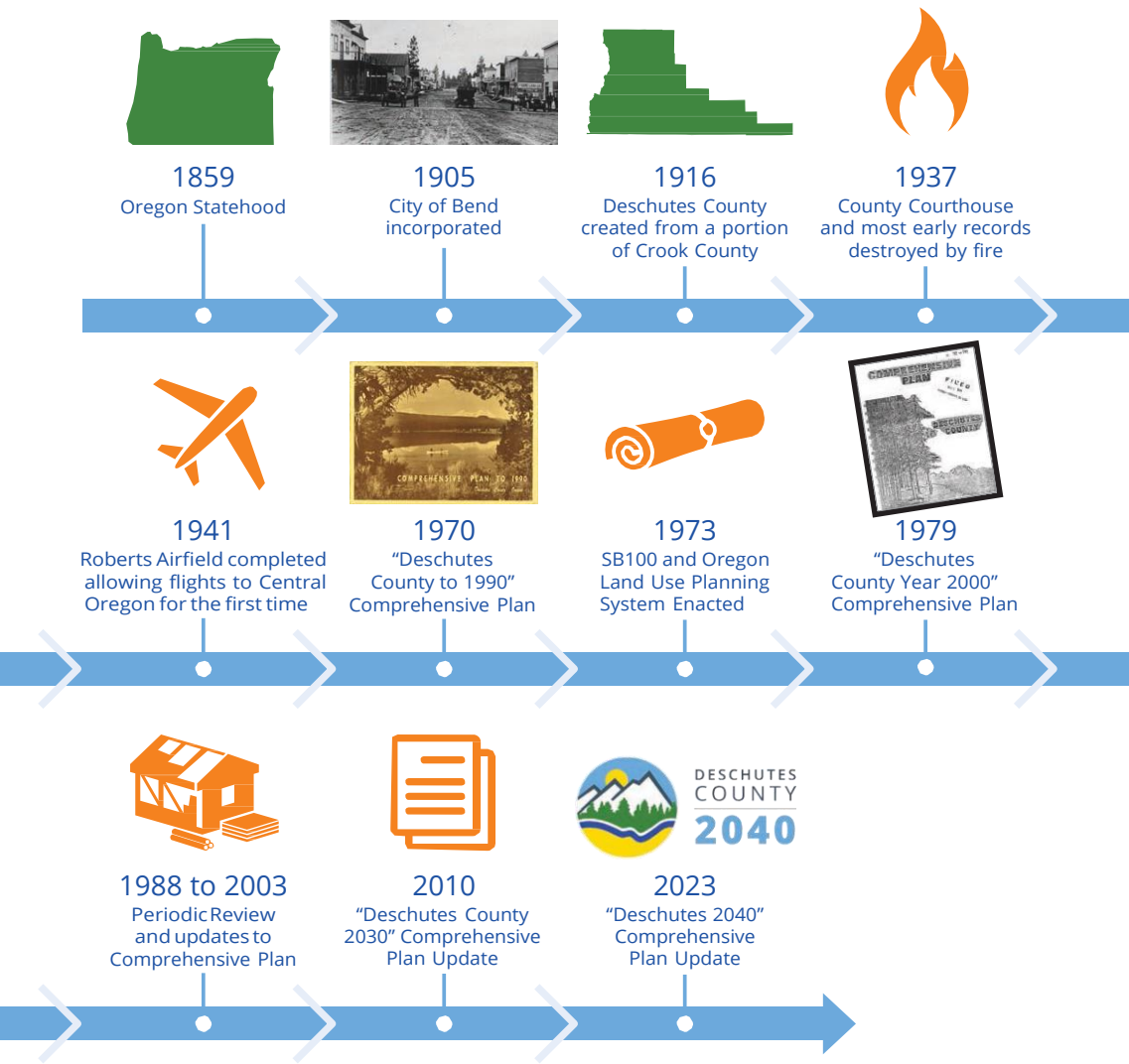
The Comprehensive Plan is the County's long-range plan for how it will grow and serve its community members in the future. Oregon state law requires all counties and cities to adopt and regularly update Comprehensive Plans that are consistent with state and regional goals, laws, administrative rules 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, 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.

**Commented [NM3]:** Chapter 1, Section 1.1, Page 2



Deschutes County Timeline



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.

**Commented [NM4]:** Chapter 1, Section 1.2, Page 5

**Commented [NM5]:** Chapter 1, Section 1.2, Page 5



Community Engagement

Summary of Engagement for the 2023 Update



## Community Engagement

### 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.

Commented [NM6]: Chapter 1, Section 1.2, Page 10

Commented [NM7]: Chapter 1, Section 1.2, Page 10



## Community Engagement

### 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 7, 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.

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.

**Commented [NM8]:** Chapter 1, Section 1.2, Page 10

**Commented [NM9]:** Chapter 1, Section 1.2, Page 10



Community Engagement



## 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:

## Community Engagement Section 1.2 Community Involvement Goals and Policies

~~Goal 1.1: Maintain~~ Provide for an active and open robust community involvement program that is accessible to includes all members of the community, including those who are commonly under-represented, by ensuring access to information, and engages encouraging the community collaboration, identifying and addressing barriers to involvement, and promoting efficient and transparent planning processes during development and implementation of land use policies and codes.

~~Policy 1.2.1~~ This section serves as the Community Involvement Program.

~~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 1.2.3~~ Encourage community participation in planning through a variety of tools and techniques, including:

- ~~a.~~ Post all planning applications, decisions, projects, and plans on the County website;
- ~~b.~~ Provide staff reports for comprehensive plans and zoning text amendments to the public in a timely manner;

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

~~d.~~ ~~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.

~~e.~~ Require pre-application meetings for comprehensive plan and zoning text

~~amendments; and for major or potentially contentious projects encourage the applicants to hold an informal community meeting before submitting an application.~~

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.

## Community Engagement

~~Goal 1.2: Policy 1.2.2. Support the activities of The Planning Commission will be the Committee for Community Involvement, with County support.~~

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

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

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

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

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

~~Policy 1.2.4 Reach out to the community to discuss and respond to land use concerns in a timely manner.~~

~~Policy 1.2.5 Ensure effective, efficient planning procedures.~~

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 helping 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, are available through the Deschutes County Dial Property Information System.*

Commented [NM10]: Chapter 1, Section 1.1, Page 2



## Land Use and Regional Coordination

### 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 table below. 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.

#### 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.

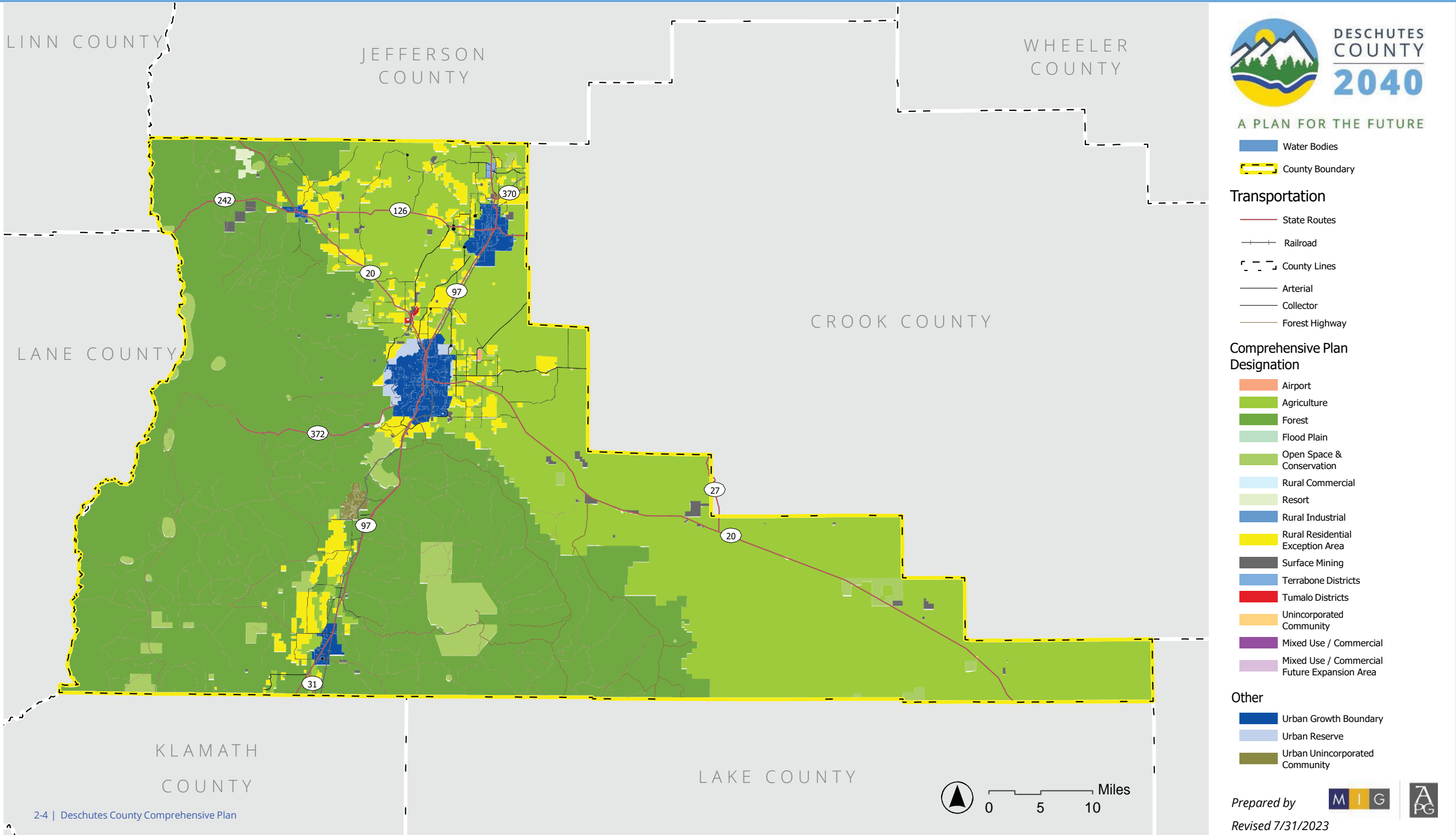
Comprehensive Plan Designation	Purpose Statement	Associated Zoning Designations
County-Wide Designations		
Agriculture	To preserve and maintain agricultural lands for farm use.	Exclusive Farm Use
Airport Development	To allow development compatible with airport use while mitigating impacts on surrounding lands.	Airport Development Airport Safety
Destination Resort Combining Zone	To show lands eligible for siting a destination resort.	Destination Resort
Forest	To conserve forest lands for multiple forest uses.	Forest Use 1 Forest Use 2
Open Space & Conservation	To protect natural and scenic open spaces, including areas with fragile, unusual or unique qualities.	Open Space & Conservation
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.	Rural Residential Multiple Use Agricultural
Surface Mining	To protect surface mining resources from development impacts while protecting development from mining impacts.	Surface Mine
Area Specific Designations		
Resort Community	To define rural areas with existing resort development that are not classified as a destination resort, based on Oregon Administrative Rule 660-22 or its successor.	All Black Butte Ranch, Inn at 7th Mountain / Widgi Creek subzones
Rural Community	To define rural areas with limited existing urban-style development, based on Oregon Administrative Rule 660-22 or its successor.	All Tumalo and Terrebonne subzones


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.	Rural Service Center
Urban Unincorporated Community	To define rural areas with existing urban development, based on Oregon Administrative Rule 660-22 or its successor.	All Sunriver subzones
Rural Commercial	To define existing areas of isolated rural commercial development that do not fit under Oregon Administrative Rule 660-22.	Rural Commercial
Rural Industrial	To define existing areas of isolated rural industrial development that do not fit under Oregon Administrative Rule 660-22.	Rural Industrial
Urban Growth Boundaries	To define land that provides for urban development needs and identifies and separates urban and urbanizable land from rural land.	Redmond: Urban Holding Sisters: Urban Area Reserve Bend: Urbanizable Area
Bend Urban Area Reserve	To define lands outside of Bend's Urban Growth Boundary that were under the jurisdiction of the Bend Area General Plan. These areas were removed in September 2016 through the 2016 amendment to the Bend Urban Growth Boundary. These areas are now under the jurisdiction of the County's Comprehensive Plan.	Urban Area Reserve Westside Transect Suburban Low-Density Residential Surface Mine Urban Standard Residential Light Industrial Flood Plain
Redmond Urban Reserve Area	To define Redmond's additional 30-year growth boundary for lands expected to be brought into the Urban Growth Boundary.	Redmond Urban Reserve Area

**Commented [NM11]:** Note: Updated table. Accidentally deleted the Comp Plan/Zoning designation table and it is useful to staff.

# COMPREHENSIVE PLAN DESIGNATION

## Map 2-1





DESCHUTES  
COUNTY  
2040

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

Prepared by



Revised 7/31/2023

## 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 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

2-5 | Deschutes County Comprehensive Plan

## Land Use and Regional Coordination

### 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 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.

### Land Use and Regional Coordination

#### City of Bend

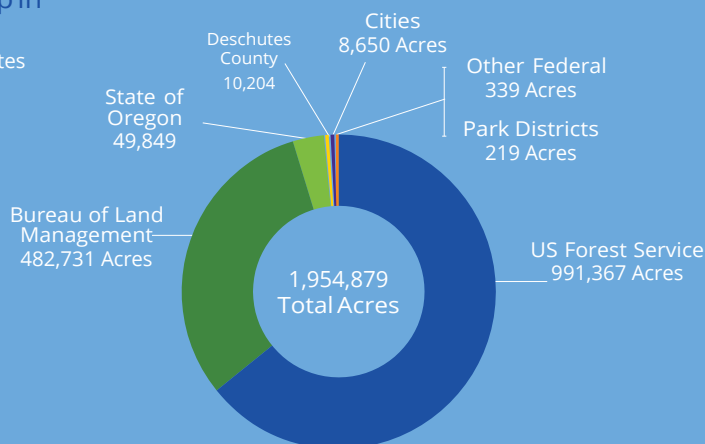
Bend is the largest incorporated area in Deschutes County. It is centrally located in the county, with Highways 20 and 97 crossing paths through the center of the city. Bend has experienced rapid growth in the last few years, accelerated by the COVID-19 pandemic and “Zoom Town” remote working trends. 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.

#### 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.

### Public Land Ownership in Deschutes County

Approximately 79% of Deschutes County is public land.



#### 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 (12 Stat. 963), the Confederated Tribes of Warm Springs ceded approximately 10.2 million acres to the United States Government and reserved the Warm Springs Reservation for its exclusive use. The Treaty further reserved to the Tribes rights to take fish at all usual and accustomed stations, and to hunt, gather roots and berries, and pasture livestock on unclaimed lands. The map on page 2-9 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.

### Land Use and Regional Coordination 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 project participants. 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.

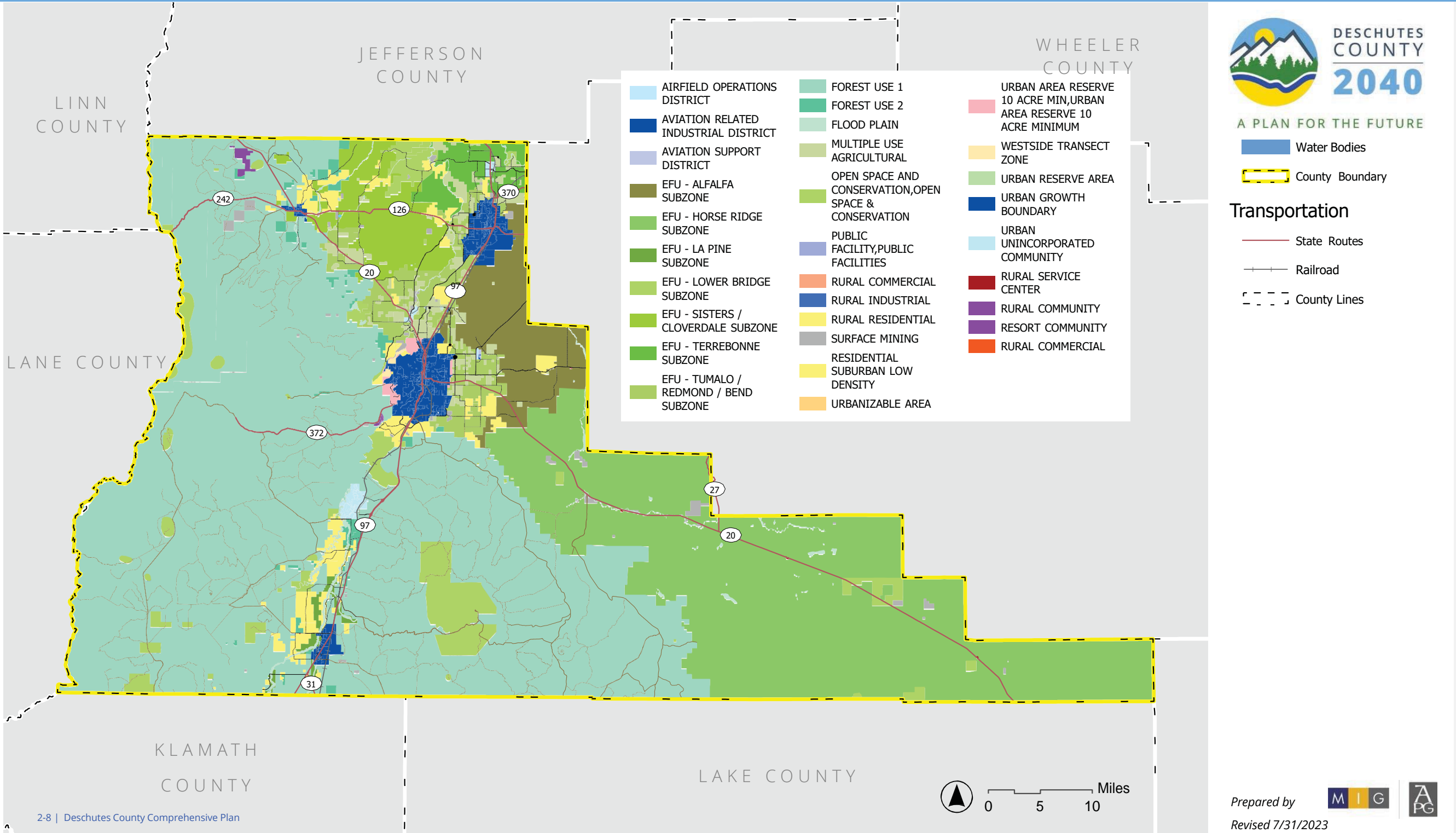
With these ongoing conversations in mind, Deschutes County drafted and refined the following goals and policies to guide the growth of our community for the next 20 years.





# ZONING DESIGNATIONS

Map 2-2



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.

## **Section 1.3 Land Use Planning**

### **Section 4.2 Urbanization Goals and Policies**

Goal 4.2.1: Maintain an open and public land use process in which decisions are based on the objective evaluation of facts, substantial evidence and a balancing of community needs.

Policy 1.3.1 ~~2.1.1~~. Protect the limited amount of privately-owned land in Deschutes County through Balance the consideration of private property rights and the economic impacts of land use decisions on to property owners and the community when creating and revising land use policies and regulations, 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.

a. Evaluate tools such as transfer of development rights programs that can be used to protect private property.

Policy 1.3.2 Consider sustainability and cumulative impacts when creating and revising land use policies and regulations.

Policy 1.3.3 Involve the public when amending County Code.

Policy 1.3.4 Maintain public records which support the Comprehensive Plan and other land use decisions.

Policy 1.3.5 ~~2.1.2~~. Review the Comprehensive Plan every five years and update as needed in order to ensure it responds to periodically in order to address current conditions, issues, and opportunities as well as amended State Statute, Oregon Administrative Rules, and case law.

## **Land Use and Regional Coordination**

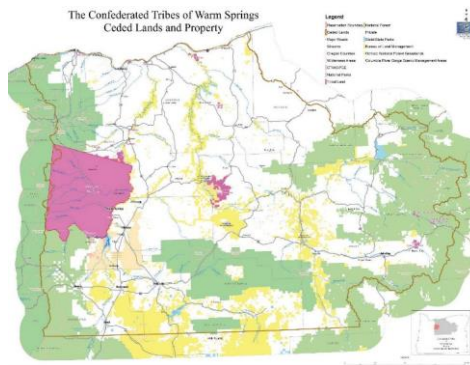
~~Policy 1.3.6 Maintain and enhance web-based property-specific information.~~

Policy ~~1.3.7~~ ~~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 1.3.8 Implement, as appropriate, recommendations in the Final Report from the Oregon Task Force on Land Use Planning dated January 2009.~~

Policy 1.3.9 ~~2.1.4~~ A list of actions to implement this Comprehensive Plan policies ~~shall be created, maintained and reviewed yearly by~~ 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 ~~2.2~~ Promote regional cooperation and partnerships on planning issues. Coordinate and support regional planning efforts relating to growth, natural resources, recreation, and major infrastructure investments.

Policy 1.3.10 ~~2.2.1. Regularly~~ Periodically review and update intergovernmental and urban management agreements, ~~and update as needed, to coordinate land use review on land inside urban growth boundaries and outside city limits.~~

Policy 1.3.11 ~~2.2.2. Participate in and where appropriate, Help~~ coordinate regional planning efforts with other agencies on land use policies and actions that impact their jurisdictions.

a. ~~Provide affected agencies, including irrigation districts, an opportunity to comment and coordinate on land use policies or actions that would impact their jurisdictions.~~

Policy 1.3.12 ~~Support non-profit or public acquisition of lands determined through an extensive public process to have significant value to the community.~~

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 1.3.13 ~~2.2.4. Support the implementation of the Bend 2030 Plan long-range plans of Deschutes County jurisdictions, and incorporating as appropriate elements from the Bend 2030 Plan of those plans into the County's Comprehensive this Plan as appropriate.~~

## Land Use and Regional Coordination

~~Policy 4.2.2 2.2.5. Promote and coordinate the use of urban reserves. 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, community wildfire protection, 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.

~~Goal 1 Coordinate with cities, special districts and stakeholders to support urban growth boundaries and urban reserve areas that provide an orderly and efficient transition between urban and rural lands.~~

~~Policy 4.2.1 Participate in processes initiated by cities in Deschutes County to create and/or amend their urban growth boundaries.~~

~~Policy 4.2.3 Review the idea of using rural reserves.~~

~~Goal 2 Coordinate with cities, special districts and stakeholders on urban growth area zoning for lands inside urban growth boundaries but outside city boundaries.~~

~~Policy 4.2.4 Use urban growth area zoning to coordinate land use decisions inside urban growth boundaries but outside the incorporated cities.~~

~~Policy 4.2.5 Negotiate intergovernmental agreements to coordinate with cities on land use inside urban growth boundaries and outside the incorporated cities.~~

Commented [NM12]: Section 4.2

Commented [NM13]: Section 4.2

~~Policy 4.2.6 Develop urban growth area zoning with consideration of the type, timing and location of public facilities and services provision consistent with city plans.~~

~~Policy 4.2.7 Adopt by reference the comprehensive plans of Bend, La Pine, Redmond and Sisters, as the policy basis for implementing land use plans and ordinances in each city's urban growth boundary.~~

~~Goal 3 Coordinate with Cities, special districts, and stakeholders on policies and zoning for lands outside urban growth boundaries but inside urban reserve areas.~~

~~Policy 4.2.8 Designate the Redmond Urban Reserve Area on the County Comprehensive Plan Map and regulate it through a Redmond Urban Reserve Area (RURA) Combining Zone in Deschutes County Code, Title 18.~~

~~Policy 4.2.9 In cooperation with the city of Redmond adopt a RURA Agreement consistent with their respective comprehensive plans the requirements of Oregon Administrative Rule 660-021-0050 or its successor.~~

~~Goal 4 To build a strong and thriving regional economy by coordinating public investments, policies and regulations to support regional and state economic development objectives in Central Oregon.~~

~~Policy 4.2.12 Deschutes County supports a multi-jurisdictional cooperative effort to pursue a regional approach to establish a short term supply of sites particularly designed to address out of region industries that may locate in Central Oregon.~~

~~Policy 4.2.13 Deschutes County recognizes the importance of maintaining a large lot industrial land supply that is readily developable in Central Oregon.~~

## Land Use and Regional Coordination

Policy 4.2.14 ~~2.2.9.~~ The Central Oregon Regional Large Lot Industrial Land Need Analysis ("Analysis"), adopted by Ordinance 2013-002 is incorporated by reference herein.

~~Policy 4.2.15 Within 6 months of the adoption of Ordinance 2013-002, in coordination with the participating local governments in Central Oregon, Deschutes County shall, execute an intergovernmental agreement ("IGA") with the Central Oregon Intergovernmental Council ("COIC") that specifies the process of allocation of large lot industrial sites among the participating local governments.—~~

Policy 4.2.16 ~~2.2.10.~~ 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 4.2.17 Deschutes County supports Economic Development of Central Oregon ("EDCO"), a non-profit organization facilitating new job creation and capital investment to monitor and advocate for the region's efforts of maintaining an inventory of appropriate sized and located industrial lots available to the market.~~

~~Policy 4.2.18 Deschutes County will collaborate with regional public and private representatives to engage the Oregon Legislature and state agencies and their commissions to address public facility, transportation and urbanization issues that hinder economic development opportunities in Central Oregon.~~

~~Policy 4.2.19 Deschutes County will strengthen long term confidence in the economy by building innovative public to private sector partnerships.~~

~~Policy 4.2.10-2.2.11. 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. ~~New~~ 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. ~~Protect from development~~ 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.

## Land Use and Regional Coordination

~~Policy 4.2.11 Coordinate with the City of Redmond to assure that the County-owned 1,800 acres in the RURA is master planned before it is incorporated into Redmond's urban growth boundary.~~

~~Goal 3.2.3: Manage county-owned lands efficiently, flexibly and in a manner that to balances the needs of County residents the community as articulated in the goals and policies of this Plan and other supporting planning documents.~~

~~Policy 1.3.14 Where feasible, maintain and manage County-owned properties as follows:~~

- a. ~~Policy 2.3.1. Manage designated park lands to preserve the values defined in the with a park designation consistent with the goals and policies in Chapter 5 Natural Resources.~~
- b. ~~Permit public access to County owned lands designated as parks unless posted otherwise;~~
- c. ~~Encourage properties along rivers, streams or creeks or containing significant wildlife, scenic or open space values to be designated as park land.~~

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.

Commented [NM14]: Section 1.3

## Land Use and Regional Coordination



# 3

## Farm and Forest Resources



*Photo Credit: Amanda Photographic*





Photo Credit: Amanda Photographic

## 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, unsustainable harvest levels, 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.



Photo Credit: Amanda Photographic

### 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. 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

Commented [NM15]: Chapter 2, Section 2.2, Page 5

Commented [NM16]: Chapter 2, Section 2.2, Page 6

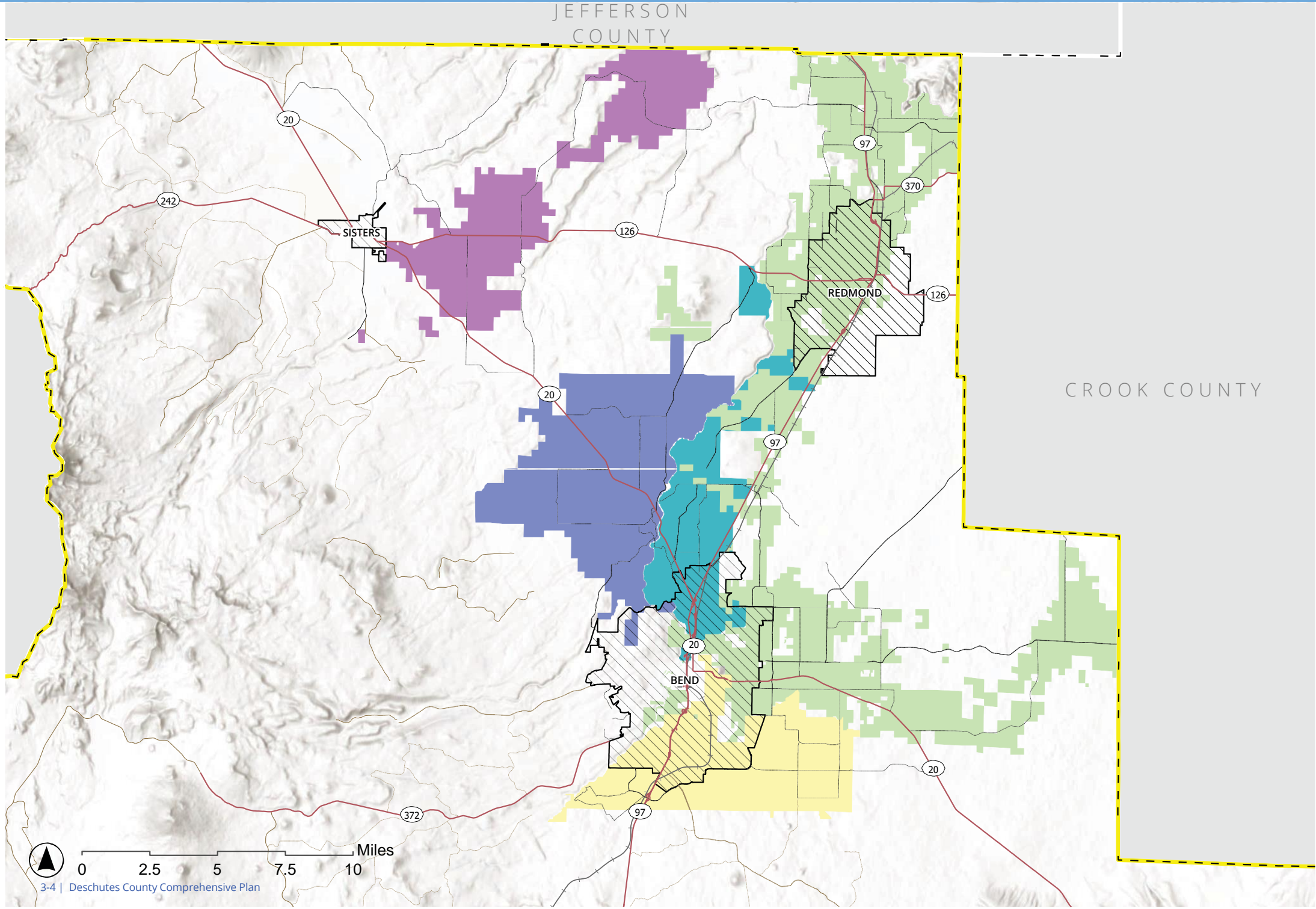
### Days Above 90 Degrees in Brothers



Note: Historic data for days above 90° is not available.

# IRRIGATION DISTRICTS

Map 3-1



DESCHUTES  
COUNTY  
2040

A PLAN FOR THE FUTURE

### Irrigation Districts

- Three Sisters Irrigation District (est. 1891)
- Swalley Irrigation Dist (DRIC) (est. 1899)
- Arnold Irrigation District (est. 1905)
- Central Oregon Irrigation District (est. 1918)
- Tumalo Irrigation District (est. 1922)

### Transportation

- Arterial
- Collector
- Forest Highway
- State Routes
- 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.

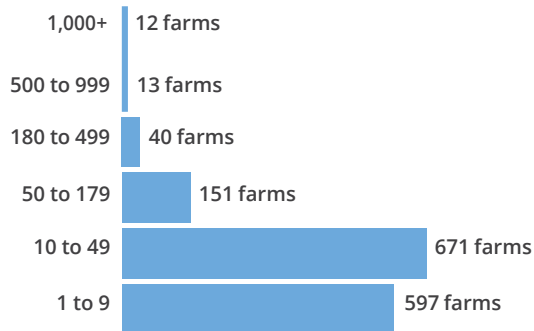


## Farm and Forest Resources

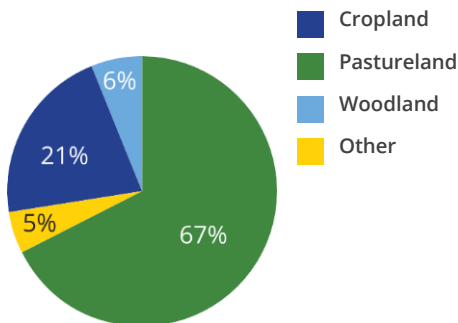
development in these areas each year. Even with this limitation on development, forest managers and service providers continue to express concern with wildfire risk associated with residential development in heavily wooded areas.

Most lands in either of these classifications within Deschutes County are federally owned and managed by the US Forest Service (USFS). 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

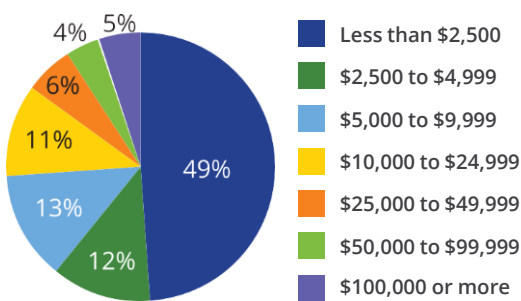
### Farms By Size (acres)



### Land in Farms by Use



### Farms By Value of Sales



Subzone Name	Minimum Parcel Size (for farm divisions and farm-related dwellings)	Profile
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 USFS.
- **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. An emerging challenge is the prevalence of houseless encampments on and adjacent to federal lands. These encampments can cause conflicts with other trail users and increase fire risk.

## Farm and Forest Resources

### 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 7: Natural Hazards, and Chapter 9: Economic Development. These strategies are underpinned by the following results of Comprehensive Plan outreach efforts.

- There is strong support for conducting educational outreach to encourage water conservation and on-farm efficiency measures.
- 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.
- 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.
- Participants expressed support for investment in the agricultural economy through grants or exploring a farmland conservation program.



Photo Credit: Amanda Photographic

## Section 2.2 Agricultural Lands Goals and Policies

Goal 2.3.1: Preserve and maintain agricultural lands, operations, and uses to support Deschutes County's and the agricultural economy industry.

Policy 2.2.4 3.1.1. Retain agricultural lands through Exclusive Farm Use zoning.

Policy 2.2.2 3.1.2. ~~Continue to apply~~ Exclusive Farm Use sub-zones ~~shall remain as described in the 1992 Farm Study and shown in the table below, unless adequate legal findings for amending the sub-zones are adopted or an individual parcel is rezoned as allowed by Policy 2.2.3 consistent with the County's most up-to-date adopted studies of agricultural land and as implemented through the County Development Code.~~

Policy 2.2.4 3.1.3. Develop comprehensive plan policy criteria and code to ~~provide clarity on~~ clarify when and how EFU parcels can be converted to other designations.

Policy 2.2.5 ~~Uses in the Exclusive Farm Use Zones shall comply with State Statute and Oregon Administrative Rule.~~

Policy 2.2.6 3.1.4. Regularly review farm regulations to ensure compliance with changes to State Statute, Oregon Administrative Rules and case law.

Policy 2.2.7 ~~Encourage water projects that benefit agriculture.~~

Goal 2.3.2: ~~Promote a diverse, sustainable, and revenue-generating thriving~~ agricultural sector.

Policy 2.2.9 3.2.1. Encourage farming by promoting the raising and selling of crops, livestock and/or poultry.

## Farm and Forest Resources

Policy 2.2.10 3.2.2. Support ~~agriculture through the use of grant funds, research, and other resources dedicated to community members and stakeholders, including but not limited to farmers, researchers, farm bureaus, and other organizations~~ in studying and promoting economically viable agricultural opportunities and practices.

Policy 2.2.11 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 2.2.8 Support a variety of methods to preserve agricultural lands such as:~~

~~a. Support the use of grant funds and other resources to assist local farmers;~~

b. ~~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.~~

c. ~~Encourage conservation easements, or purchase or transfer of development rights programs.~~

d. ~~Policy 3.2.5. Support efforts to~~ Control noxious weeds and invasive species.

e. ~~Encourage a food council or 'buy local' program.~~

Policy 2.2.12 3.2.6. ~~Continue to~~ Review County Code and revise county code as needed ~~to be~~.

consistent with state code, rules, and regulations to permit alternative and supplemental farm activities that are compatible with farming, such as agritourism-commercial energy projects. ~~When a preferred alternative or supplemental use identified through a public process is not permitted by State regulations work with State to review and revise their regulations, 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.

Policy 3.2.10. Explore program to utilize compost from Solid Waste Department on farm lands to improve soils, productivity, water, efficiency, and facilitate disposal of yard debris and compostable materials.

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

~~Policy 2.2.13~~ 3.3.1. Identify and retain accurately designated agricultural lands.

~~Policy 2.2.14~~ 3.3.2. Continue to explore new methods of identifying and classifying agricultural lands.

### **Farm and Forest Resources**

- 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~~ State Statute regarding agricultural definitions specific to Deschutes County that would allow some reclassification of agricultural lands.



Policy ~~2.2.15~~ 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 ~~2.2.16~~ 3.3.4. Work with the state to review and revise accessory farm dwelling requirements to address the needs of local farmers, including removal of parcel size restrictions.

Policy ~~2.2.17~~ 3.3.5. Encourage coordination between agricultural interests and fish and wildlife management organizations and agricultural interests, 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. Policy ~~2.2.3~~ 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 the value of high desert environments while allowing for limited housing opportunities and applying this designation through coordination with interested and willing property owners.

#### Section 2.3 Forest Lands

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### Farm and Forest Resources

Goal ~~4.3.4~~: Protect and maintain forest lands for multiple uses and objectives, including forest products, watershed protection, conservation, recreation, ~~and~~ wildlife habitat protection, carbon sequestration, forest health, and wildfire resilience.

Policy ~~2.3.1~~ 3.4.1. Retain forest lands through Forest 1 and Forest 2 zoning.

Policy ~~2.3.2~~ 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 ~~2.3.3~~ 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 ~~2.3.4~~ 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 2.3.5 Uses allowed in Forest zones shall comply with State Statute~~

## Farm and Forest Resources

~~and Oregon Administrative Rule.~~

Policy ~~2.3.6~~ 3.4.6. Coordinate and cooperate with the U.S. Forest Service (USFS), the Bureau of Land Management (BLM) and other public agencies to promote sustainable forest uses, including community wildfire protection projects, recreation facilities, habitat enhancements, and biomass facilities, on public forest land, including currently adopted Forest and Land Management Plans prepared by the USFS and 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~~ USFS;
- b. Using the Prineville ~~Bureau of Land Management~~ BLM Upper Deschutes Resource Management Plan, or its successor, as the basis for mutual coordination and cooperation with the ~~Bureau of Land Management~~ BLM.

Policy ~~2.3.7~~ 3.4.7. Notify affected agencies and tribal governments when reviewing land use applications and proposals for approving development that could impact Federal or State forest lands.



Photo Credit: Amanda

~~Policy 2.3.8. Support the maintenance of the Skyline Forest as a Community Forest.~~

~~Policy 2.3.9 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 2.3.10 3.4.9. Provide input on public forest plans that impact Deschutes County.~~

~~Policy 2.3.11 Apply for grants to review forest lands based on ORS 215.7880215.794 (2009 HB 2229).~~

~~Policy 2.3.12 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. ~~a.~~ 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, described in Section 3.5 of this Plan.
- c. ~~b.~~ Retain and improve fish and wildlife habitat.

~~Goal 2 Adequately address impacts to public safety and wildlife when allowing development on forest lands.~~

~~Policy 2.3.13 3.4.11. Continue to r~~Review and revise the County Code and revise as needed to ensure development in forest zones minimizes and/or mitigates impacts

## Farm and Forest Resources

particularly impacts on fish and wildlife habitat, forest health, and public fire safety 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.

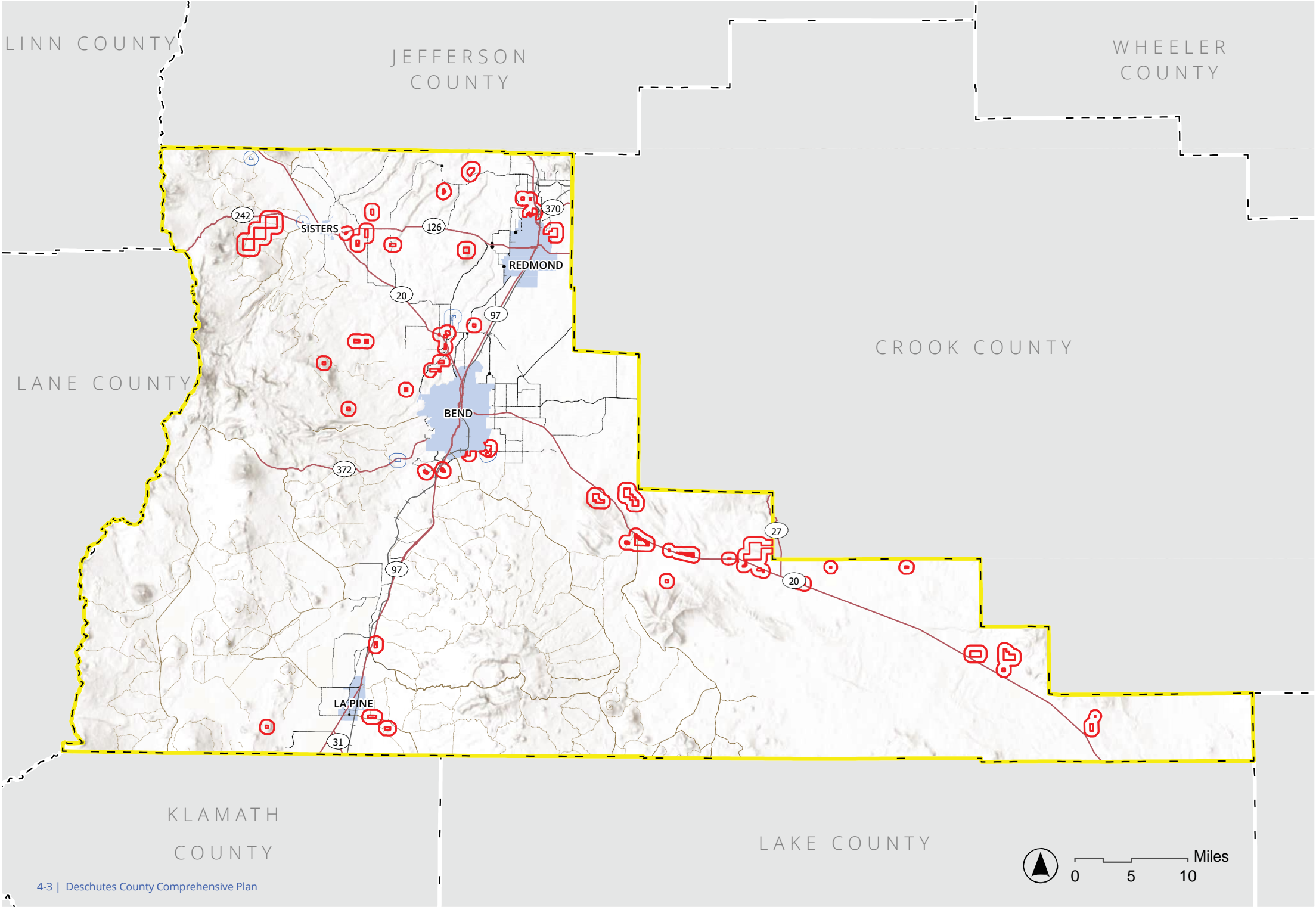
Mining sites are subject to a Surface Mining Impact Area Combining Zone that applies within ½ mile of the mining site boundary. This combining zone limits new uses and expansion of existing uses that may be impacted by mining activities and are not in compliance with the site-specific Economic, Social,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


**Commented [NM17]:** Chapter 2, Section 2.10, Page 71

**Commented [NM18]:** Chapter 2, Section 2.10, Page 71

# SURFACE MINING


Map 4-1







DESCHUTES  
COUNTY  
2040


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

4-3 | Deschutes County Comprehensive Plan

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.

Prepared by  

Revised 8/1/2023

## 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.

## Section 2.10 Surface Mining Goals and Policies

Goal ~~4.1~~ 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 2.10.1. Goal 5 mining inventories, ESEEs and programs are retained and not repealed.~~

~~Policy 2.10.2~~ 4.1.2. Cooperate and coordinate mining regulations with the Oregon Department of Geology and Mineral Industries (DOGAMI) on mining regulations and studies.

~~Policy 2.10.3~~ 4.1.3. Balance protection of mineral and aggregate resources with conflicting resources and uses.

~~Policy 2.10.4 Review surface mining codes and revise as needed to consider especially mitigation factors, imported materials and reclamation.~~

~~Policy 2.10.5 Review surface mining inventories as described in Section 2.4, including the associated Economic, Social, Environmental, and Energy (ESEE) analyses.~~

~~Policy 2.10.6~~ 4.1.4. Support efforts by private property owners and appropriate regulatory agencies to address the required reclamation of Goal 5 mining sites approved under 660-016 following mineral extraction.

**59**

Active Mining Sites

**9,235**

Acres in Surface  
Mining Zone

including Black Butte Ranch  
Surface Mine/Limited Use Zone

**8**

Reclaimed Sites

**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, vehicle collisions, poaching, predation, and disease.

### SCENIC VIEWS AND OPEN SPACE

The 2010 Greenprint<sup>1</sup> 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.

<sup>1</sup> The Trust for Public Land. Oregon's Playground Prepares for the Future: A Greenprint for Deschutes County. 2010. [http://cloud.tpl.org/pubs/local\\_or\\_deschutes%20greenprint.pdf](http://cloud.tpl.org/pubs/local_or_deschutes%20greenprint.pdf)

## Natural Resources

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

Deschutes County contains groundwater resources, defined as water that exists underground in saturated zones beneath the land surface<sup>2</sup>, and surface water resources. Surface water refers to streams, lakes, rivers, and reservoirs<sup>3</sup>.

Groundwater is used for a variety of permitted and exempt activities. Residential wells in the rural county make up the largest user group of groundwater, and are exempt from any permit, provided that the property owner abides by specific standards. Water rights and/or permits are required for other major use categories, such as quasi-municipal or municipal uses, pond maintenance, irrigation and other commercial and industrial activities.<sup>4</sup>

The Deschutes River and its tributaries serve as the region's surface water resources. Surface water rights in the Upper Deschutes Basin are fully allocated, meaning no new surface water rights can be issued. Approximately 86% of basin water rights are associated with agriculture, 12% associated with instream uses, and 2% associated with municipal uses<sup>5</sup>.

### 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.



**Commented [NM19]:** Textbox - Chapter 2, Section 2.6 Wildlife, Page 46

<sup>2</sup> US Geological Survey Definition - Groundwater

<sup>3</sup> US Geological Survey Definition - Surface Water

<sup>4</sup> Oregon Water Resources Department. 2021 Review of the Deschutes Basin Groundwater Mitigation Program. <https://www.oregon.gov/owrd/WRDReports/5YearDeschutesGWMitigationProgramReport.pdf> 5 Bureau of Reclamation and Oregon Water Resources Department. 2019 Upper Deschutes River Basin Study. [https://cdn.prod.websitefiles.com/667093eeb1bb316e69f0e9c6/667093eeb1bb316e69f0e9d8\\_Upper%20Deschutes%20River%20Basin%20Study%20Final.pdf](https://cdn.prod.websitefiles.com/667093eeb1bb316e69f0e9c6/667093eeb1bb316e69f0e9d8_Upper%20Deschutes%20River%20Basin%20Study%20Final.pdf)



## Natural Resources

Groundwater and surface water in Deschutes County are closely tied. Numerous studies have noted the interconnections between stream flow and well levels over time in Deschutes County. Programs, such as the Deschutes Basin Groundwater Mitigation Program, seek to monitor these connections.

Deschutes County plays a coordination role along with the Oregon Department of Water Resources, Soil and Water Conservation Districts, irrigation districts, water users, owners of private wells, and other stakeholders 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.

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

#### 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.

#### 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 USFWS works closely with ODFW on eagle-related issues and enforces federal guidelines to ensure protection of bald and golden eagles.



*Credit: Andrew Walch/ODFW*

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### ELK

The Land and Resource Management Plan for the Deschutes National Forest identifies six 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.

### Scenic Views and Open Space

Deschutes County has a rich abundance of open space. Approximately 79% of land in Deschutes County is federally owned, providing ample open space and scenic views adjacent to these areas. 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 for habitat, and safety zones from natural hazards such as flooding and wildfire.

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



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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 specific 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.

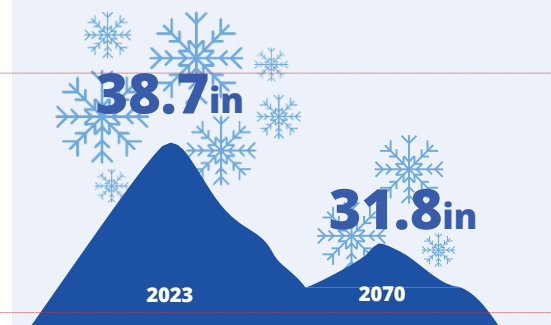
It is important to underscore that the primary water resource management process occurs outside of the state land use planning system. Oregon land use and water management are not integrated; there are no overarching administrative rules that consider statewide water management in conjunction with land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

### 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>6</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 century and between 18% and 43% by the end of the century.

<sup>6</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>

### Average Snowpack near Mt. Bachelor Base Village on April 1



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### 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 USE

The groundwater aquifer is roughly 1,000 feet thick across significant parts of the basin and is replenished yearly by the Cascades' precipitation.

A report from GSI Water Solutions in 2022 noted the Upper Deschutes Basin receives over 4,000 cubic feet per second (cfs) of annual recharge.<sup>7</sup> This recharge is primarily from in-basin precipitation, although minor amounts of recharge are attributed to interbasin flow in which water travels from the Metolius basin, and canal leakage. Groundwater pumping is equivalent to approximately two percent of the annual groundwater recharge. In the Deschutes Basin, a small amount of groundwater is also used by farmers for crop or pasture irrigation. Groundwater is also used for "exempt" purposes, including residential wells, irrigation of non-commercial lawns under a half-acre, stock watering, and fire control. Groundwater rights are commonly used by cities to support housing and development. The 2019 Upper Deschutes Basin Study estimates 40,000-acre feet are diverted each year, primarily from groundwater purposes to serve municipal and quasi-municipal uses.

<sup>7</sup> "GSI Solutions Understanding Upper Deschutes Basin Groundwater Levels, September 2022". [https://www.oregon.gov/owrd/Documents/White%20Paper\\_Understanding%20Upper%20Deschutes%20Basin%20GW%20Levels\\_9\\_26\\_2022.pdf](https://www.oregon.gov/owrd/Documents/White%20Paper_Understanding%20Upper%20Deschutes%20Basin%20GW%20Levels_9_26_2022.pdf)

### 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.

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. 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.

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## Natural Resources

A 2021 report by the Oregon Department of Water Resources found that groundwater levels in Deschutes County are declining, by as much as 30 feet of total decline in the central part of the basin. This decline has caused wells in densely populated areas of the County to run dry, requiring extensive well deepening work. Groundwater levels are directly related to recharge rates which are directly impacted by rainfall and recharge from other sources such as flood irrigation and leaky ditches and canals. Impediments to recharge include such things as increased irrigation efficiency, large scale piping projects, and increased juniper populations. This decline is considered “excessively declined” per state statute and is attributed to a shift toward overall drier conditions since the late 1990s, expanding Juniper forests, increased groundwater pumping, a warming trend in the basin, and decreased snowpack. However, studies show that drought and groundwater levels are cyclical and may vary over the years. For example, the 1930s and 1970s were dryer than current conditions.

The State of Oregon is currently exploring measures to restrict overuse of groundwater rights through its Groundwater Allocation rulemaking. The program would limit issuance of new groundwater rights when groundwater levels are in a period of excessive decline. 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 or surface water 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>8</sup>

<sup>8</sup> Information from the Oregon Water Resources Board Mitigation Program.

Voluntary and or regulatory conservation mechanisms are needed from all users to prevent overuse of the groundwater resource at the local level and mitigate groundwater level declines.

### SURFACE WATER USE

The 2019 Deschutes Basin Study found that total water inflows to the basin vary from 860,000 acre-feet to 2.3 million acre-feet, depending on how much precipitation falls in a given year or several consecutive years. Approximately 720,000 acre-feet (86%) of surface water is diverted each year for irrigation districts. The study noted that declines in flow associated with precipitation and snowpack, combined with overallocation of water rights in the basin, continue to lead to shortfalls for junior water right holders. In low water years, junior water holders in the North Unit and Arnold Irrigation Districts are not able to access water due to this shortage, negatively impacting agricultural and other operations that depend on surface water rights.

Aside from impacting operations, the reduction of surface flows can also impact wildlife habitat. The Deschutes Basin is home to the Oregon spotted frog and bull trout, which are federally listed as threatened species. To mitigate the impacts from storage, release, diversion and return of irrigation water on these species, the Deschutes Basin Habitat Conservation Plan was finalized and approved by the US Fish and Wildlife Service in 2020. The plan was developed in partnership with the Deschutes Basin Board of Control representing irrigation districts, along with tribal governments, agency staff, and other stakeholders and seeks to provide predictability to water managers of surface flows for the next 30 years. The plan outlines a combination of water management practices, funding for conservation projects, funding for instream leasing programs, and parameters for seasonal release of irrigation water, among other efforts.

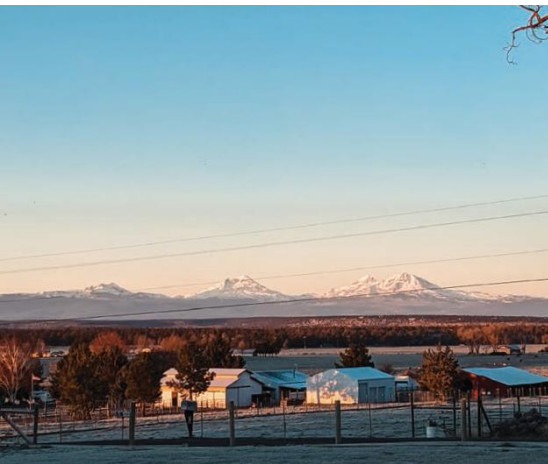
## Natural Resources

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 may contribute to local aquifer declines due to loss of artificial recharge from leaking infrastructure. Continued education and monitoring on this topic will be helpful to best understand the actual impact of canal piping on groundwater resources.

### WATER QUALITY

Generally, groundwater quality in Deschutes County is 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 into Northern Klamath County 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.

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

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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

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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. The County and Oregon Department of Environmental Quality attempted to apply for an exception to Goal 11 to allow for a community sewer system in 2016, although the effort was overturned by the Oregon Land Use Board of Appeals.

### 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>9</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, with the exception of Bridge Creek, which supplies water to the City of Bend.

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<sup>9</sup> <https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/RECREATION/HARMFULALGAE/BLOOMS/Pages/archive.aspx>



## 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 evaluate or reallocate 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, the Bureau of Reclamation, US Department of Agriculture, conservation districts, non-governmental organizations, and holders of water rights to increase the efficiency of water distribution throughout the community.

## Natural Resources

### Goals and Policies

#### Section 2.5 Water Resource Goals and Policies

~~Goal 1 5.1: Support~~ Develop regional, comprehensive water management ~~policies~~ solutions that balance the diverse needs of water users and recognize Oregon water law.

~~Policy 2.5.1 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, stakeholders, such as The Confederated Tribes of the Warm Springs Reservation of Oregon, the Oregon Water Resources Department (OWRD), the Deschutes Water Alliance, 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 ~~creation and continual updating of a regional water management plan~~ 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 2.5.2 5.1.2.~~ Support grants for water system infrastructure improvements, upgrades, or expansions.

~~Policy 2.5.3 Goal 5 inventories, ESEEs and programs are retained and not repealed.~~

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 ~~2.5.2~~: Increase water efficiency and conservation efforts among all users, including homeowners and businesses.

Policy ~~2.5.4.2.1~~. Support efficient water use through targeted conservation, educational and, as needed, regulatory or incentive programs.

- a. ~~Review County Code and revise as needed to ensure~~ Encourage new development to incorporate efficient water use practices for all water uses.
- b. Provide education and resources to community members regarding the beneficial ~~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 the 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.
  - i. Encourage establishment of water reuse and recycling programs, in particular for County facilities.

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Policy ~~2.5.5.2.2~~. Promote a coordinated regional water conservation efforts and implementation by regional, tribal, and local organizations and agencies, that includes increasing public awareness of and implementing water conservation tools, incentives, and best practices.

Policy ~~2.5.6.2.3~~. 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 ~~3.5.3~~: Maintain and enhance a healthy ecosystem in the Deschutes River Basin.

Policy ~~2.5.7.5.3.1~~. ~~The County shall notify~~ the Oregon ~~Division~~ Department of State Lands, and the Oregon Department of Fish and Wildlife ~~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 ~~National Wetland Inventory or South-Deschutes County Local Wetland Inventory~~ statewide wetland inventory maps.

Policy ~~2.5.8.5.3.2~~. Work with ~~stakeholders~~ 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. ~~Encourage efforts to address fluctuating water levels in the Deschutes River system;~~
- b. ~~Cooperate to improve surface waters, especially those designated water quality impaired under the federal Clean Water Act;~~
- c. ~~Support research on methods to restore, maintain and enhance river and~~



riparian ecosystems and wetlands;

- ~~c.~~ d. Support restoration efforts for river and riparian ecosystems and wetlands;
- ~~d.~~ e. Inventory and consider protections for cold water springs;
- ~~e.~~ f. Evaluate waterways in coordination with OPRD for possible designation under the Scenic Waterways program;
- ~~f.~~ g. In collaboration with appropriate federal, state, tribal and local agency resource managers stakeholders, map channel migration zones and identify effective protections;
- ~~g.~~ h. Develop comprehensive riparian management or mitigation practices that enhance ecosystems, such as vegetation removal criteria for removal of vegetation that adversely impacts water availability and soil health.

~~Policy 2.5.9.5.3.3. Support studies of on the Deschutes River ecosystem and incorporate strategies from current watershed studies that provide new scientific information and indigenous knowledge about on the Deschutes River ecosystem, such as the 2010 Local Wetland Inventory adopted in Ordinance 2011-008.~~

~~Policy 2.5.10.5.3.4. 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. Explore methods of ensuring Support efforts to educate property owners know and to understand regulations pertaining to for rivers, riparian areas, floodplains and wetlands.~~

~~Policy 2.5.11.5.3.5. Support the high-priority actions from the Deschutes River Mitigation and Enhancement Committee's 2008 Upper Deschutes Restoration Strategy Revisit recommendations of 1996 Upper Deschutes Wild and Scenic River and State Scenic Waterway Comprehensive~~

## Natural Resources

Plan, or its successor, and consider implementation of voluntary recommendations into the county code.

Goal 4.5.4: Maintain and enhance fish ~~populations~~ and riparian ~~dependent wildlife~~ habitat.

~~Policy 2.5.12.5.4.1. 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 2.5.13.5.4.2. Promote healthy fish populations through incentives and education.~~

~~Policy 2.5.14.5.4.3. Support healthy native fish 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 salmon salmonid species recovery through voluntary incentives and encouraging appropriate species management and associated habitat conservation and restoration.~~

~~Policy 2.5.15.5.4.4. Update and implement policies to be consistent with federally approved Review Habitat Conservation Plans for species listed under the Endangered Species Act, to identify new policies or codes.~~

- ~~a. Spawning and rearing areas for trout salmonid species should be considered significant habitat and should be protected in rivers and streams.~~

- b. Cooperate with ~~irrigation districts~~ covered parties in restoring or enhancing preserving spawning and rearing areas for trout salmonid species, where feasible.
- c. Support efforts to address riparian restoration associated with streamflow management under approved plans.

Policy ~~2.5.16~~ 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.

Goal 5: ~~Protect and improve water quality in the Deschutes River Basin.~~

Policy ~~2.5.17~~ 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 ~~2.5.18~~ 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 ~~2.5.19~~ 5.4.8. Coordinate with The Confederated Tribes of Warm Springs Reservation of Oregon, Oregon Health Authority, and other federal, state, and local agency resource managers stakeholders 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

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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 ~~2.5.21~~ 5.4.9. Continue to evaluate and/or implement regulations. Explore adopting new ordinances, such as a wellhead protection ordinance for public water systems, in accordance with applicable Federal and/or State requirements.

Policy ~~2.5.20~~ 5.4.10. Coordinate and work with the Oregon Department of Agriculture, agricultural uses, and available voluntary programs the community to expand the range of tools available to protect groundwater quality by reviewing support and implement proven new technologies and best practices including tools to improve the quality and reduce the quantity of stormwater runoff 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 ~~2.5.9~~ 5.4.11. Support regulations, education programs, and cleaning procedures at public and private boat landings.

Goal ~~6~~ 5.5: Coordinate land use and water policies to address management and allocation of water in Deschutes County.

Policy ~~2.5.22~~ 5.5.1. Coordinate with other affected agencies when a land use or development application may impact rivers or riparian ecosystems or wetlands.

Policy ~~2.5.23~~ 5.5.2. Encourage Regulate land use patterns and practices promote best

~~practices that to preserve the integrity of the natural hydrologic system, and 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 2.5.24 Ensure water impacts are reviewed and, if necessary, addressed for significant land uses or developments.~~

~~Policy 2.5.25. Evaluate methods of modeling the cumulative impacts of new land uses or developments on water quality and quantity.~~

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

~~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 2.5.26 5.5.5. Explore an intergovernmental agreement. Coordinate with the irrigation districts for to ensuring irrigated land partitions and lot line adjustments are not approved without notice to and comment by the affected district.~~

~~Policy 2.5.27 5.5.6. Utilize Central Oregon Stormwater Manual to apply. Encourage incorporating appropriate stormwater management practices into Deschutes County Code land use decisions.~~

~~Policy 2.5.28 5.5.7. Support Allow for development of wastewater facilities and improvements where warranted needed or required to address water quality issues and maintain water quality, consistent with state and local wastewater system~~

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~~requirements.~~

### ~~Section 2.7 Open Spaces, and Scenic Views and Sites Goals and Policies~~

~~Goal 4-5.6: Coordinate with property owners to ensure protection of significant open spaces, and scenic views, and sites—scenic areas and corridors through a combination of incentives and/or educational programs.~~

~~Policy 2.7.1. Goal 5 open spaces, scenic views and sites inventories, ESEEs and programs are retained and not repealed.~~

~~Policy 2.7.2. 5.6.1. Work Cooperate with stakeholders to establish create and maintain a comprehensive system of connected open spaces while balancing private property rights with community benefits.~~

~~Policy 2.7.3 5.6.2. Support efforts to identify and protect significant open spaces and visually important areas including those that provide Work to maintain the visual separation character and rural appearance of between communities such as the open spaces such as the area along Highway 97 that separates the communities of between 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 2.7.4 Encourage a variety of approaches that protect significant open spaces and significant views and sites.~~

~~Policy 2.7.5 5.6.5. Protect significant open spaces, scenic views, and scenic sites by Encourageing new development to be sensitive to scenic views and sites these resources.~~

~~Policy 2.7.6 Review County Code and revise as need to protect open space and scenic views.~~

and sites, including:

a. ~~Policy 5.6.6. Provide incentives to locate structures in forests or view corridors so as a way that is sensitive of view corridors to maintain the visual character of the area;~~

b. ~~Work with private property owners to provide incentives and mitigations for protecting visually important areas from development impacts;~~

c. ~~Maintain and revise, if needed, the Landscape Management Combining Zone code to effectively protect scenic views while minimizing impacts on property owners;~~

d. ~~Review County Code, including sign and cell tower code and proposed wind turbine code, to effectively protect scenic views while minimizing impacts on property and business owners;~~

e. ~~Review County Code for ways to mitigate for developments that significantly impact scenic views.~~

## Section 2.6 Wildlife Goals and Policies

Goal 4 ~~5.7~~: Maintain and enhance a diversity of wildlife and habitats.

~~Policy 2.6.1 Goal 5 wildlife inventories, ESEEs, and programs are retained and not repealed.~~

~~Policy 2.6.2 5.7.1. Promote stewardship of wildlife habitats and corridors, particularly those with significant biological, ecological, aesthetic and recreational value through incentives, public education, and development regulations.~~

~~Policy 2.6.3 5.7.2. Ensure Goal 5 wildlife inventories and habitat protection programs are up-to-date through public processes, and expert sources, such as the 2009 Interagency Report and current or recently adopted plans and studies.~~

Policy 2.6.4 ~~5.7.3~~. Provide Support

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## Natural Resources

~~incentives for restoring and/or preserving significant wildlife habitat by traditional means, including land swaps, conservation easements, transfer of development rights, tax incentives or purchase by public or non-profit agencies new development to be compatible with and to enhance wildlife habitat.~~

~~Policy 2.6.5 Assist in providing information and education on wildlife and habitat protection.~~

~~Policy 2.6.6 Review the Oregon Conservation Strategy when amending the Wildlife section of this plan.~~

~~Policy 2.6.7 5.7.4. Use a combination of incentives, regulations and education to promote stewardship of wildlife habitat and address impacts of development. 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 2 ~~5.8~~: Balance protection of wildlife and habitat with ~~Promote~~ the economic and recreational benefits of wildlife and habitat.

~~Policy 2.6.9 5.8.1. Encourage responsible and sustainable wildlife-related tourism, hunting, and recreation.~~

~~Policy 2.6.10 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 principles for the~~

benefit of the wildlife resource.

Goal ~~3~~ 5.9: ~~Support retaining populations of~~  
~~Comply with~~ federal and state ~~regulations~~  
~~related to sensitive, threatened, and protected~~  
~~endangered species, including the Endangered~~  
~~Species Act, the Bald and Golden Eagle~~  
~~Protection Act, the Migratory Bird Treaty Act,~~  
~~and others as applicable.~~

Policy ~~2.6.11~~ 5.9.1. ~~Coordinate~~ ~~Develop local~~  
~~approaches, in coordination with Federal and~~  
~~State agencies to develop strategies to for~~  
~~protecting Federal or State Threatened or~~  
~~Endangered Species, or Species of Concern.~~

Policy ~~2.6.12~~ 5.9.2. ~~Address potential~~ Mitigate  
conflicts between large-scale development and  
sage grouse habitat ~~using Ordinances No.~~  
~~2015-010 and 2015-011, which are consistent~~  
~~with OAR 660-023-0115.~~

Policy ~~2.5.30~~ 5.9.3. Consider adopting  
~~regulations for dock construction based on~~  
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.~~

## Natural Resources

### ~~Section 2.9~~ Environmental Quality ~~Goals and Policies~~

Goal ~~4~~ 5.10: Maintain and improve upon the  
quality of air, ~~water,~~ and land in Deschutes  
County.

Policy ~~2.9.1~~ 5.10.1. Support environmental  
~~stewardship in~~ ~~Use building techniques,~~  
~~materials, and technologies in existing~~  
~~and future~~ County operations and capital  
projects, including where feasible, using  
~~resource-efficient building techniques,~~  
~~materials and technologies in County~~  
~~building projects facilities that help~~  
~~maintain and improve environmental~~  
~~quality.~~

Policy ~~2.9.2~~ 5.10.2. ~~Maintain County noise~~  
and outdoor lighting codes and revise as  
~~needed~~ ~~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 2.9.3 ~~When research identifies~~  
~~environmentally sensitive areas, work with~~  
~~agencies and stakeholders to protect those~~  
~~areas or minimize adverse land use or~~  
~~development impacts.~~

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

Policy ~~2.9.4~~ 5.10.4. ~~Be a leader in the~~ ~~Use~~  
~~public education, education for County~~  
~~departments, and regulations to control~~  
~~of noxious weeds and invasive species~~  
~~through education and regulations.~~

- a. Support education for the  
community and for County  
departments on how to recognize  
and report on noxious weeds.

Goal ~~2~~ 5.11: Promote sustainable building

**Commented [NM40]:** Previously in Chapter 2, Section 2.5  
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practices that minimize the impacts of development on the natural environment.

Policy ~~2.9.5.5.11.1. Use the Review County Code and revise as needed and educational materials~~ to promote the use of resource-efficient building and landscaping techniques, materials, and technologies ~~for new construction and renovation projects that minimize impacts to environmental quality.~~

**Goal 3 Encourage and increase recycling.**

Policy ~~2.9.6.5.11.2. 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.

- ~~a. Provide convenient recycling at all County events and in all County facilities.~~
- ~~b. Provide convenient opportunities to recycle materials and compost green waste in locations at transfer stations and through home pick up.~~
- ~~c. Provide convenient opportunities for~~

### Natural Resources

- ~~disposal of hazardous waste and e-waste.~~
- ~~d. Aim for 80% recycling of construction waste in all County building projects.~~
- ~~e. Promote 20% recycling of construction waste in all projects requiring a building permit.~~
- ~~f. Support businesses and industries that utilize recyclable materials.~~

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.

**Commented [NM41]:** Chapter 2, Section 2.11, Page 73





## 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.

## Historic and Cultural Resources

### 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.

## Section 2.11 Cultural and Historic Resources Goals and Policies

Goal 4 6.1: Promote the preservation of designated historic and cultural resources through education, incentives, and voluntary programs.

Policy ~~2.11.1~~ 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.

## Historic and Cultural Resources

Policy ~~2.11.2~~ 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.
- ~~b. 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.~~

~~Policy 2.11.3 Encourage the preservation of lands with significant historic or cultural resources.~~

- ~~a. Develop and maintain a comprehensive list of sites on the National Register of Historic Places.~~
- ~~b. Review County Code and revise as needed to provide incentives and adequate regulations to preserve sites listed on the Statewide Goal 5 historic and cultural inventory.~~

~~Policy 2.11.4 Goal 5 historic inventories, ESEEs, and programs are retained and not repealed, except for the amendment noted in Ordinance 2011-003.~~

Policy 6.1.4 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 drier conditions, and 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.

## Natural 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 Central Oregon are currently 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 203 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 (2022, expected revision 2026)
  - » Greater Sisters Country CWPP (2019, expected revision 2024)

**Commented [NM42]:** Chapter 3, Section 3.5, Page 18





- » 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)

The County is pursuing a process to consolidate all CWPPs into one document, to simplify the five-year update process. 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.



## Natural Hazards

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.

The Wildland-Urban Interface (WUI) is defined as the area where housing and burnable vegetation meet or intermingle<sup>2</sup>. Deschutes County has seen increased development in the WUI, associated with growth in the four cities and the rural county, in particular on the edge of cities adjacent to public lands. Public lands in the WUI historically had frequent low intensity fire which reduced the density of small trees and brush making the landscape less likely to produce high severity fire. Past forest management practices and exclusion of frequent, natural, low intensity fire from the landscape result in high fuel loads and high probability of severe fire. Landscapes in Deschutes County that have experienced severe fire often contain dense understory vegetation and brush, which are more susceptible to ignitions and fire spread in hot and dry climates.

Following severe wildfire events, forests experience disruption of natural growth progression, which can lead to competition among vegetative species and monoculture species growth. Significant efforts have gone into removal of these fuels at the federal, state, and local levels, including notable efforts by

<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> Community Planning Assistance for Wildfire definition for WUI

Natural Hazards

neighborhood associations and communities following fire-wise guidelines.

Home hardening at the individual household level will continue to play an important role in reducing the risk of loss from wildfire events and mitigating the spread of fire between neighboring properties. The 2020 Labor Day fires severely impacted several areas of the state. During those events, house to house ignitions amplified the spread of wildfire, causing severe loss of homes and businesses. Home hardening techniques include use of ignition resistant siding and roofing, attic ventilation devices that reduce ember intrusion, and removal of vegetation in the defensible space area surrounding structures on a property. These techniques will be crucial to reduce loss of life and property from these increasing hazard events in and adjacent to the WUI.

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>3</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-time temperatures and low humidity in the region. However, the Redmond airport, which sees the hottest temperatures in the county, will likely experience

3 Oregon Forest Resources Institute Fact Sheet

Fire Danger near Mt. Bachelor Village



occasional temperatures above 105° every few years by mid-century, and at least once a year by 2100. In addition, summer night-time lows are likely to increase by up to 5° degrees by mid-century, reducing the cooling effect of the high desert climate.

### Key Community Considerations

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

- Impacts of Climate Change. Throughout the 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.

## Natural Hazards

### Vulnerable Populations

Socio-demographic qualities 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.

These 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.





## Section 3.5 Natural Hazards Goals and Policies

Goal 4-7.1: 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 3.5.4 7.1.1. Adopt by reference the most recent Partner with county, state, and regional partners to regularly update and implement the Deschutes County Natural Hazards Mitigation Plan into this Plan.~~

~~a. Review and evaluate this Section of the Comprehensive Plan every five years.~~

~~b. Adopt by reference Community Wildfire Protection Plans and revisions into this Plan.~~

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

~~Policy 3.5.2 7.1.3. Communicate and cooperate and coordinate with stakeholders to federal, state, and local entities to clarify responsibilities regarding wildfire mitigation and suppression to improve fire protection services.~~

~~a. Analyze and address natural hazards;~~

~~b. Raise public awareness of natural hazards;~~

~~c. Support research or studies on natural hazard issues and solutions.~~

Policy 3.5.4 7.1.4 Use the development code to provide incentives and if needed, regulations to manage development in areas prone to natural hazards.

Policy 7.1.5. Work with agency partners to mitigate impacts of episodes of poor air quality resulting from wildfires and prescribed burning in the region.

## Natural Hazards

~~Policy 2.6.8 7.1.6. Balance protection of Protect wildlife with wildland fire mitigation measures on private lands in the designated Wildland-Urban Interface.~~

~~Policy 3.5.7 7.1.7. Address wildfire danger risk, particularly in the wildland urban interface.~~

~~a. Survey and map wildfire hazard at risk areas using the Wildfire Hazard Identification and Mitigation System.~~

~~b. Survey and map all areas not protected by structural fire protection agencies.~~

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 3.5.8 7.1.9. Support forest management practices that reduce severe wildfire risk hazard areas, as identified by the Wildfire Hazard Identification and Mitigation System, to a low or moderate rating, particularly in areas with development.~~

~~Policy 3.5.9 7.1.10. Support local fire protection districts and departments in providing and improving fire protection services.~~

~~Policy 3.5.11 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. Address wildfire concerns to and from development through consideration of site location, building construction and design, landscaping, defensible space, fuel management, access and water availability.~~

~~c. Require development proposals to include an impact evaluation that reviews the ability of the affected fire agency to~~

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## Natural Hazards

maintain an appropriate level of service to existing development and the proposed development.

- c. ~~d.~~ 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. ~~e.~~ Ensure drainage from development or alterations to historic drainage patterns do not increase erosion on-site or on adjacent properties.
- e. ~~f.~~ Make the Floodplain Zone a combining zone and explore ways to minimize and mitigate floodplain impacts. Reduce problems associated with administration of the Floodplain Zone.
- f. ~~g.~~ 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 3.5.6 7.2.2. Prohibit the development of new essential public Critical facilities (schools, churches, hospitals, and other facilities as defined by the Federal Emergency Management Agency) and uses that serve vulnerable populations from being should be located outside within areas at high risk natural hazard areas, where possible of flooding and wildfire, and aim to relocate existing uses in these areas.

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

~~Policy 3.5.3 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 3.5.5 7.2.7.~~ Require Ddevelopment to should be designed to minimize alteration of the natural landform in areas subject to slope instability, drainage issues or erosion.

~~Policy 3.5.10 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 Pparticipation 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

## Natural Hazards

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.

Commented [NM44]: Chapter 3, Section 3.8, Page 35

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.

### 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. 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



Photo Credit: Ryan Westby

## Recreation

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 Cline 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.



Photo Credit: Visit Bend

## Recreation

### 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 activities.

### 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.

## Recreation

### 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 of federally owned lands, 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.

Commented [NM45]: Chapter 3, Section 3.8, Page 38



Photo Credit: Ryan Westby



## Section 3.8 Rural Recreation Goals and Policies

Goal 4.8.1: Promote a variety of passive and active park and increase affordable, sustainable, and diverse recreation opportunities through a regional system that includes federal and state parks and local park districts partnerships with government and private entities.

Policy 3.8.1.8.1.1. Cooperate with public agencies and local park districts to provide park and recreation lands, facilities, and opportunities. 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.

a. The Statewide Comprehensive Outdoor Recreation Plan and State Park Master Plans shall serve as a basis for coordination on County-wide park and recreation issues.

b. Support exceptions to Statewide Planning Goals for urban fringe areas owned or acquired and operated by park and recreation districts.

Policy 3.8.2 Work cooperatively public agencies promote standards for consolidation of public land access and to ensure recreational entry to those lands, especially along rivers and streams

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.

## Recreation

Policy ~~3.8.3~~ 8.1.3. Encourage coordination between the U.S. Forest Service, the Bureau of Land Management, and off road vehicle organizations, including motorbikes, ATVs, and snowmobiles in order recreational use interest groups to minimize environmental degradation, agricultural fragmentation, and user conflicts on public and private land property.

~~Policy 3.8.4 Participate in federal recreation planning on federal lands and state park planning on State lands.~~

Policy ~~3.8.5~~ 8.1.4. Support the creation and improvement of accessible park and recreation opportunities in compliance with the Americans with Disabilities Act.

Policy ~~3.8.6~~ 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 ~~3.8.7~~ 8.1.7. Coordinate Work with Unincorporated Communities to identify opportunities for that express an interest in parks, trails, open spaces, and community centers.

Policy ~~3.8.8~~ 8.1.8. Support Coordinate trail design standards and identify specific funding sources for trails as part of future with transportation system plannings and support efforts to provide and manage ensure development of identified priority rural trail segments and bicycle routes.

~~Policy 3.8.9 Support the Committee on Recreational Assets in identifying priority recreation projects, including incorporating as appropriate, elements of the Committee on Recreational Assets into this Plan.~~

~~Policy 3.8.10 Update County Code as needed to define rural recreational uses such as private parks.~~

## Recreation

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 3.4.2.8.1.11. 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 uses 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 a challenge for rural residents along with access to high-speed and reliable internet services.

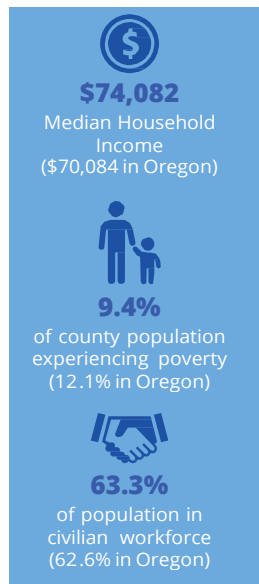
A continued challenge for Deschutes County will be to balance adequate economic opportunity for rural residents with protection of natural resource lands. Community members have expressed interest in providing for new and emerging economic opportunities through renewable energy development, including 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.

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



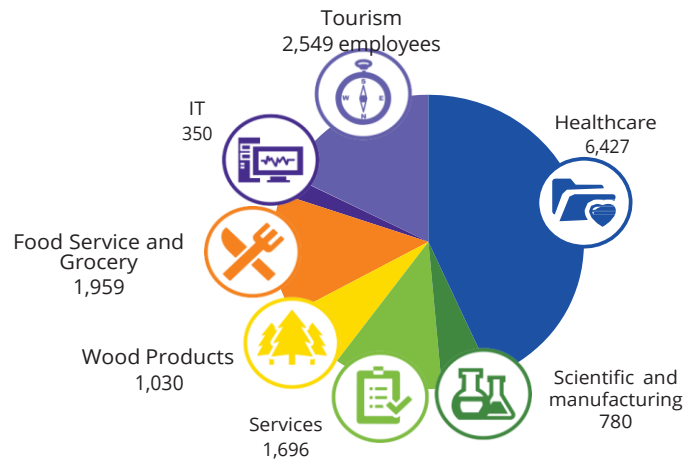
### Primary Industries

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)

### Economic Development

#### 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



## Economic Development

### 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



# 4.27

Million

Annual overnight visitors in Central Oregon (comprised of Deschutes, Crook, Jefferson, and south Wasco counties)



In 2022, employment directly generated by travel spending in Central Oregon was

# 10,270

Jobs (up 13.1%)

# \$28.5

Million in Tax Revenues

Transient Tax Revenues  
in 2022  
Central Oregon as a whole

# \$25.7

Million

Deschutes County alone

# \$293



Average trip spend, per person,  
from an overnight visitor

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

## Economic Development

### 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.



Commented [NM47]: Chapter 3, Section 3.4, Page 10-11

Commented [NM48]: Chapter 4, Section 4.2, Page 9

Commented [NM49]: Chapter 4, Section 4.2, Page 9

## Section 3.4 Rural Economy- Economic Development Goals and Policies

Goal 4 9.1: Maintain a stable, ~~and sustainable, and~~ thriving rural economy, compatible with rural lifestyles and a healthy environment.

Policy ~~3.4.4~~ 9.1.1. Promote rural economic initiatives, including home-based businesses, that maintain the integrity of the rural character and natural environment.

~~a. Review land use regulations to identify legal and appropriate rural economic development opportunities.~~

Policy ~~3.4.3~~ 9.1.2. Support a regional approach to economic development in concert with Economic Development for Central Oregon or similar organizations.

Policy ~~3.4.4~~ 9.1.3. Support growth and expansion of colleges and universities, regional educational facilities, and workforce training programs.

Policy ~~3.4.5~~ 9.1.4. Support renewable energy generation as an important economic development initiative, while taking other community goals and concerns into consideration.

Policy ~~3.4.6~~ 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 ~~3.4.7~~ 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.

## Economic Development

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

Policy ~~3.10.8~~ 9.1.9. Review Policies 3.10.11 through 3.10.13 and initiate Explore need for Deschutes Junction 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.

### *Land Designated and Zoned Rural Commercial*

Policy ~~3.4.8~~ 9.1.11. Update the policies for land designated Rural Commercial as needed.

Policy ~~3.4.9~~ 9.1.12. Rural Commercial designated lands located outside of urban growth boundaries shall allow uses less intense than those allowed in unincorporated communities as defined by OAR 660-22 or its successor. Rural Commercial zoning shall be applied to any new properties that are approved for Rural Commercial-designation as allowed by State Statute, Administrative Rule, and this Comprehensive Plan.

Policy ~~3.4.10~~ 9.1.13. Rural Commercial zoning shall be applied to Deschutes Junction, Deschutes River Woods Store, Pine Forest, Rosland and Spring River.

Policy ~~3.4.11~~ 9.1.14. In Spring River there shall be a Limited Use Combining Zone.

Policy ~~3.4.12~~ 9.1.15. County Comprehensive Plan policies and land use regulations shall ensure that new uses authorized on Rural Commercial designated lands do not adversely affect agricultural and forest uses in the surrounding areas.

Policy ~~3.4.13~~ 9.1.16. Zoning in the area shall



ensure that the uses allowed are rural as required by Goal 14, Urbanization, and less intensive than those allowed for unincorporated communities as defined in OAR 660-22. New commercial uses shall be limited to those that are intended to serve the surrounding rural area or the travel needs of people passing through the area.

Policy ~~3.4.14~~ 9.1.17. 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 ~~3.4.15~~ 9.1.18. 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 ~~3.4.16~~ 9.1.19. An existing lawful use may expand up to 25 percent of the total floor area existing on November 5, 2002.

Policy ~~3.4.17~~ 9.1.20. The Rural Commercial zoning regulations shall allow a mixed use of residential or rural commercial uses.

Policy ~~3.4.18~~ 9.1.21. Residential and commercial uses shall be served by DEQ approved on-site sewage disposal systems.

Policy ~~3.4.19~~ 9.1.22. Residential and commercial uses shall be served by on-site wells or public water systems.

Policy ~~3.4.20~~ 9.1.23. Community sewer systems, motels, hotels and industrial uses shall not be allowed.-

Policy ~~3.4.21~~ 9.1.24. Recreational vehicle or trailer parks and other uses catering to travelers shall be permitted.

#### *Land Designated and Zoned Rural Industrial*

Policy ~~3.4.22~~ 9.1.25. Update the policies for lands designated Rural Industrial as needed.

Policy ~~3.4.23~~ 9.1.26. To assure that urban uses are not permitted on rural industrial lands, land use regulations in the Rural

### **Economic Development**

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 ~~3.4.24~~ 9.1.27. 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 ~~3.4.25~~ 9.1.28. 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 ~~3.4.26~~ 9.1.29. 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 ~~3.4.27~~ 9.1.30. Land use regulations shall ensure that new uses authorized within the Rural Industrial sites do not adversely affect agricultural and forest uses in the surrounding area.

Policy ~~3.4.28~~ 9.1.31. New industrial uses shall be limited in size to a maximum floor area of 7,000 square feet per use within a building, except for the primary processing of raw materials

produced in rural areas, for which there is no floor area per use limitation.

Policy ~~3.4.29~~ 9.1.32. 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 ~~3.4.30~~ 9.1.33. 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 ~~3.4.31~~ 9.1.34. Residential and industrial uses shall be served by DEQ approved on-site sewage disposal systems.

Policy ~~3.4.32~~ 9.1.35. Residential and industrial uses shall be served by on-site wells or public water systems.

Policy ~~3.4.33~~ 9.1.36. Community sewer systems shall not be allowed in Rural Industrial zones.

Policy ~~3.4.34~~ 9.1.37. 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 ~~3.4.35~~ 9.1.38. 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 ~~3.4.36~~ 9.1.39. 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

## Economic Development

Comprehensive Plan. Rural Industrial zoning shall be applied to a new property that is approved for the Rural Industrial Plan designation.

### Section 4.9 Rural Service Center Policies

#### Goals and Policies

#### **No goals have been defined for the Rural Service Centers.**

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 4.9.1 Land use regulations shall conform to the requirements of OAR 660, Divisions 22 or any successor.~~

~~Policy 4.9.2 9.4.1. Rural Service Centers zoning shall be applied to Alfalfa and Brothers and shall consist of three districts: Commercial/Mixed Use, Residential, and Open Space. in Alfalfa, Brothers, Hampton, Whistlestop, and Wildhunt are identified on the Comprehensive Plan Map and shall have zoning consistent with Comprehensive Plan designations.~~

~~Policy 4.9.3 Rural Service Center zoning shall be applied to Hampton, Whistlestop and Wildhunt and shall consist of a single Commercial/Mixed-Use District.~~

~~Policy 4.9.4 The area in the Brothers Rural Service Center Boundary that is north of Highway 20 and east of Camp Creek Road shall be zoned as Rural Service Center – Open Space District (RSC-OS).~~

~~Policy 4.9.5 9.4.2. In April 2002, Alfalfa area residents expressed a desire to keep the community "the way it is" and to limit commercial activity to 2 acres south of Willard Road that is the site of the Alfalfa Community Store and the community water system. These two acres are designated as a mixed use commercial district in the Comprehensive Plan and shall be zoned mixed use commercial. 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. Since the Board of~~

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~~County Commissioners finds it may be necessary to accommodate the need for future commercial expansion 2 acres north of Willard Road are being designated on the Comprehensive Plan for future commercial uses. 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 4.9.6-9.4.3. County Comprehensive Plan policies and land use regulations shall ensure that new land uses authorized within the Alfalfa, Brothers, Hampton, Millican, Whistlestop and Wildhunt Rural Service Centers do not adversely affect agricultural and forest uses in the surrounding areas.~~

~~Policy 4.9.7-9.4.4. Zoning in the area rural service centers 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 4.9.8-9.4.5. Residential and commercial uses shall be served by DEQ-approved on-site sewage disposal systems.~~

~~Policy 4.9.9-9.4.6. Residential and commercial uses shall be served by onsite wells or public water systems.~~

~~Policy 4.9.10-9.4.7. Community water systems, motels, hotels, and industrial uses shall not be allowed.~~

~~Policy 4.9.11-9.4.8. Recreational vehicle or trailer parks and other uses catering to travelers shall be permitted.~~

~~Policy 4.9.12 The County shall consider ways to improve services in the area.~~

## Economic Development

~~consistent with the level of population to be served.~~

## Economic Development





# 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

In 2024, Deschutes County continues to be 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

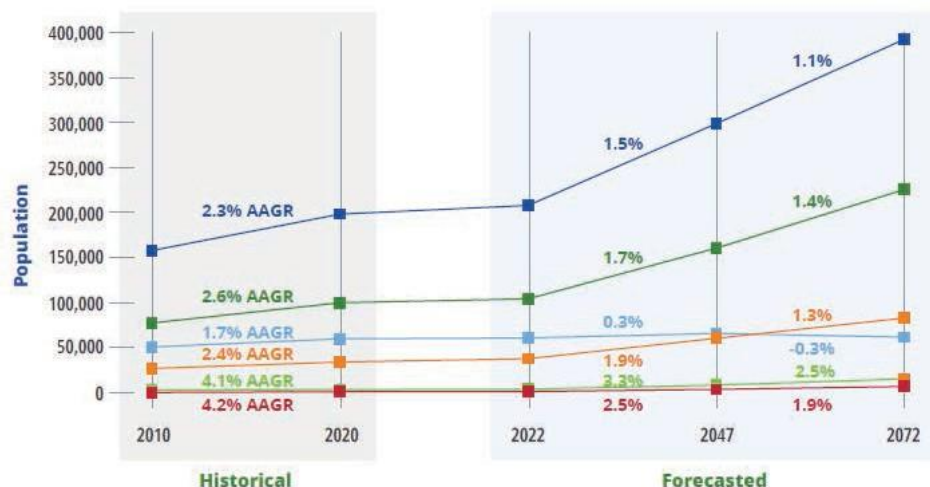
Between 2010 and 2022, Deschutes County processed seven applications to rezone approximately 1,200 acres of property from a non-residential zone to a residential zone, with several more applications recently submitted and under review. Most of these applicants requested rezonings of farmland due to poor





## Housing

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



soil quality for farming. This trend is likely to continue.

#### 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.

## Housing

### 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
<b>Total Vacancies, Resort Areas</b>	<b>887</b>

### 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
<b>Total Vacancies, Rural Residential Areas</b>	<b>3,447</b>

### 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
<b>Total Vacancies, Rural Residential Areas</b>	<b>1,559</b>

### 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.



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## Housing

### 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.

### Section 3.3 Rural Housing Goals and Policies

Goal 4 10.1: Maintain the rural character and safety of 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 3.3.1 Except for parcels in the Westside Transect Zone, the minimum- parcel size for new rural residential parcels shall be 10 acres.

Policy 3.3.2 10.1.1, Incorporate annual farm and forest housing reports into a wider system for tracking the cumulative impacts of rural housing development.

Policy 3.3.3, 10.1.2, Continue to update the County zoning ordinance and work with partnering organizations to Address housing health and safety issues raised by the public associated with housing.

a. The number of large animals that should be permitted on rural residential parcels; or

b. The properties south of La Pine, in Township 22S, Range 10E, Section 36, many of which are not in compliance with planning and building codes.

Policy 3.3.4 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.

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### Housing

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.

Policy 3.3.5 Maintain the rural character of the County while ensuring a diversity of housing opportunities, including initiating discussions to amend State Statute and/or Oregon Administrative Rules to permit accessory dwelling units in Exclusive Farm Use, Forest and Rural Residential zones.

Goal 2 10.2: Support agencies and non-profits that provide affordable housing.

Policy 3.3.6 10.2.1, Support Central Oregon Regional Housing Authority and other stakeholders to meet the housing needs of all Deschutes County residents. by assisting a- Assist, as needed, in coordinating and implementing housing assistance programs.

b. Support efforts to provide affordable and workforce housing in urban growth boundaries and unincorporated communities.

Policy 3.3.7 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 Policy 3.3.8 10.3: Regulate the location and density of housing in the area located between the Bend UGB and Shevlin Park through Westside Transect policies. The transect concept provides a range of development patterns from most to least developed. The Westside Transect Zone implements the transect concept by providing a rural, low density range at the western edge of

~~the Bend UGB adjacent to the urban transect typology inside the Bend UGB and extending outward westerly to the public and forested lands. The Westside Transect Policies set forth below and the zoning ordinance provisions implementing those policies are specific to the area located between the Bend UGB and Shevlin Park and do not apply to other areas adjacent to the Bend UGB.~~

~~Policy 3.3.9 Westside Transect Policies:~~

~~Policy 3.3.9.1 10.3.1.~~ Protect the sensitive eco-systems 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 3.3.9.2 10.3.2.~~ Protect natural resources and environmentally sensitive areas and provide special setbacks between development and Shevlin Park, Tumalo Creek, and forestlands.

~~Policy 3.3.9.3 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 3.3.9.4 10.3.4.~~ Limit residential development to 200 single-family residential lots.

~~Policy 3.3.9.5 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

## Housing

established at the time of creation of any residential lots.

~~Policy 3.3.9.6 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 3.3.9.7 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.

## Housing





# 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, Resort Communities and Destination Resorts are another form of development outside of urban areas. Historically, resort-type development served as a stabilizing force in Central Oregon's economy and drew in new residents and businesses. In recent years, development of destination resorts has become increasingly contentious, with litigation and extensive public participation in land use hearings. Many residents see value in the amenities and economic value associated with destination resorts, although have concerns regarding their natural resource impacts.

### 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.

#### 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 and were platted prior to the

## Unincorporated Communities and Destination Resorts

establishment of the County's subdivision ordinance.

### 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 DESIGNATION

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 are limited in scale, often with only one or several parcels in the designation.

### Destination Resorts

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

Since 1979 destination resorts have increased in importance to the economy of Deschutes County. Sunriver and Black Butte Ranch, as two of the county's original resorts, garnered a national reputation for their recreation facilities and visitor accommodations, serving as touchstones for Deschutes County's tourism industry. 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

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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, beginning in 2006.

### 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 character 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

Goal: To provide guidance for development of unincorporated communities and destination resorts.

~~Section 4.8 Resort Community Policies~~  
~~No goals have been defined for Black Butte Ranch or Inn of 7th Mountain / Widgi Creek Resort Communities~~

#### General Resort Community Policies

Policy ~~4.8.1~~ 11.1.1. Land use regulations shall conform to the requirements of OAR 660 Division 22 or any successor.

Policy ~~4.8.2~~ 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 ~~4.8.3~~ 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 ~~4.8.4~~ 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.





## Unincorporated Communities and Destination Resorts

Policy ~~4.8.5~~ 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 ~~4.8.6~~ 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 ~~4.8.7~~ 11.2.2. The County supports the design review standards administered by the Black Butte Ranch Architectural Review Committee.

Policy ~~4.8.8~~ 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 ~~4.8.9~~ 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 ~~4.8.10~~ 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 ~~4.8.11~~ 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 ~~4.8.12~~ 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 ~~4.8.13~~ 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 ~~4.8.14~~ 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 ~~4.8.15~~ 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 ~~4.8.16~~ 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.

## Unincorporated Communities and Destination Resorts

- 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 ~~4.8.17~~ 11.3.1. Police protection services shall be provided by the Black Butte Ranch Police Services District.

Policy ~~4.8.18~~ 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 ~~4.8.19~~ 11.3.3. The Black Butte Ranch Water Distribution Company shall provide water service for the Black Butte Ranch Resort Community.

Policy ~~4.8.20~~ 11.3.4. The Black Butte Ranch Corporation shall provide sewer service for Black Butte Ranch.

Policy ~~4.8.21~~ 11.3.5. The Black Butte Ranch Fire Protection District shall provide fire protection services for Black Butte Ranch.

Policy ~~4.8.22~~ 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 ~~4.8.23~~ 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 ~~4.8.24~~ 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,

## Unincorporated Communities and Destination Resorts

areas/features of historical importance and other natural features.

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

Policy ~~4.8.25~~ 11.5.1. Police protection services shall be provided under contract with the Deschutes County Sheriff.

Policy ~~4.8.26~~ 11.5.2. Water service shall be supplied by on-site wells for the Inn/Widgi Resort Community.

Policy ~~4.8.27~~ 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 ~~4.8.28~~ 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 ~~4.8.29~~ 11.5.5. The Resort Community, not Deschutes County, shall maintain roads in the community.

Policy ~~4.8.30~~ 11.5.6. The bicycle/pedestrian path system shall be maintained by the Inn/Widgi Owners Association.

Policy ~~4.8.31~~ 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

### ~~Section 3.9~~ Destination Resorts Policies

Goal ~~4.11.6~~ 11.6: To 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.

~~Goal 2 Policy 11.6.1. To provide a process for the siting of destination resorts on rural lands- 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 3 To provide for the siting of destination resort facilities that enhances and diversifies the recreational opportunities and economy of Deschutes County.~~

Goal ~~4.11.7~~ 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 3.9.1-11.7.1.~~ 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.

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.

### Unincorporated Communities and Destination Resorts

~~Policy 3.9.2 Applications to amend the map will be collected and will be processed concurrently no sooner than 30 months from the date the map was previously adopted or amended.~~

Policy 3.9.3 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;
  - 5) Especially sensitive big game habitat, and as listed below, as generally mapped by the Oregon Department of Fish and Wildlife in July 1984 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.

**Unincorporated Communities and Destination Resorts**

### Unincorporated Communities and Destination Resorts

d. For those lands not located in any of the areas designated in Policy ~~11.7.4.3.9.5~~ 11.7.4.3.9.5(a) though (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 adopted a map in 2010 showing where destination resorts can be located in the County. The map is part of the Comprehensive Plan and Zoning Ordinance and shall be the basis for the overlay zone designated Destination Resort (DR).

Policy ~~3.9.4.11.7.5~~ 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 11.7.5 ~~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

### Unincorporated Communities and Destination Resorts

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.

### Section 4.5 SUNRIVER POLICIES

~~No goals have been defined for the Sunriver Urban Unincorporated Community.~~

#### General Sunriver Policies

Policy ~~4.5.1~~ 11.8.1. Land use regulations shall conform to the requirements of OAR 660 Division 22 or any successor.

Policy ~~4.5.2~~ 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 ~~4.5.3~~ 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 ~~4.5.4~~ 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 ~~4.5.5~~ 11.8.5. Public access to the Deschutes River shall be preserved.

Policy ~~4.5.6~~ 11.8.6. The County supports the design review standards administered by the Sunriver Owners Association.

#### Sunriver Residential District Policies

Policy ~~4.5.7~~ 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 ~~4.5.8~~ 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 ~~4.5.9~~ 11.10.2. No additional land shall be designated Commercial until the next periodic review.

Policy ~~4.5.10~~ 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.

### Unincorporated Communities and Destination Resorts

Policy 4.5.11.11.10.4. 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

4.5.12 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 4.5.13 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 4.5.14 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.





## Unincorporated Communities and Destination Resorts

### Sunriver Resort District Policies

Policy ~~4.5.15~~ 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 ~~4.5.16~~ 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 ~~4.5.17~~ 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 ~~4.5.18~~ 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 ~~4.5.19~~ 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 ~~4.5.20~~ 11.14.2. 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 ~~4.5.21~~ 11.14.3. 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 ~~4.5.22~~ 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 ~~4.5.23~~ 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 ~~4.5.24~~ 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 ~~4.5.25~~ 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 ~~4.5.26~~ 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.

## Unincorporated Communities and Destination Resorts

Policy ~~4.5.27~~ 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.

Policy ~~4.5.34~~ 11.2.2. 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.

### Sunriver General Public Facility Policies

Policy ~~4.5.28~~ 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 ~~4.5.29~~ 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 ~~4.5.30~~ 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.

Policy ~~4.5.35~~ 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 ~~4.5.36~~ 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.

### Section 4.4 La Pine

#### Background

~~On November 7, 2006, residents of the La Pine Urban Unincorporated Community voted to incorporate. One 2.7-acre parcel was not included with the City of La Pine or its Urban Growth Boundary and remains within the La Pine Urban Unincorporated Boundary.~~

#### Comprehensive Plan Designations

~~1. Community Facility Limited District. This plan designation includes a 2.7-acre parcel described as Part of Lot 6 of the Newberry neighborhood subdivision and further identified on Deschutes County Assessor's Tax Map 22-10 as Tax Lot 116.~~

#### Goals and policies

~~No goals have been defined for the La Pine Urban Unincorporated Community.~~

~~Policy 4.4.1. Land use regulations shall conform to the requirements of OAR 660 Division 22 or any successor.~~

### Section 3.10 Area Specific Policies

#### Goals and Policies

~~Goal 1 Create area specific land use policies.~~

- Sunriver Water Facility Policies
- Policy ~~4.5.31~~ 11.18.1. Water service shall continue to be provided by the Sunriver Utilities Company.
- Sunriver Sewer Facility Policies
- Policy ~~4.5.32~~ 11.19.1. Sewer service shall continue to be provided by the Sunriver Utilities Company.
- Sunriver Transportation System Maintenance Policies
- Policy ~~4.5.33~~ 11.20.1. Privately-maintained roads within the Sunriver Urban Unincorporated Community boundary shall continue to be maintained by the Sunriver Owners Association.

### Unincorporated Communities and Destination Resorts

and/or regulations when requested by a community and only after an extensive public process.

frontage road extending north from Tumalo Road on the west side of Highway 97.

*Policy 3.10.1* Maintain a list of communities interested in area-specific policies and as resources permit, initiate public processes to address local issues.

*South Deschutes County*

*Policy 3.10.2* Develop a south-county community plan and adopt it as a subsection of this Plan.

*Oregon Military Site*

*Policy 3.10.3* Support an overlay zone for property owned and/or utilized by the Oregon Military Department to protect the military site and neighboring properties from noise and land use conflicts.

*Regional Coordination*

*Policy 3.10.4* Coordinate with Jefferson County and Crooked River Ranch residents as needed.

*Deschutes Junction*

*Policy 3.10.5* Maximize protection of the rural character of neighborhood in the Deschutes Junction area while recognizing the intended development of properties designated for commercial, industrial and agricultural uses.

*Policy 3.10.6* Review cumulative impacts of future development and future traffic improvements in the Deschutes Junction area in a manner consistent with Deschutes County traffic study requirements at 17.16.115, The Oregon Highway Plan, access management standards of the OAR Chapter 734, Division 51, and OAR 660, Division 12, the Transportation Planning Rule (TPR).

*Policy 3.10.7* Support safe and efficient travel around Deschutes Junction, including a

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## Public Facilities





## 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.

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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.

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Public Facilities

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.

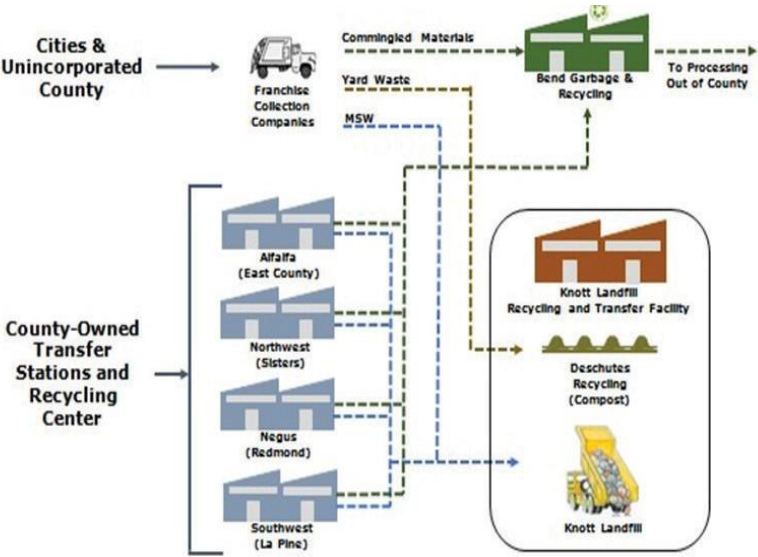
SOLID WASTE

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 development process, which is anticipated to be completed in 2029. In the future, the County will likely need to site addition facilities to support composting, recycling, and waste stream diversion facilities.

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





## Public Facilities

### 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. Following incorporation in 2007, the City of La Pine joined these efforts. 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.

### SCHOOLDISTRICTS

There are three school districts in Deschutes County:

- Bend-La Pine (SD 1),
- Redmond (SD 2)) 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.)

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## Public Facilities

### 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 delivery of water to municipal and industrial entities, and pond maintenance.

### 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.

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### 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 entity led by a locally elected board of directors who serve without pay.

### 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 TDS and satellite providers. Internet access is provided by a variety of entities.

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##### 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.

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##### 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

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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.

## Public Facilities

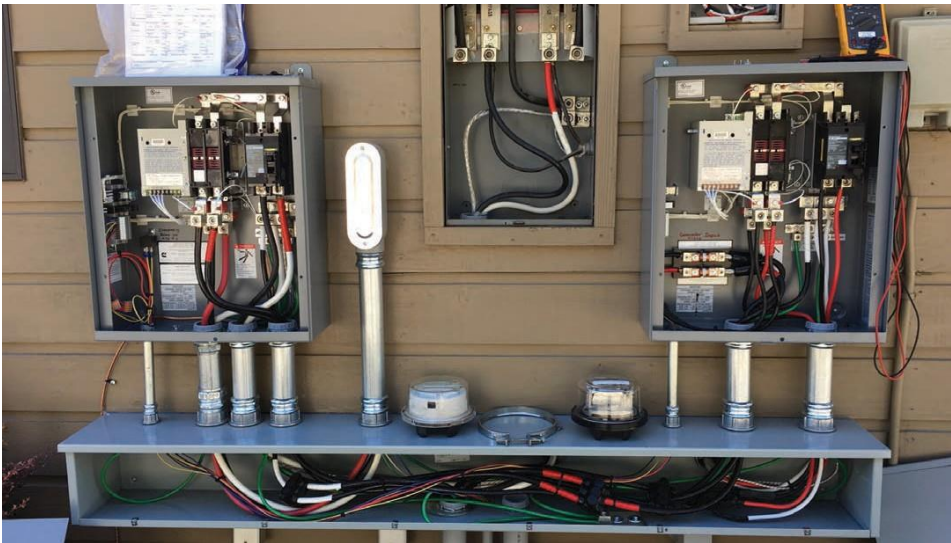
### Key Community Considerations

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.

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## Goals and Policies

Goal 4 12.1: Support the orderly, efficient, and cost-effective siting of rural public facilities and services.

~~Policy 3.6.4 12.1.1. Encourage and support the formation of special service districts to serve rural the needs for public facilities in rural areas rather than have the County serve those needs.~~

~~Policy 3.6.2 12.1.2. Encourage and support early planning for and acquisition of sites needed for public facilities, such as roads, transportation, water, and wastewater facilities.~~

~~Policy 3.6.3 12.1.3. Support the siting of community health clinics, hospitals, and private medical practices to serve rural residents throughout the County.~~

~~Policy 3.6.4 Where possible, maintain County offices in locations convenient to all areas of the county.~~

~~Policy 3.6.5 12.1.4. Continue to support the County Fairgrounds as a community gathering place, event facility and home to the annual County Fair.~~

~~Policy 3.6.6 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 3.6.7 12.1.6. Before Prior to disposing of County-owned property review, consider whether the land is appropriate for needed public projects such as schools, health clinics, fire stations, or senior centers, or affordable housing.~~

~~Policy 3.6.8 12.1.7. Coordinate with rural service districts and providers to ensure new development is reviewed review development proposals with consideration of service districts and providers needs and capabilities.~~

~~Policy 3.6.9 12.1.8. Use the land use entitlement process to ensure A new~~

## Public Facilities

development shall addresses and mitigates impacts on existing and planned public facilities through the land use entitlement process.

~~Policy 3.6.10 12.1.9. Support education districts, library districts, and recreation districts in meeting community needs, such as meeting spaces.~~

~~Policy 3.6.11 12.1.10. Where possible practicable, locate utility lines and facilities within or adjacent to existing rights-of-way to avoid dividing farm or forest lands.~~

~~Policy 3.6.12 12.1.11 Use the development code Review public facilities and services to mitigate minimize visual and other impacts of the public facilities and cell towers on the larger community.~~

~~a. Review and revise as needed County Code to require screening of public facilities including power generation facilities and sewage treatment plants, and to address impacts from cell towers.~~

~~Policy 3.6.14 12.1.12. Use the Comprehensive Plan and Development Code to Guide the location and design of rural development so as to minimize the in a manner that supports the orderly and cost-efficient provision of public costs of 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.

## Public Facilities

Policy 12.2.3. Encourage waste reduction through community education and partnerships with community groups such as the Environmental Center.

Policy 3.6.13-12.2.4. 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

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## Transportation





## 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



## Energy

### 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

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

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

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## Energy

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.

### 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".

**Commented [NM74]:** Chapter 2, Section 2.8, Page 62

**Commented [NM73]:** Chapter 2, Section 2.8, Page 62

## 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 4 14.1: Promote energy conservation and alternative energy production

Policy ~~2.8.4~~ 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 ~~2.8.2~~ 14.1.2. Reduce energy demand by supporting energy efficiency in all sectors of the economy.

Policy ~~2.8.3~~ 14.1.3. Encourage energy suppliers to explore innovative alternative energy conservation technologies and provide energy audits and incentives to patrons.

Policy ~~2.8.4~~ Support stakeholders that ~~promote energy conservation.~~

Policy 2.8.5 14.1.4. ~~Review County Code and revise as needed to ensure effective energy conservation regulations, such as revising County Code on solar energy to create~~ Provide flexibility and permit ~~exceptions exemptions~~ for small properties and ~~anomalous sites with specific anomalies in the development code to promote energy conservation.~~

Goal 2 14.2 Promote affordable, efficient, reliable, and environmentally sound commercial energy systems for individual homes and

14-5 | Deschutes County Comprehensive Plan

## Energy

business consumers.

Policy ~~2.8.6~~ 14.2.1. ~~Review County Code and revise as needed to~~ Promote development of solar, hydropower, wind, geothermal, biomass and other alternative energy systems ~~for homes and businesses and while~~ mitigate impacts on neighboring properties and the natural environment.

Policy ~~2.8.7~~ 14.2.2. ~~Support~~ Provide incentives for homes and businesses to install small-scale on-site alternative energy systems consistent with adopted County financing programs.

Goal 3 ~~Promote affordable, efficient, reliable and environmentally sound commercial energy facilities.~~

Policy 14.2.3. Support development of electric vehicle charging stations and facilities to help promote use of electric vehicles.

Policy ~~2.8.8~~ 14.2.4. ~~Review Use the County development code and revise as needed to develop an efficient permitting process and effective siting standards for~~ to promote commercial renewable energy projects while that addressing all project components as well as and mitigating impacts on the community and natural environment environmental and social impacts.

Policy ~~2.8.9~~ Support commercial renewable energy projects, including the following:

a. Policy 14.2.5. Review the concept of Use Oregon's Rural Renewable Energy Development Zones to support the creation of renewable energy projects.

b. Policy 14.2.6. Support studies that identify, protect, and support and inventory the development of potential significant commercial renewable energy sites and resources sites

c. ~~Examine alternatives to protect identified significant commercial energy resource sites;~~

d. ~~Support the use and marketing of methane-~~

## Energy

~~gas from County Landfills.~~

~~2.8.10 Encourage commercial renewable energy providers to supply local power.~~

~~2.8.11 Goal 5 energy inventories, ESEEs, and programs are retained and not repealed.~~

Policy 14.2.7. 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 Section



## Appendix E - Goal 5 Supplemental Sections

**Appendix E - Goal 5 Supplemental Sections**

# Deschutes County Comprehensive Plan



DESCHUTES  
COUNTY  
**2040**



Updated June 3, 2025

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# 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, 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.

### Oregon Statewide Land Use Planning Program

Establishes a consistent, statewide approach to planning and development. Development is encouraged to be concentrated into cities while farm, forest, and natural resource areas are encouraged to be protected from development.

### Implementing Oregon Revised Statute and Rule

Provides very specific criteria for development outside of city limits, including permitted uses and development types on farm and forest lands. Counties are required to abide by these regulations when reviewing development proposals.

### County Plans and Development Codes

Integrates statewide planning program goals, statute, and rule at the county level. Where the statewide planning program goals allow local discretion, implements locally developed plans and regulations.

## 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



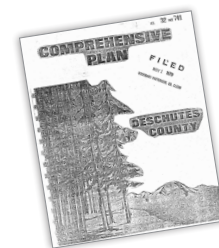
**1941**  
Roberts Airfield completed  
allowing flights to Central  
Oregon for the first time



**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

**23**

Months

**1,500**Unique Website  
Visitors**520**

Email Contact List

**29,000**Social Media  
Impressions**296**In-Person Attendees  
at Open Houses**15**

News Stories

**361**Online Open House  
Survey Responses**8**Planning  
Commission  
Meetings**66**Small-Group Meetings  
and Stakeholder  
Discussions**422**Small Group  
Attendees**2**Staff Community  
Engagement Trainings**3**Board  
Work Sessions

## 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 7, 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.

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.

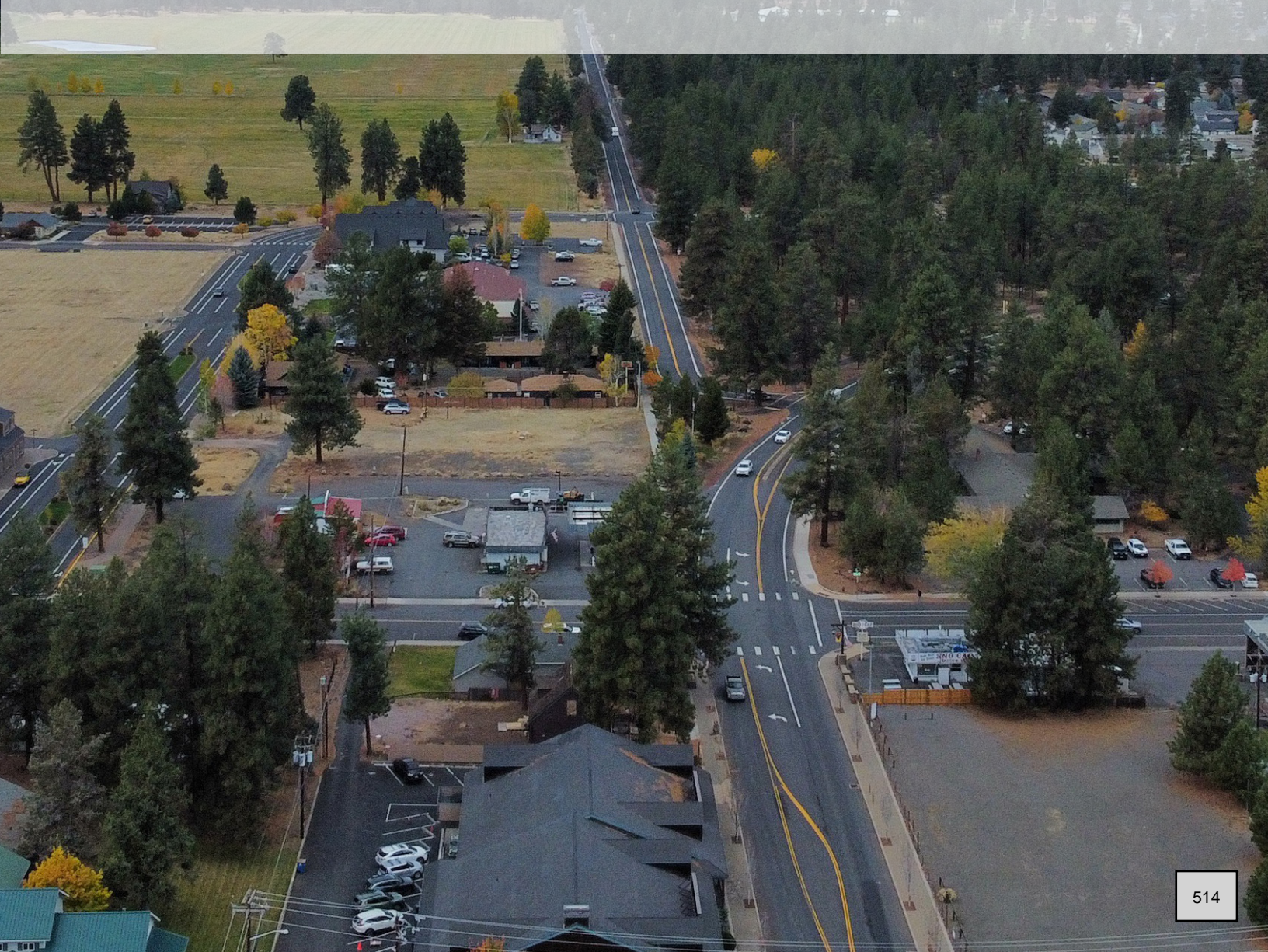
**Policy 1.2.6.** Maintain open and civil discourse among Committee members and with the public.





# 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 helping 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, are available through the Deschutes County 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 next 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.

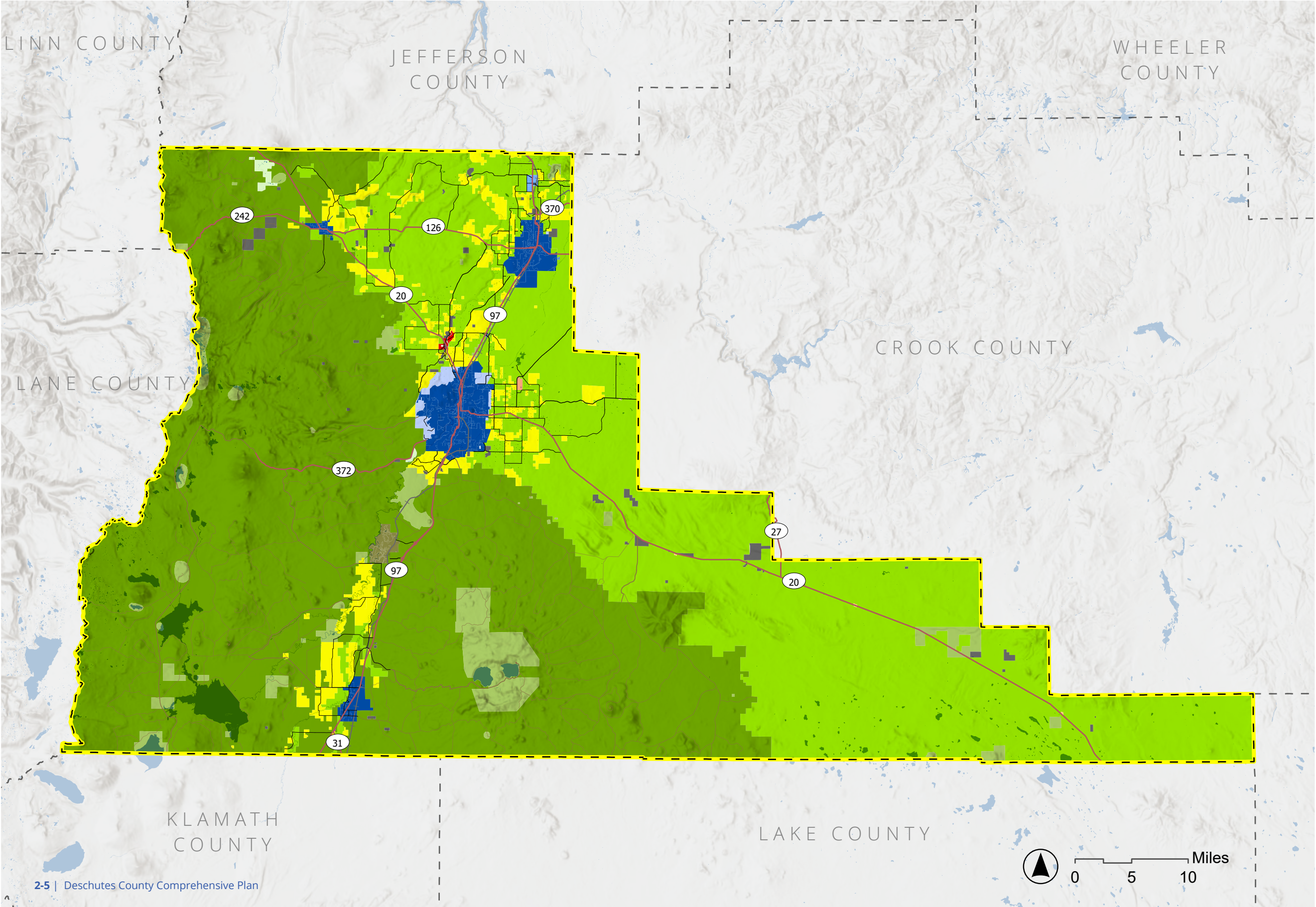
### Zoning Designations

Zoning designations in Deschutes County are shown in the table below and 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.

Comprehensive Plan Designation	Purpose Statement	Associated Zoning Designation
<b>County-wide Designations</b>		
Agriculture	To preserve and maintain agricultural lands for farm use.	Exclusive Farm Use
Airport Development	To allow development compatible with airport use while mitigating impacts on surrounding lands.	Airport Development Airport Safety
Destination Resort Combining Zone	To show lands eligible for siting a destination resort.	Destination Resort
Forest	To conserve forest lands for multiple forest uses.	Forest Use 1 Forest Use 2
Open Space & Conservation	To protect natural and scenic open spaces, including areas with fragile, unusual or unique qualities.	Open Space & Conservation
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.	Rural Residential Multiple Use Agricultural
Surface Mining	To protect surface mining resources from development impacts while protecting development from mining impacts.	Surface Mine
<b>Area Specific Designations</b>		
Resort Community	To define rural areas with existing resort development that are not classified as a destination resort, based on OAR 660-22 or its successor.	All Black Butte Ranch, Inn at 7th Mountain, Widge Creek subzones
Rural Community	To define rural areas with limited existing urban-style development, based on OAR 660-22 or its successor.	All Tumalo and Terrebonne subzones
Rural Service Center	To define rural areas with minimal commercial development as well as some residential uses, based on OAR 660-22 or its successor.	Rural Service Center
Urban Unincorporated Community	To define rural areas with existing urban development, based on OAR 660-22 or its successor.	All Sunriver subzones
Rural Commercial	To define existing areas of isolated rural commercial development that do not fit under OAR 660-22.	Rural Commercial
Rural Industrial	To define existing areas of isolated rural industrial development that do not fit under OAR 660-22.	Rural Industrial
Urban Growth Boundaries	To define land that provides for urban development needs and identifies and separates urban and urbanizable land from rural land.	Redmond: Urban Holding Sisters: Urban Area Reserve Bend: Urbanizable Area
Bend Urban Area Reserve	To define lands outside of Bend's Urban Growth Boundary that were under the jurisdiction of the Bend Area General Plan. These areas were removed in September 2016 through the 2016 amendment to the Bend Urban Growth Boundary. These areas are now under the jurisdiction of the County's Comprehensive Plan.	Urban Area Reserve Westside Transect Suburban Low-Density Residential Surface Mine Urban Standard Residential Light Industrial Flood Plain
Redmond Urban Area Reserve	To define Redmond's additional 30-year growth boundary for lands expected to be brought into the Urban Growth Boundary.	Redmond Urban Reserve Area



# 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

Prepared by MIG  
Revised 7/31/2023

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.



## 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 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

## 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 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

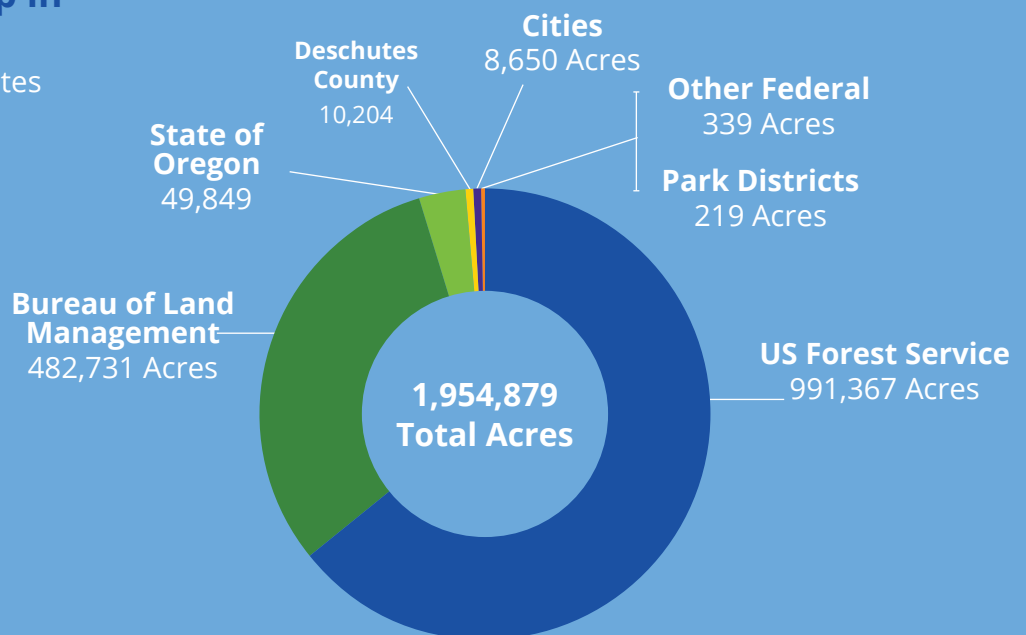
Bend is the largest incorporated area in Deschutes County. It is centrally located in the county, with Highways 20 and 97 crossing paths through the center of the city. Bend has experienced rapid growth in the last few years, accelerated by the COVID-19 pandemic and “Zoom Town” remote working trends. 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.

### 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.

## Public Land Ownership in Deschutes County

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





### 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 (12 Stat. 963), the Confederated Tribes of Warm Springs ceded approximately 10.2 million acres to the United States Government and reserved the Warm Springs Reservation for its exclusive use. The Treaty further reserved to the Tribes rights to take fish at all usual and accustomed stations, and to hunt, gather roots and berries, and pasture livestock on unclaimed lands. The map on page 2-9 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

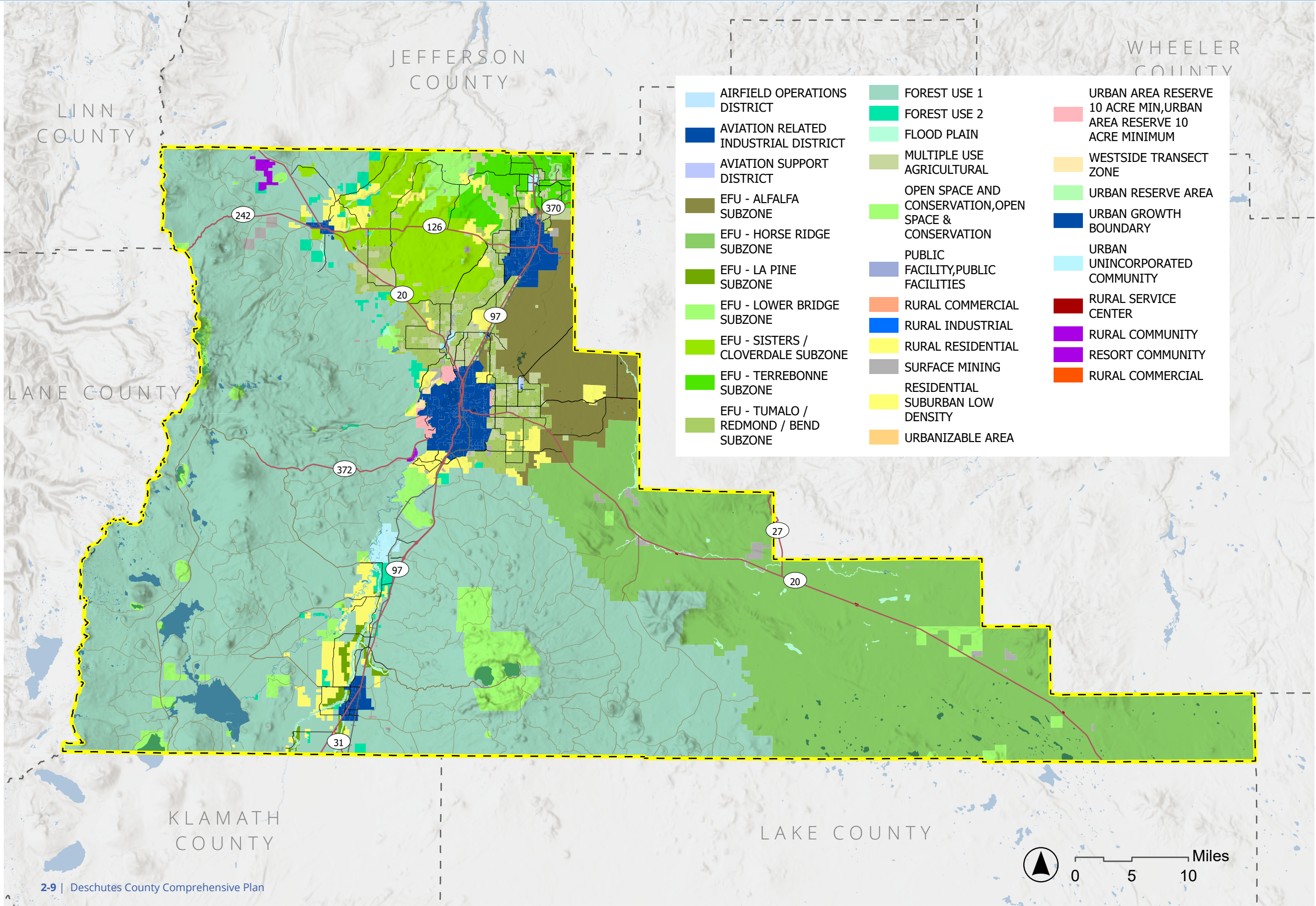
The rapid pace of growth in Deschutes County and its impacts on urban, rural, natural, and recreational areas has been one of the most significant – and at times the most controversial – topics of discussion among project participants. Some topics and comments include:

- 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.







A PLAN FOR THE FUTURE

- Water Bodies
- County Boundary

Transportation

- State Routes
- Railroad
- County Lines





## 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.

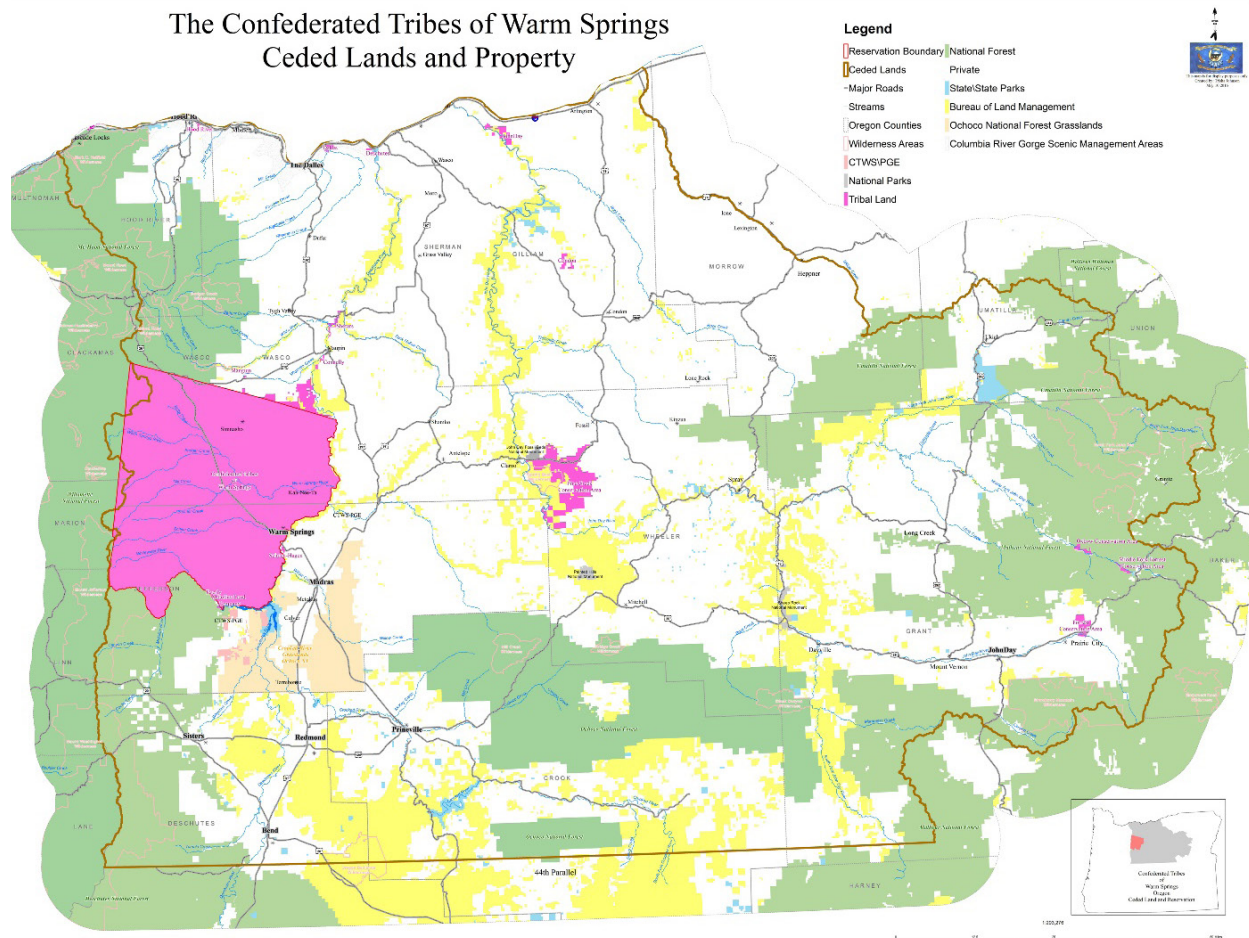
**Policy 2.1.1.** Balance the consideration of private property rights and the economic impacts of land use decisions on property owners with incentives to preserve agricultural and forest land, wildlife habitat, ground and surface water resources, wetlands, riparian areas, open areas and other community 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, community wildfire protection, 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.** The Central Oregon Regional Large Lot Industrial Land Need Analysis ("Analysis"), adopted by Ordinance 2013-002 is incorporated by reference herein.

**Policy 2.2.10.** 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 2.2.11.** 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







Photo Credit: Amanda Photographic

## 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, unsustainable harvest levels, 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.





Photo Credit: Amanda Photographic

## 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. 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.

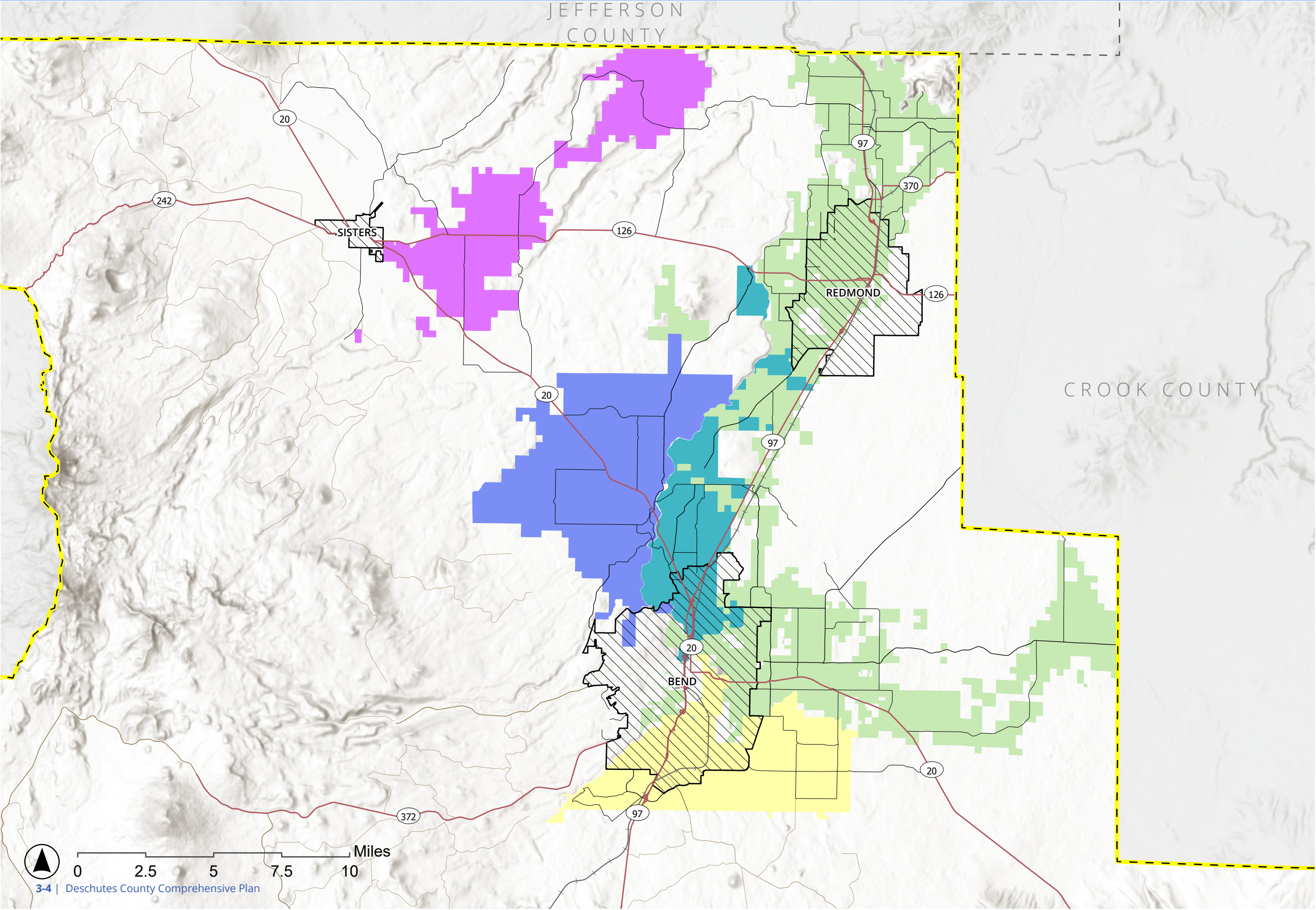
State regulations limit residential and non-forestry related development on forest lands and the County sees only a few applications for

## Days Above 90 Degrees in Brothers



Note: Historic data for days above 90° is not available.





A PLAN FOR THE FUTURE

### Irrigation Districts

- Three Sisters Irrigation District (est. 1891)
- Swalley Irrigation Dist (DRIC) (est. 1899)
- Arnold Irrigation District (est. 1905)
- Central Oregon Irrigation District (est. 1918)
- Tumalo Irrigation District (est. 1922)

### Transportation

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

Prepared by  
Revised 8/1/2023

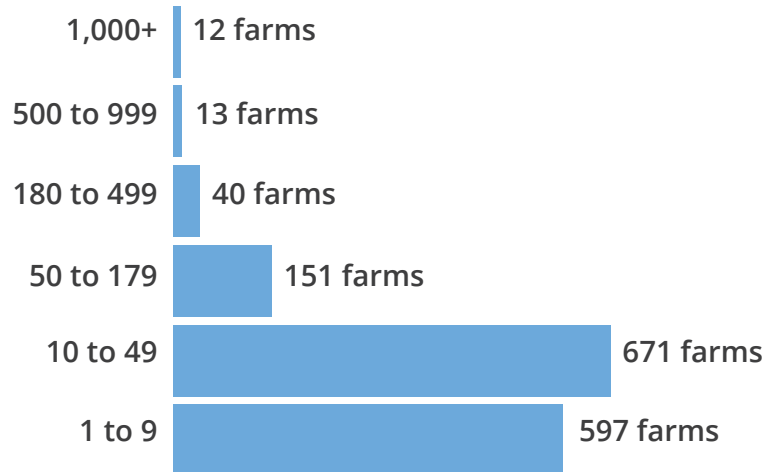


This map is for information purposes only. The County's official zoning and comprehensive plan maps can be accessed through the Deschutes County Dial Property Information System. Please note that these maps do not represent all of the County's combining and overlay zones.

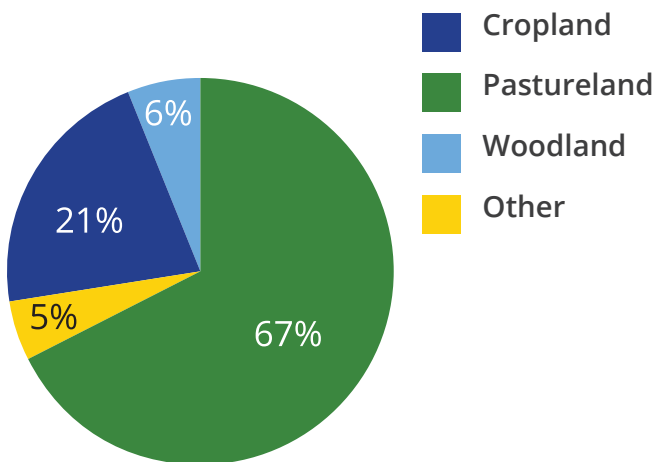
development in these areas each year. Even with this limitation on development, forest managers and service providers continue to express concern with wildfire risk associated with residential development in heavily wooded areas.

Most lands in either of these classifications within Deschutes County are federally owned and managed by the US Forest Service (USFS). 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

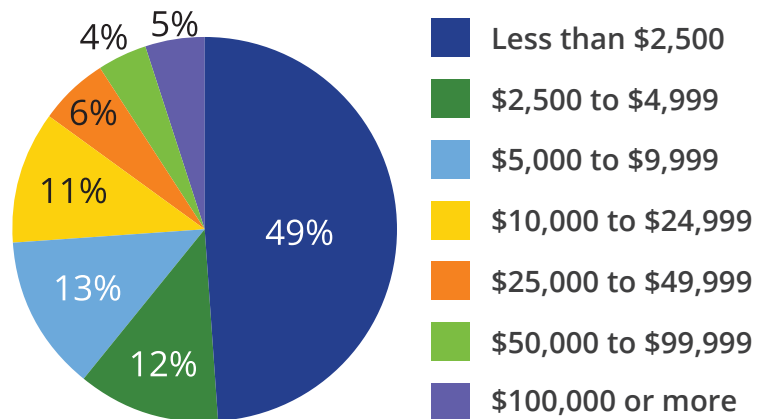
## Farms By Size (acres)



## Land in Farms by Use



## Farms By Value of Sales



Subzone Name	Minimum Parcel Size <i>(for farm divisions and farm-related dwellings)</i>	Profile
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 USFS.
- **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. An emerging challenge is the prevalence of houseless encampments on and adjacent to federal lands. These encampments can cause conflicts with other trail users and increase fire risk.

## 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 7: Natural Hazards, and Chapter 9: Economic Development. These strategies are underpinned by the following results of Comprehensive Plan outreach efforts.

- There is strong support for conducting educational outreach to encourage water conservation and on-farm efficiency measures.
- 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.
- 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.
- Participants expressed support for investment in the agricultural economy through grants or exploring a farmland conservation program.



*Photo Credit: Amanda Photographic*

## 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-zones 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 clarify 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 community members and stakeholders, including but not limited to farmers, 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.

**Policy 3.2.10.** Explore program to utilize compost from Solid Waste Department on farm lands to improve soils, productivity, water, efficiency, and facilitate disposal of yard debris and compostable materials.

**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.** Work with the state to review and revise accessory farm dwelling requirements to address the needs of local farmers, including removal of parcel size restrictions.

**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 the value of high desert environments 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 (USFS), the Bureau of Land Management (BLM) and other public agencies to promote sustainable forest uses, including community wildfire



protection projects, recreation facilities, habitat enhancements, and biomass facilities, on public forest land, including currently adopted Forest and Land Management Plans prepared by the USFS and 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 USFS;
- b. Using the Prineville BLM Upper Deschutes Resource Management Plan, or its successor, as the basis for mutual coordination and cooperation with the BLM.

**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 and improve fish and wildlife habitat.

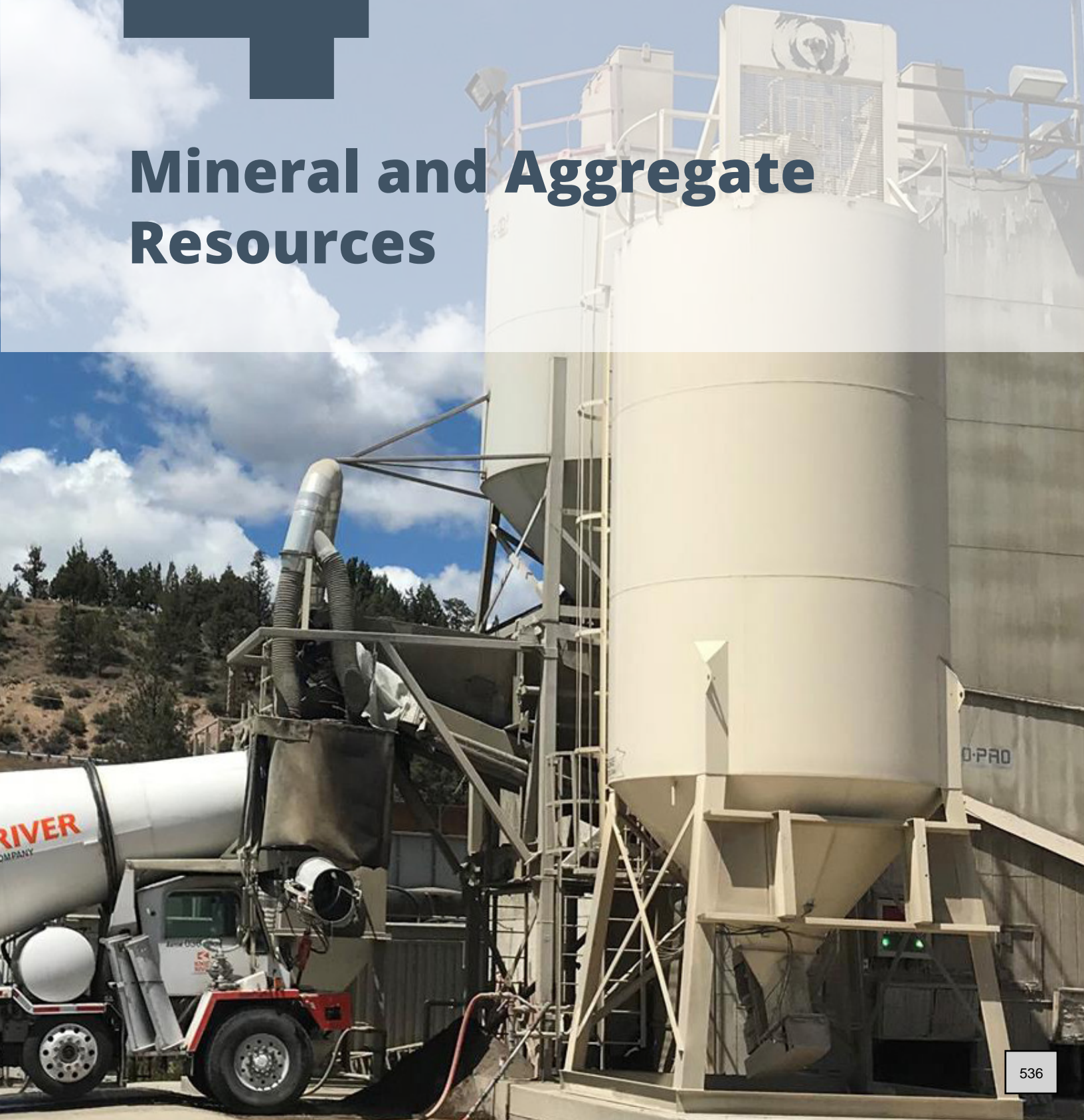
**Policy 3.4.11.** Continue to review and revise the County Code as needed to ensure development in forest zones minimizes and/or mitigates impacts on fish and wildlife habitat, forest health, and wildfire resiliency.



*Photo Credit: Amanda Photographic*

# 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.

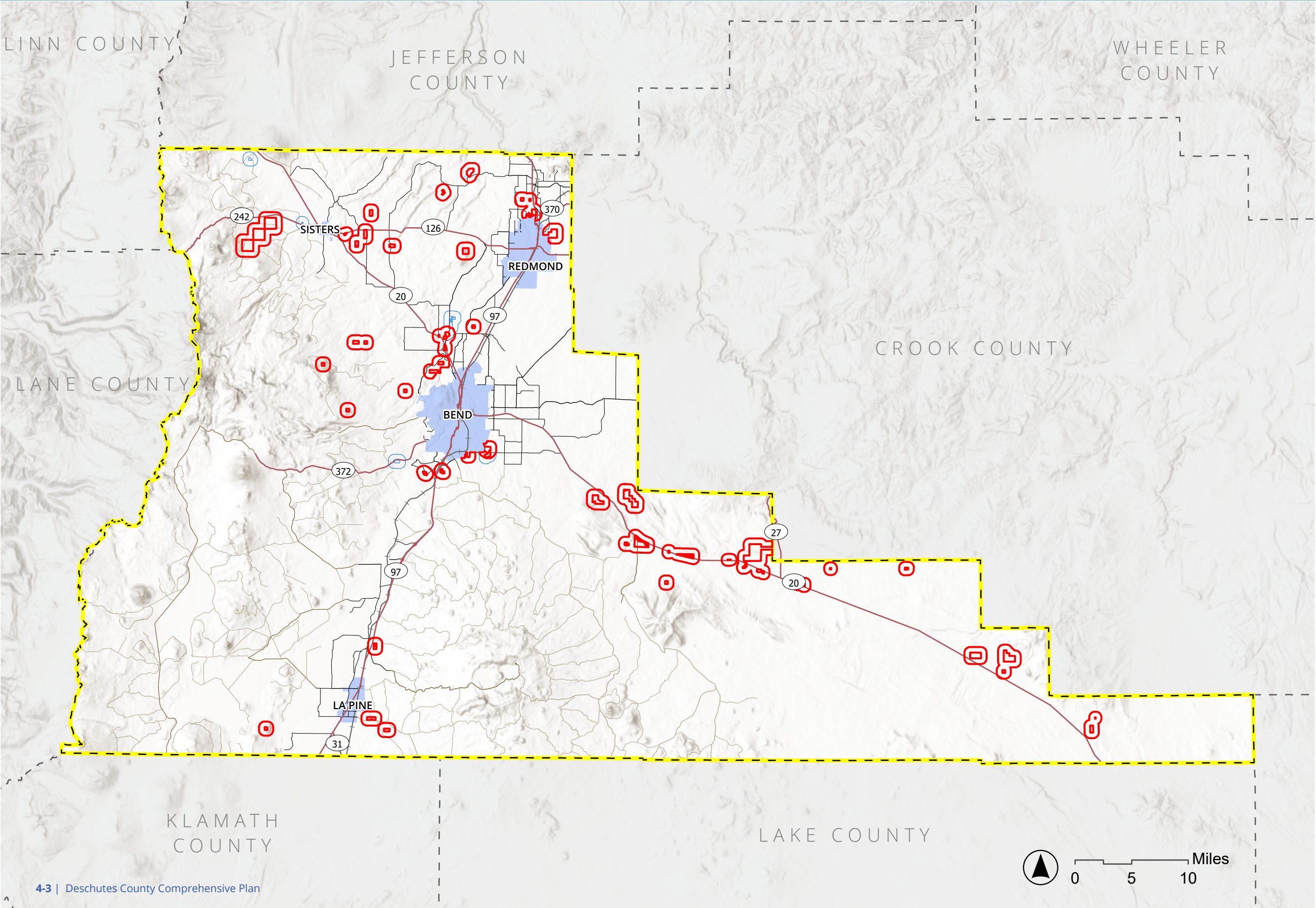
## Context

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.





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



## 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, vehicle collisions, poaching, predation, and disease.

### SCENIC VIEWS AND OPEN SPACE

The 2010 Greenprint<sup>1</sup> 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.

<sup>1</sup> The Trust for Public Land. Oregon's Playground Prepares for the Future: A Greenprint for Deschutes County. 2010. [http://cloud.tpl.org/pubs/local\\_or\\_deschutes%20greenprint.pdf](http://cloud.tpl.org/pubs/local_or_deschutes%20greenprint.pdf)



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

Deschutes County contains groundwater resources, defined as water that exists underground in saturated zones beneath the land surface<sup>2</sup>, and surface water resources. Surface water refers to streams, lakes, rivers, and reservoirs<sup>3</sup>.

Groundwater is used for a variety of permitted and exempt activities. Residential wells in the rural county make up the largest user group of groundwater, and are exempt from any permit, provided that the property owner abides by specific standards. Water rights and/or permits are required for other major use categories, such as quasi-municipal or municipal uses, pond maintenance, irrigation and other commercial and industrial activities.<sup>4</sup>

The Deschutes River and its tributaries serve as the region's surface water resources. Surface water rights in the Upper Deschutes Basin are fully allocated, meaning no new surface water rights can be issued. Approximately 86% of basin water rights are associated with agriculture, 12% associated with instream uses, and 2% associated with municipal uses<sup>5</sup>.

## 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.



<sup>2</sup> US Geological Survey Definition - Groundwater

<sup>3</sup> US Geological Survey Definition - Surface Water

<sup>4</sup> Oregon Water Resources Department. 2021 Review of the Deschutes Basin Groundwater Mitigation Program. <https://www.oregon.gov/owrd/WRDReports/5YearDeschutesGWMitigationProgramReport.pdf>

<sup>5</sup> Bureau of Reclamation and Oregon Water Resources Department. 2019 Upper Deschutes River Basin Study. [https://cdn.prod.websitefiles.com/667093eeb1bb316e69f0e9c6/667093eeb1bb316e69f0e9d8\\_Upper%20Deschutes%20River%20Basin%20Study%20Final.pdf](https://cdn.prod.websitefiles.com/667093eeb1bb316e69f0e9c6/667093eeb1bb316e69f0e9d8_Upper%20Deschutes%20River%20Basin%20Study%20Final.pdf)

Groundwater and surface water in Deschutes County are closely tied. Numerous studies have noted the interconnections between stream flow and well levels over time in Deschutes County. Programs, such as the Deschutes Basin Groundwater Mitigation Program, seek to monitor these connections.

Deschutes County plays a coordination role along with the Oregon Department of Water Resources, Soil and Water Conservation Districts, irrigation districts, water users, owners of private wells, and other stakeholders 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.

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

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.

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.



Credit: Andrew Walch/ODFW



## ELK

The Land and Resource Management Plan for the Deschutes National Forest identifies six 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.

## Scenic Views and Open Space

Deschutes County has a rich abundance of open space. Approximately 79% of land in Deschutes County is federally owned, providing ample open space and scenic views adjacent to these areas. 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 for habitat, and safety zones from natural hazards such as flooding and wildfire.

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 specific 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.

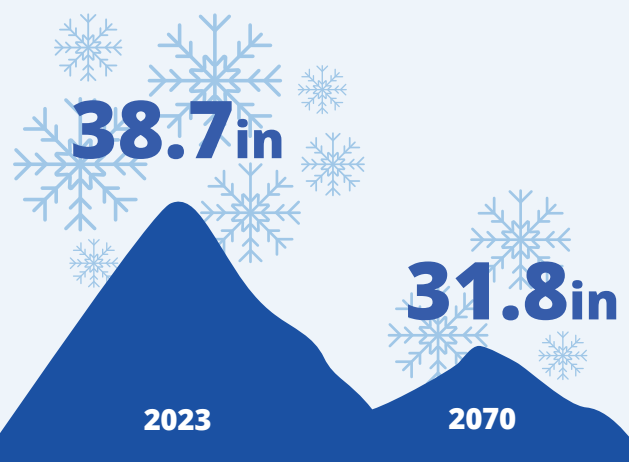
It is important to underscore that the primary water resource management process occurs outside of the state land use planning system. Oregon land use and water management are not integrated; there are no overarching administrative rules that consider statewide water management in conjunction with land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

### 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>6</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 century and between 18% and 43% by the end of the century.

<sup>6</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>

### Average Snowpack near Mt. Bachelor Base Village on April 1



## 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 USE

The groundwater aquifer is roughly 1,000 feet thick across significant parts of the basin and is replenished yearly by the Cascades' precipitation.

A report from GSI water solutions in 2022 noted the Upper Deschutes Basin receives over 4,000 cubic feet per second (cfs) of annual recharge.<sup>7</sup> This recharge is primarily from in-basin precipitation, although minor amounts of recharge are attributed to interbasin flow in which water travels from the Metolius basin, and canal leakage. Groundwater pumping is equivalent to approximately two percent of the annual groundwater recharge. In the Deschutes Basin a small amount of groundwater is also used by farmers for crop or pasture irrigation. Groundwater is also used for "exempt" purposes including residential wells, irrigation of non-commercial lawns under a half-acre, stock watering, and fire control. Groundwater rights are commonly used by cities to support housing and development. The 2019 Upper Deschutes Basin Study estimates 40,000-acre feet are diverted each year primarily from groundwater purposes to serve municipal and quasi-municipal uses.

<sup>7</sup> "GSI Solutions Understanding Upper Deschutes Basin Groundwater Levels, September 2022". [https://www.oregon.gov/owrd/Documents/White%20Paper\\_Understanding%20Upper%20Deschutes%20Basin%20GW%20Levels\\_9\\_26\\_2022.pdf](https://www.oregon.gov/owrd/Documents/White%20Paper_Understanding%20Upper%20Deschutes%20Basin%20GW%20Levels_9_26_2022.pdf)

## 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. 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.



A 2021 report by the Oregon Department of Water Resources found that groundwater levels in Deschutes County are declining, by as much as 30 feet of total decline in the central part of the basin. This decline has caused wells in densely populated areas of the County to run dry, requiring extensive well deepening work. Groundwater levels are directly related to recharge rates which are directly impacted by rainfall and recharge from other sources such as flood irrigation and leaky ditches and canals. Impediments to recharge include such things as increased irrigation efficiency, large scale piping projects, and increased juniper populations. This decline is considered “excessively declined” per state statute and is attributed to a shift toward overall drier conditions since the late 1990s, expanding Juniper forests, increased groundwater pumping, a warming trend in the basin, and decreased snowpack. However, studies show that drought and groundwater levels are cyclical and may vary over the years. For example, the 1930s and 1970s were dryer than current conditions.

The State of Oregon is currently exploring measures to restrict overuse of groundwater rights through its Groundwater Allocation rulemaking. The program would limit issuance of new groundwater rights when groundwater levels are in a period of excessive decline. 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 or surface water 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>8</sup>

<sup>8</sup> Information from the Oregon Water Resources Board Mitigation Program.

Voluntary and or regulatory conservation mechanisms are needed from all users to prevent overuse of the groundwater resource at the local level and mitigate groundwater level declines.

### **SURFACE WATER USE**

The 2019 Deschutes Basin Study found that total water inflows to the basin vary from 860,000 acre-feet to 2.3 million acre-feet, depending on how much precipitation falls in a given year or several consecutive years. Approximately 720,000 acre-feet (86%) of surface water is diverted each year for irrigation districts. The study noted that declines in flow associated with precipitation and snowpack, combined with overallocation of water rights in the basin, continues to lead to shortfalls for junior water right holders. In low water years, junior water holders in the North Unit and Arnold Irrigation Districts are not able to access water due to this shortage, negatively impacting agricultural and other operations that depend on surface water rights.

Aside from impacting operations, the reduction of surface flows can also impact wildlife habitat. The Deschutes Basin is home to the Oregon spotted frog and bull trout, which are federally listed as threatened species. To mitigate the impacts from storage, release, diversion and return of irrigation water on these species, the Deschutes Basin Habitat Conservation Plan was finalized and approved by the US Fish and Wildlife Service in 2020. The plan was developed in partnership with the Deschutes Basin Board of Control representing irrigation districts, along with tribal governments, agency staff, and other stakeholders and seeks to provide predictability to water managers of surface flows for the next 30 years. The plan outlines a combination of water management practices, funding for conservation projects, funding for instream leasing programs, and parameters for seasonal release of irrigation water, among other efforts.

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 may contribute to local aquifer declines due to loss of artificial recharge from leaking infrastructure. Continued education and monitoring on this topic will be helpful to best understand the actual impact of canal piping on groundwater resources.

### WATER QUALITY

Generally, groundwater quality in Deschutes County is 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 into Northern Klamath County 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 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. The County and Oregon Department of Environmental Quality attempted to apply for an exception to Goal 11 to allow for a community sewer system in 2016, although the effort was overturned by the Oregon Land Use Board of Appeals.

### 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>9</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, with the exception of Bridge Creek, which supplies water to the City of Bend.

<sup>9</sup> <https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/RECREATION/HARMFULALGAE/BLOOMS/Pages/archive.aspx>

## 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 evaluate or reallocate 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, the Bureau of Reclamation, US Department of Agriculture, conservation districts, non-governmental organizations, and holders of water rights to increase the efficiency of water distribution throughout the community.

## 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 efficiency and conservation efforts among all users, including homeowners and businesses.

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

- a. Encourage new development to incorporate efficient water use practices for all water uses.
- b. Provide education and resources to community members regarding the beneficial 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 the 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.
- i. Encourage establishment of water reuse and recycling programs, in particular for County facilities.

**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 be consistent with 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, Oregon Health Authority, 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 efforts to protect existing surface water and groundwater users and to maintain sustainable groundwater resources as OWRD works to update and modernize Oregon's groundwater allocation rules and policies.



**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, hunting, 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.

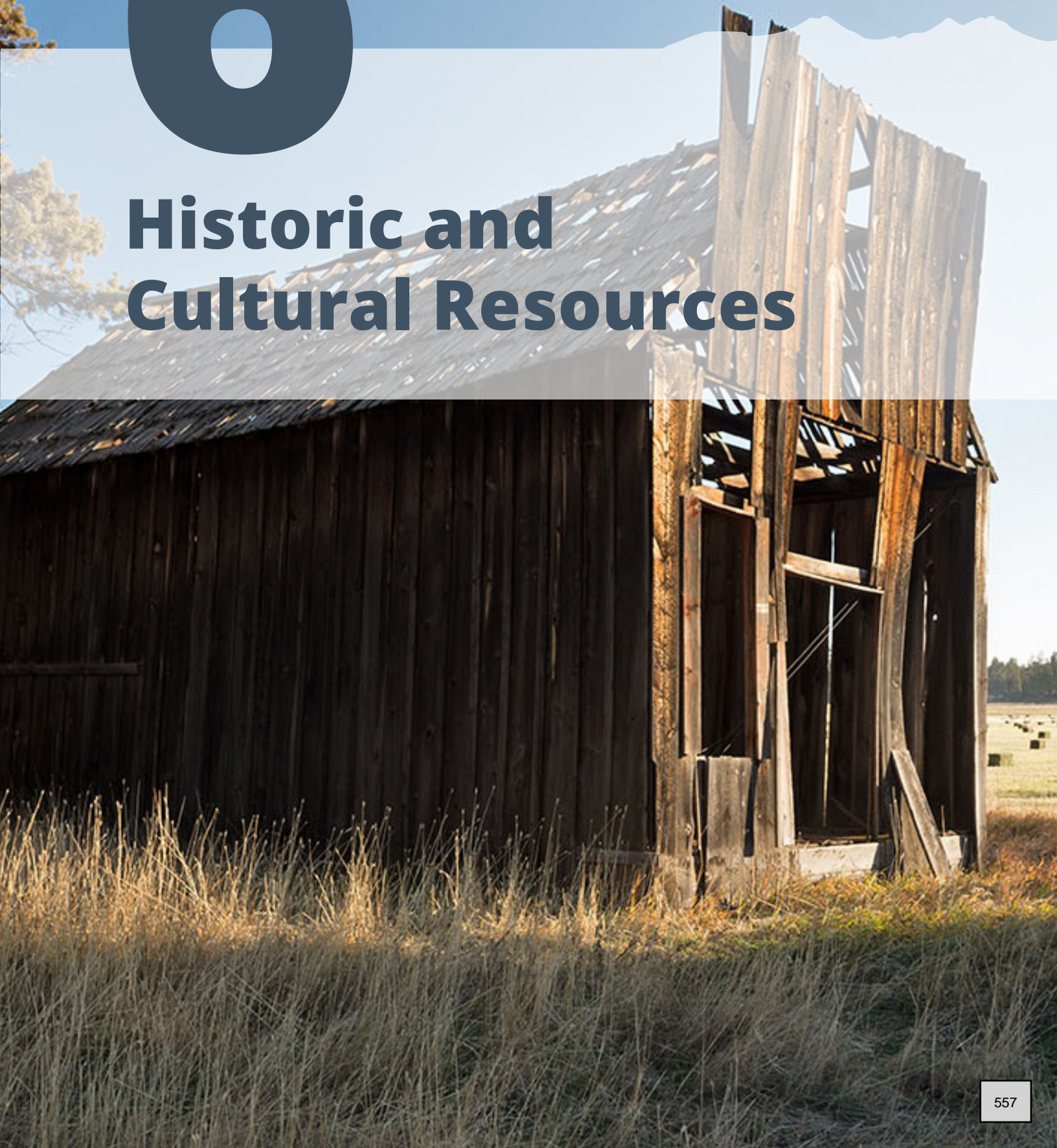
**Policy 5.11.4.** Implement best practices in solid waste management throughout the County.

**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.

**Policy 6.1.4.** 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 drier conditions, and 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 Central Oregon are currently 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 2013 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 (2022, expected revision 2026)
  - » 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)

The County is pursuing a process to consolidate all CWPPs into one document, to simplify the five-year update process. 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.

The Wildland-Urban Interface (WUI) is defined as the area where housing and burnable vegetation meet or intermingle<sup>2</sup>. Deschutes County has seen increased development in the WUI, associated with growth in the four cities and the rural county, in particular on the edge of cities adjacent to public lands. Public lands in the WUI historically had frequent low intensity fire which reduced the density of small trees and brush making the landscape less likely to produce high severity fire. Past forest management practices and exclusion of frequent, natural, low intensity fire from the landscape result in high fuel loads and high probability of severe fire. Landscapes in Deschutes County that have experienced severe fire often contain dense understory vegetation and brush, which are more susceptible to ignitions and fire spread in hot and dry climates.

Following severe wildfire events, forests experience disruption of natural growth progression, which can lead to competition among vegetative species and monoculture species growth. Significant efforts have gone into removal of these fuels at the federal, state, and local levels, including notable efforts by

<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> Community Planning Assistance for Wildfire definition for WUI

neighborhood associations and communities following fire-wise guidelines.

Home hardening at the individual household level will continue to play an important role in reducing the risk of loss from wildfire events and mitigating the spread of fire between neighboring properties. The 2020 Labor Day fires severely impacted several areas of the state. During those events, house to house ignitions amplified the spread of wildfire, causing severe loss of homes and businesses. Home hardening techniques include use of ignition resistant siding and roofing, attic ventilation devices that reduce ember intrusion, and removal of vegetation in the defensible space area surrounding structures on a property. These techniques will be crucial to reduce loss of life and property from these increasing hazard events in and adjacent to the WUI.

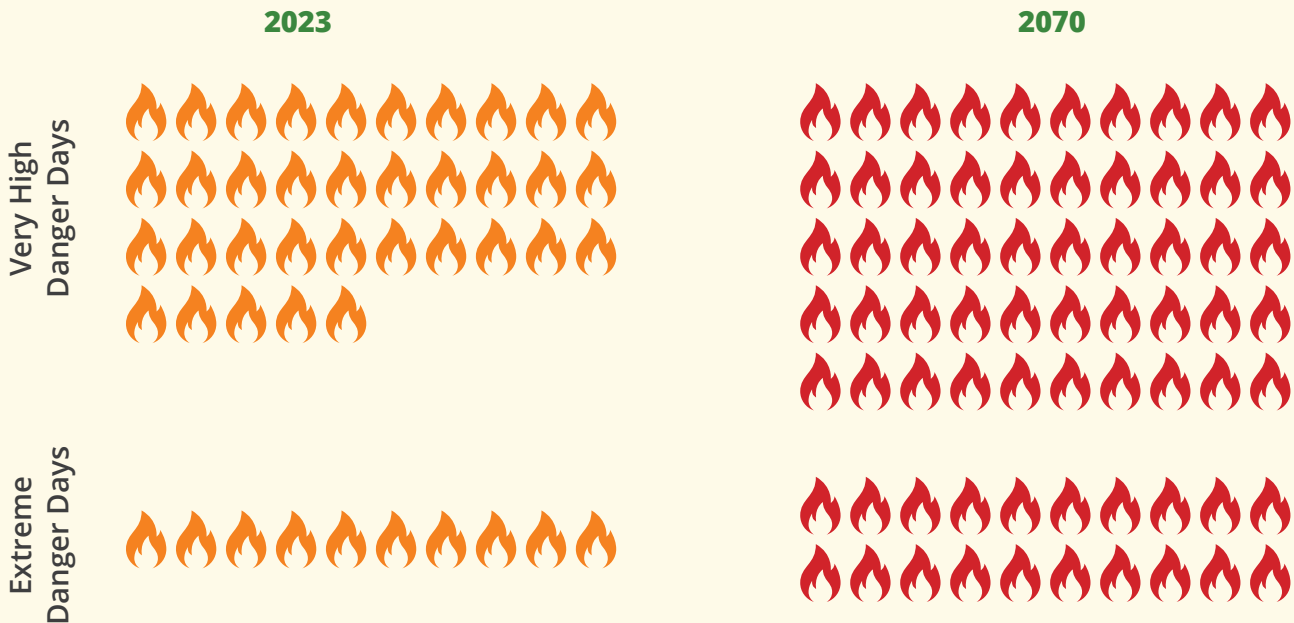
WILDFIRE AND HEAT

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>3</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-time temperatures and low humidity in the region. However, the Redmond airport, which sees the hottest temperatures in the county, will likely experience

3 Oregon Forest Resources Institute Fact Sheet

Fire Danger near Mt. Bachelor Village





occasional temperatures above 105° every few years by mid-century, and at least once a year by 2100. In addition, summer night-time lows are likely to increase by up to 5° degrees by mid-century, reducing the cooling effect of the high desert climate.

## Key Community Considerations

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

- **Impacts of Climate Change.** Throughout the 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

Socio-demographic qualities 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. These 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 hazard 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 mitigate impacts of episodes of poor air quality resulting from wildfires and prescribed burning 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 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.

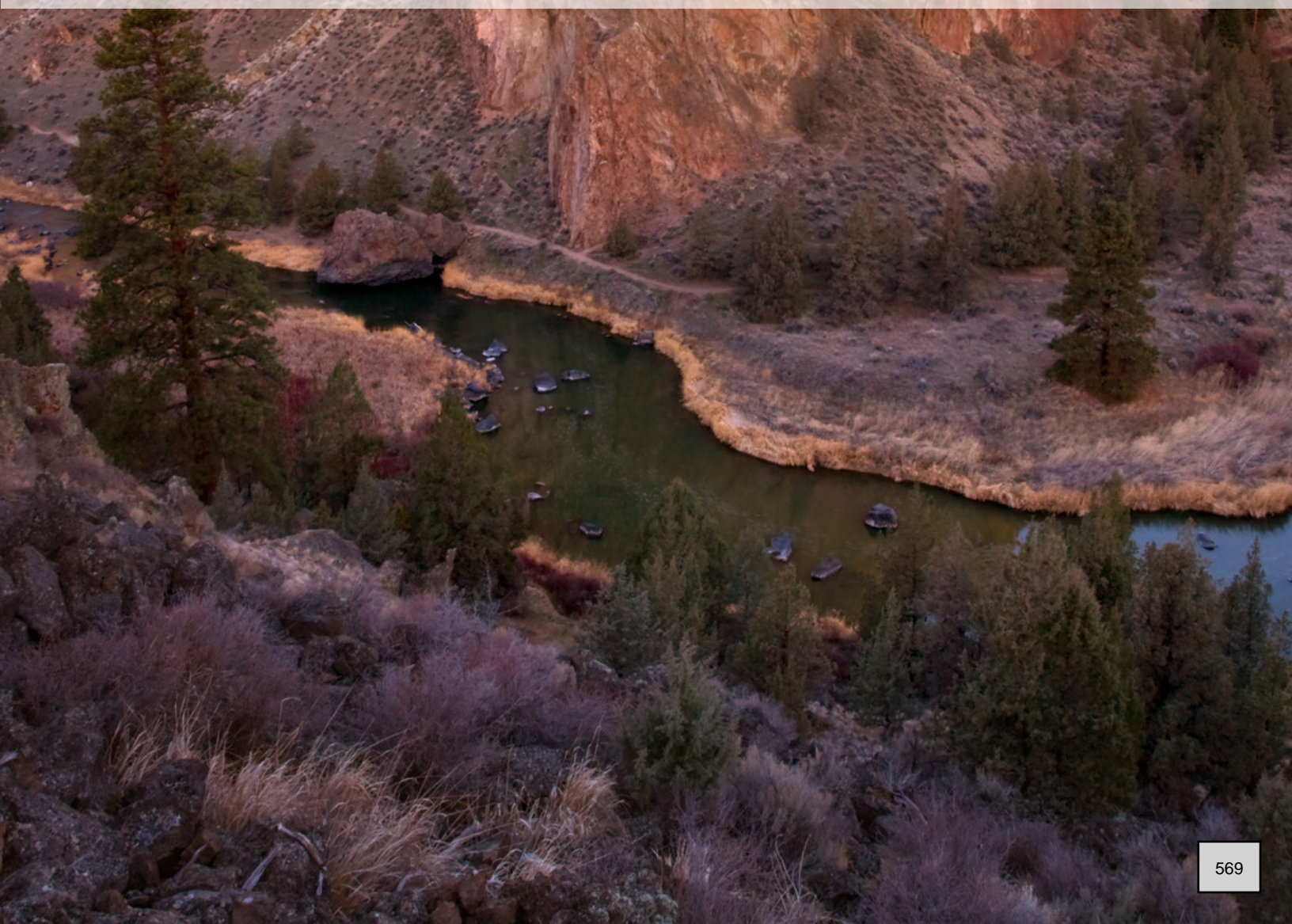
**Policy 7.3.5.** Promote and support business resilience planning.





# 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.

## 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. 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.

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.



*Photo Credit: Ryan Westby*

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



Photo Credit: Visit Bend ([www.visitbend.com](http://www.visitbend.com))



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 of federally owned lands, 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.



*Photo Credit: Ryan Westby*

## 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.** Support 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.

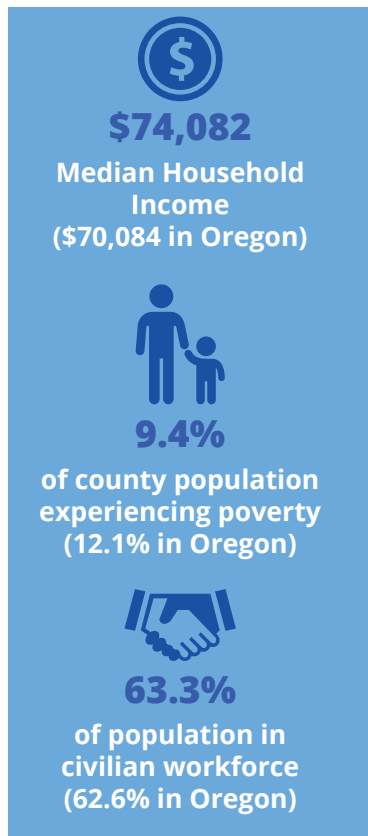
Economic development agencies in Central Oregon cite the tremendous natural resource access and amenities to be essential for drawing in new businesses and workers. As the County grows, childcare will continue to be challenge for rural residents along with access to high speed and reliable internet services.

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.

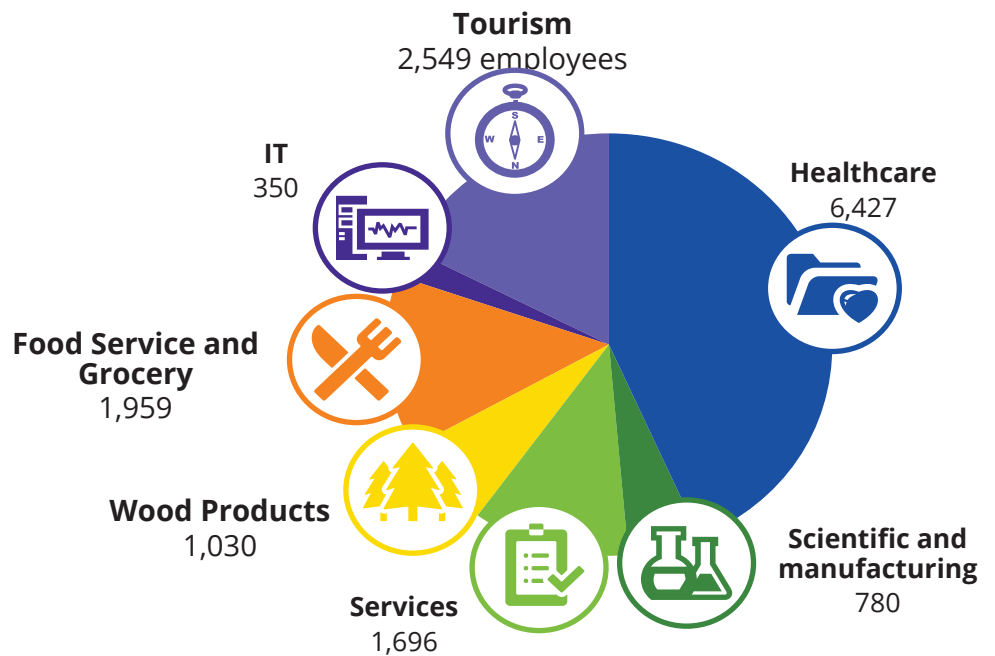


### Primary Industries

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)

## 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

## 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



**4.27**  
Million

Annual overnight visitors in  
Central Oregon (comprised of  
Deschutes, Crook, Jefferson, and  
south Wasco counties)



In 2022, employment directly  
generated by travel spending  
in Central Oregon was

**10,270**  
Jobs (up 13.1%)

**\$28.5**

Million in Tax Revenues

Transient Tax Revenues  
in 2022  
Central Oregon as a whole

**\$25.7**

Million

Deschutes County alone

**\$293** 

Average trip spend, per person,  
from an overnight visitor

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, 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.

### Land Designated and Zoned Rural Commercial

**Policy 9.1.11.** Update the policies for land designated Rural Commercial as needed.

**Policy 9.1.12.** Rural Commercial designated lands located outside of urban growth boundaries shall allow uses less intense than those allowed in unincorporated communities as defined by OAR 660-22 or its successor. Rural Commercial zoning shall be applied to any new properties that are approved for Rural Commercial designations as allowed by State Statute, Administrative Rule, and this Comprehensive Plan.

**Policy 9.1.13.** Rural Commercial zoning shall be applied to Deschutes Junction, Deschutes River Woods Store, Pine Forest, Rosland, and Spring River.

**Policy 9.1.14.** In Spring River there shall be a Limited Use Combining Zone.

**Policy 9.1.15.** County Comprehensive Plan policies and land use regulations shall ensure that new uses authorized on Rural Commercial designated lands do not adversely agricultural and forest uses in the surrounding area.

**Policy 9.1.16.** Zoning in the area shall ensure that the uses allowed are rural as required by Goal 14, Urbanization and less intensive than those allowed for unincorporated communities as defined in OAR 660-22. New commercial uses shall be limited to those that are intended to serve the surrounding rural area or the travel needs of people passing through the area.

**Policy 9.1.17.** 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 9.1.18.** 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 9.1.19.** An existing lawful use may expand up to 25 percent of the total floor area existing on November 5, 2002.

**Policy 9.1.20.** The Rural Commercial zoning regulations shall allow a mixed use of residential or rural commercial uses.

**Policy 9.1.21.** Residential and commercial uses shall be served by DEQ approved on-site sewage disposal systems.

**Policy 9.1.22.** Residential and commercial uses shall be served by on-site wells or public water systems.

**Policy 9.1.23.** Community sewer systems, motels, hotels, and industrial uses shall not be allowed.

**Policy 9.1.24.** Recreational vehicle or trailer parks and other uses catering to travelers shall be permitted.

## Land Designated and Zoned Rural Industrial

**Policy 9.1.25.** Update the policies for lands designated Rural Industrial as needed.

**Policy 9.1.26.** 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 9.1.27.** 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 9.1.28.** 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 9.1.29.** 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 9.1.30.** Land use regulations shall ensure that new uses authorized within the Rural Industrial sites do not adversely affect nearby agricultural and forest uses.

**Policy 9.1.31.** New industrial uses shall be limited in size to a maximum floor area of 7,000 square feet per use within a building, except for the primary processing of raw materials produced in rural areas, for which there is no floor area per use limitation.

**Policy 9.1.32.** 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 9.1.33.** 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 9.1.34.** Ensure new uses on Rural Industrial lands are served by DEQ approved on-site sewage disposal systems.

**Policy 9.1.35.** Residential and industrial uses shall be served by on-site wells or public water systems.

**Policy 9.1.36.** Community sewer systems shall not be allowed in Rural Industrial zones.

**Policy 9.1.37.** 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 9.1.38.** 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 9.1.39.** 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 9.2:** Support the creation and continuation of rural service centers that support rural communities while not adversely affecting nearby agricultural and forest uses.

**Policy 9.2.1.** 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 9.2.2.** 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 9.2.3.** Ensure that land uses at Rural Service Centers do not adversely affect agricultural and forest uses in the surrounding areas.

**Policy 9.2.4.** 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 9.2.5.** Residential and commercial uses shall be served by DEQ approved on-site sewage disposal systems.

**Policy 9.2.6.** Residential and commercial uses shall be served by onsite wells or public water systems.

**Policy 9.2.7.** Community water systems, motels, hotels and industrial uses shall not be allowed.

**Policy 9.2.8.** 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

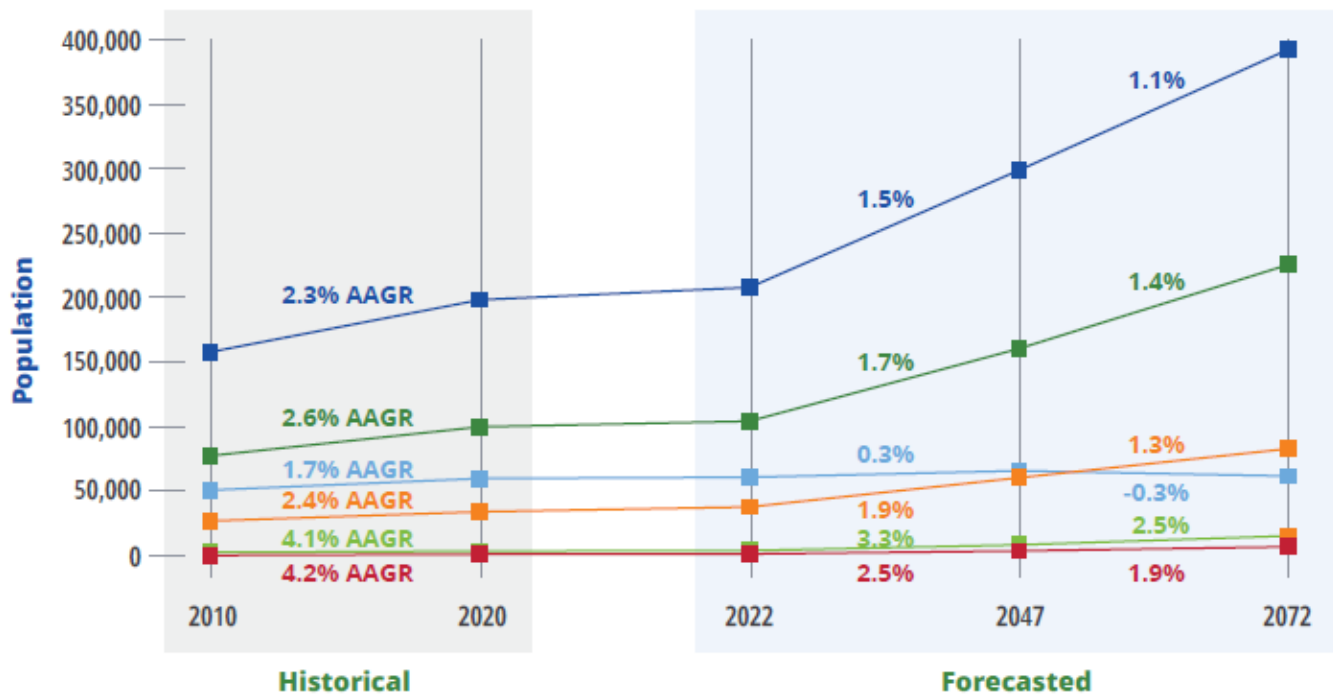
In 2024, Deschutes County continues to be one of the fastest growing counties in Oregon, and that trend is expected to continue. Significant growth is expected to occur in Deschutes County in the coming years (over 90,000 new residents in the next 25 years). However, the majority of this growth is forecasted 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



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



soil quality for farming. This trend is likely to continue.

### 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, Beacon 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 eco-systems 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, Resort Communities and Destination Resorts are another form of development outside of urban areas. Historically, resort-type development served as a stabilizing force in Central Oregon's economy and drew in new residents and businesses. In recent years, development of destination resorts has become increasingly contentious, with litigation and extensive public participation in land use hearings. Many residents see value in the amenities and economic value associated with destination resorts, although have concerns regarding their natural resource impacts.

### Context

#### Unincorporated Communities

Deschutes County's unincorporated communities generally pre-date Oregon's statewide land use system and have more urban-scale uses in outer-lying 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.

#### 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 and were platted prior to the

establishment of the County's subdivision ordinance.

## 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 DESIGNATION

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 are limited in scale, often with only one or several parcels in the designation.

## Destination Resorts

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

Since 1979 destination resorts have increased in importance to the economy of Deschutes County. Sunriver and Black Butte Ranch, as two of the county's original resorts, garnered a national reputation for their recreation facilities and visitor accommodations, serving as touchstones for Deschutes County's tourism industry. 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, beginning in 2006.

## 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 character 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

**Goal:** To provide guidance for development of unincorporated communities and destination resorts.

### 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 Black Butte Ranch 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

### **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.

**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;
  - 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) though (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 adopted a map in 2010 showing where destination resorts can be located in the County. The map is part of the Comprehensive Plan and Zoning Ordinance and shall be the basis for the 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

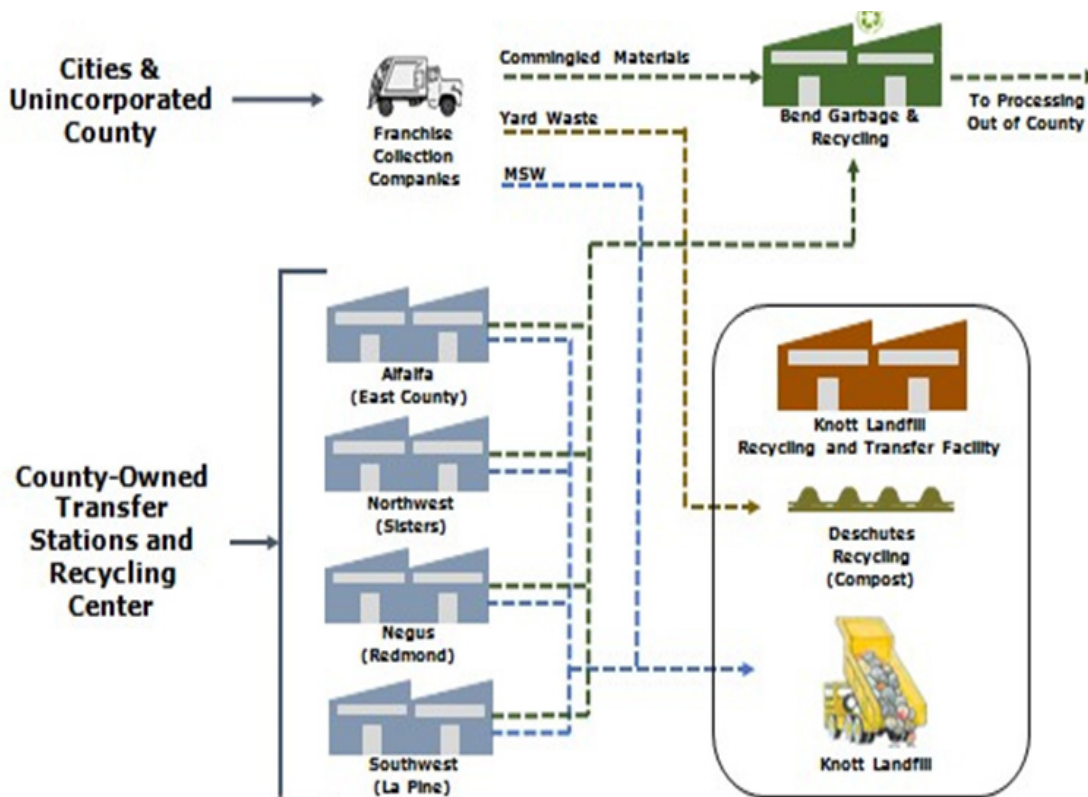
The Deschutes County Sheriff's Office is a full service organization providing patrol, traffic team, criminal investigations, corrections, civil and search and rescue. Special operations include a Marine Patrol, K-9 units, and Forest Patrol. The Sheriff is an elected public official who serves a four-year 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 development process, which is anticipated to be completed in 2029. In the future, the County will likely need to site addition 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. Following incorporation in 2007, the City of La Pine joined these efforts. 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 delivery of water to municipal and industrial entities, and pond maintenance.

## 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 TDS 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.

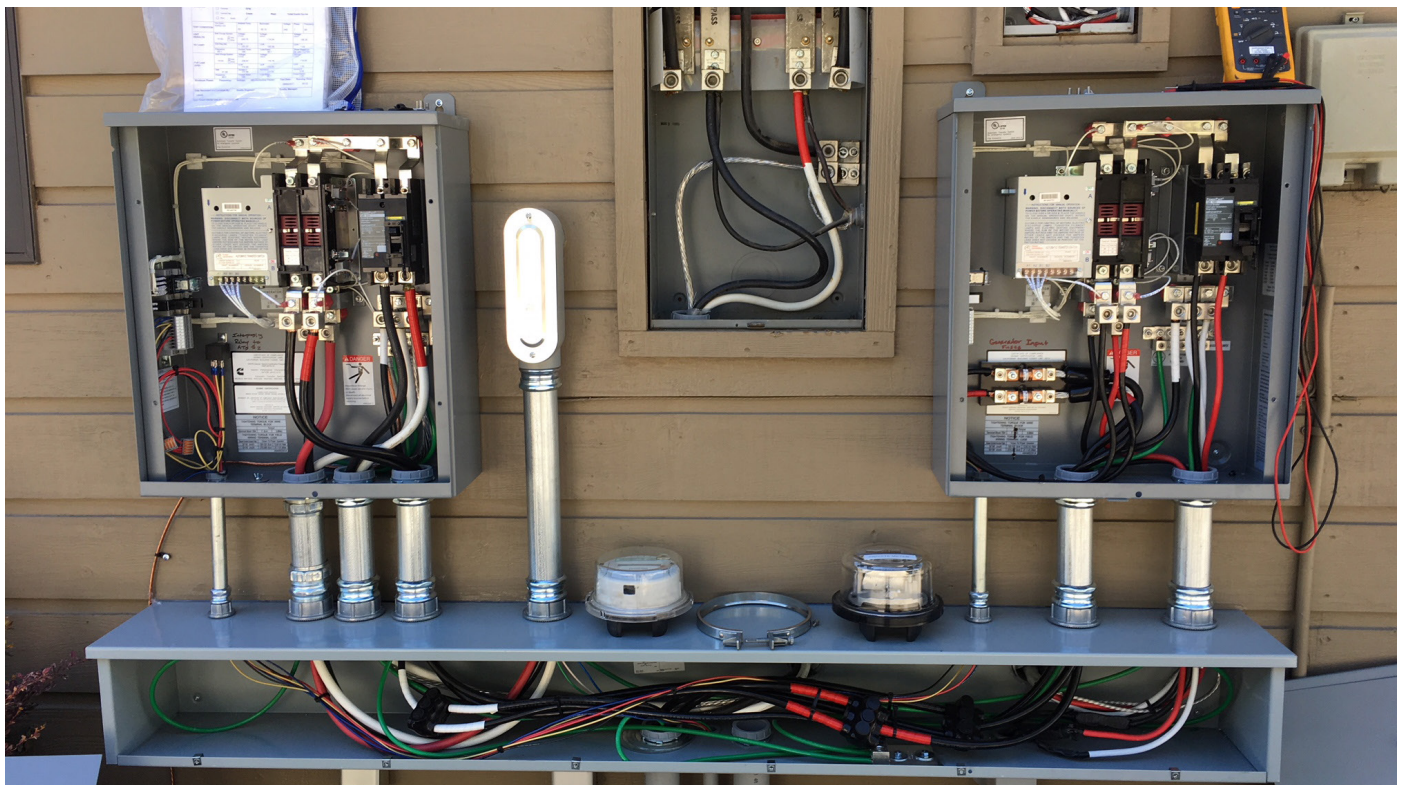
### Individual septic systems

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

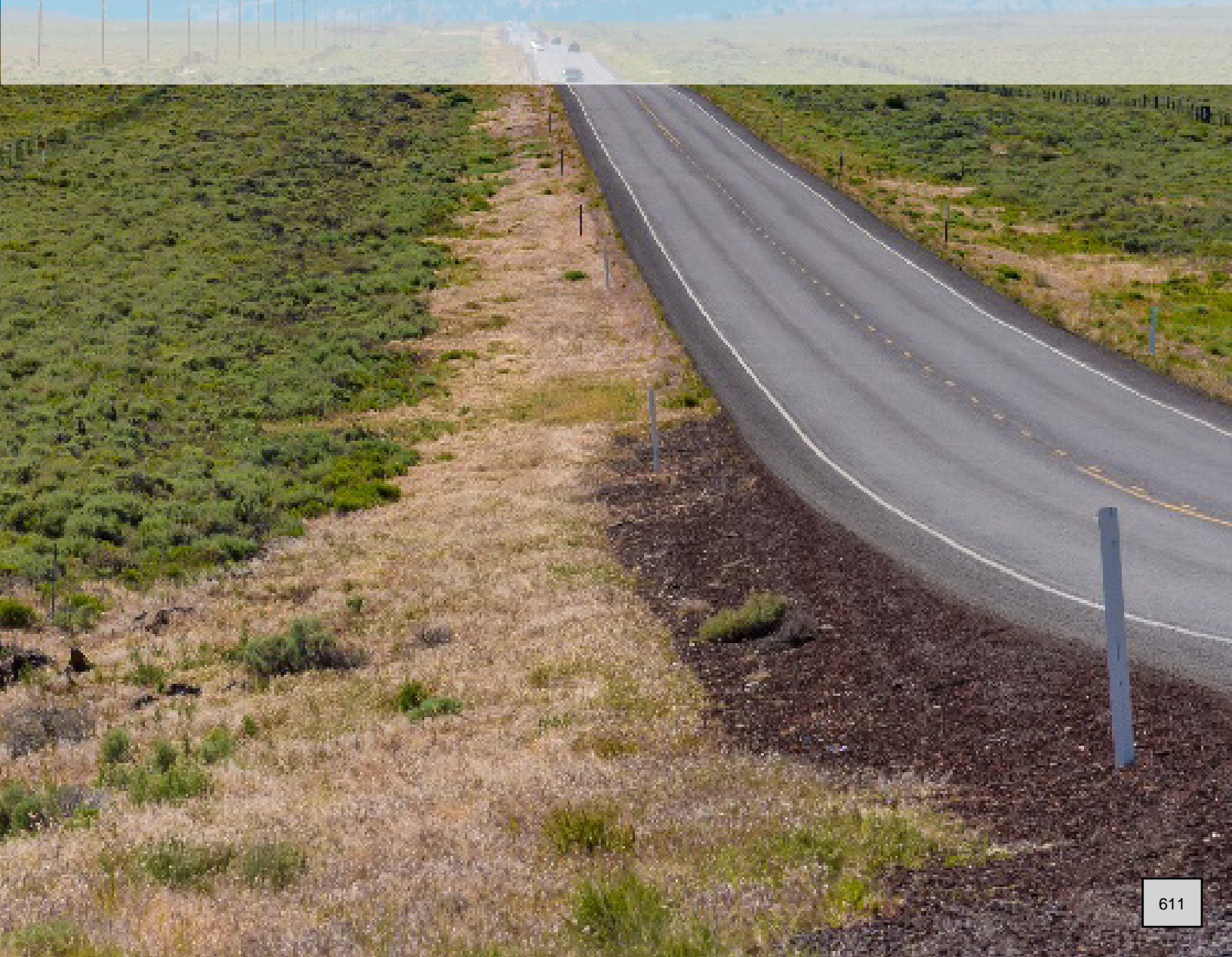
**Policy 12.2.4.** Support the creation of a landfill overlay zone.

**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







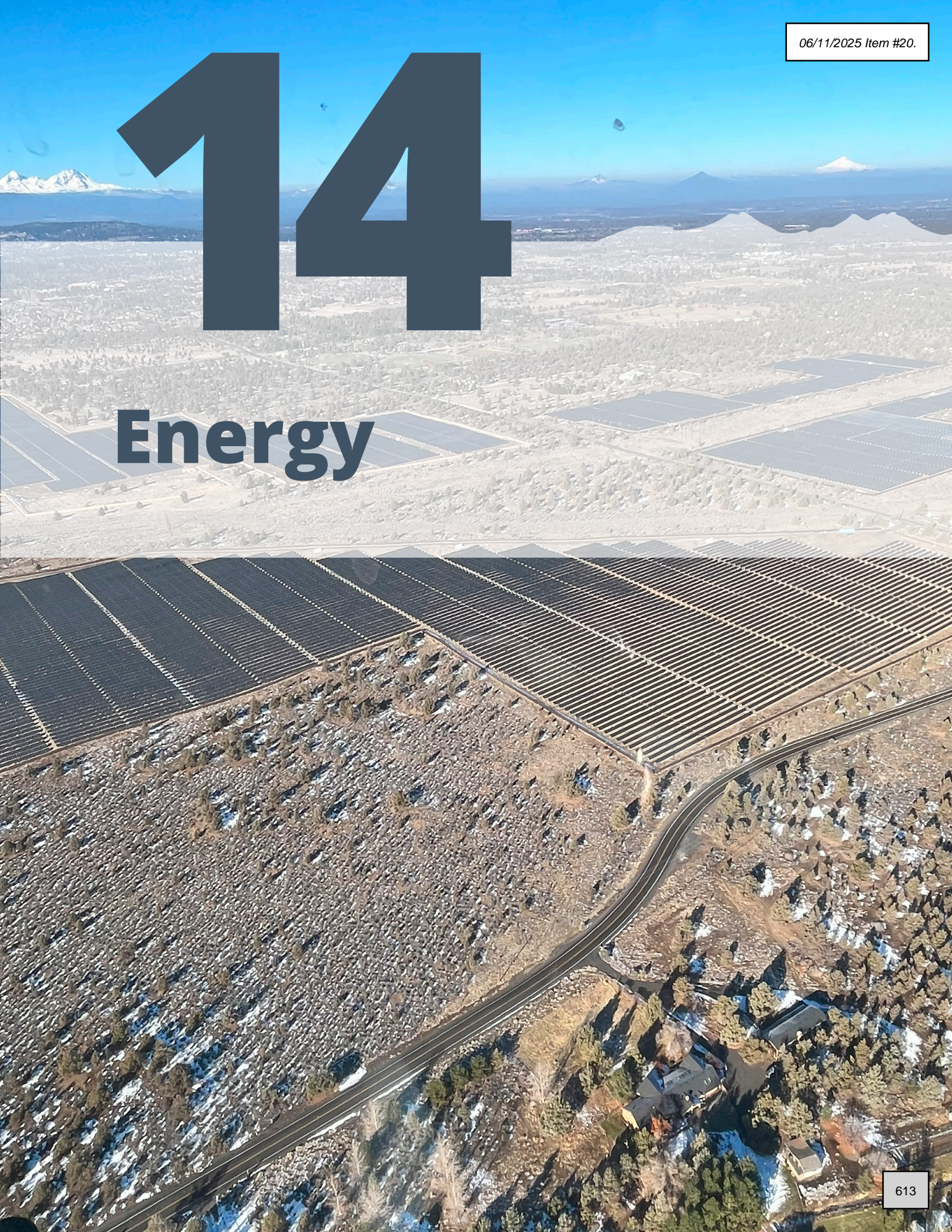
The Deschutes County transportation system includes roadways, bicycle facilities, pedestrian facilities, and transit facilities, as well as rail, air, marine, and pipeline systems. In general, the County only owns, manages, and maintains facilities in the unincorporated portions of the County. Facilities 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

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

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.

### **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.**

**Goal 14.2:** Promote affordable, efficient, reliable, and environmentally sound commercial energy systems for individual homes and business customers.

**Policy 14.2.1.** Promote development of solar, hydropower, wind, geothermal, biomass and other alternative energy systems while mitigating impacts on neighboring properties and the natural environment.

**Policy 14.2.2.** Provide incentives for homes and businesses to install small-scale on-site alternative energy systems consistent with adopted County financing programs.

**Policy 14.2.3.** Support development of electric vehicle charging stations and facilities to help promote use of electric vehicles.

**Policy 14.2.4.** Use the development code to promote commercial renewable energy projects while addressing and mitigating impacts on the community and natural environment.

**Policy 14.2.5.** Use Oregon's Rural Renewable Energy Development Zones to support the creation of renewable energy projects.

**Policy 14.2.6.** Identify, protect, and support the development of significant renewable energy sites and resources.

**Policy 14.2.7.** 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 5.12 Legislative History

### **Background**

This section contains the legislative history of this Comprehensive Plan.

### **Table 5.12.1 Comprehensive Plan Ordinance History**

<b>Ordinance</b>	<b>Date Adopted/ Effective</b>	<b>Chapter/Section</b>	<b>Amendment</b>
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
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	8-22-18/11-20-18	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
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 I 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
2019-016	11-25-19/02-24-20	23.01.01, 2.5	Comprehensive Plan and Text amendments incorporating language from DLCDD'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	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.

2020-002	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.
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)
2021-005	06-16-21/06-16-21	23.01.01, 4.2	Comprehensive Plan Map Amendment Designation for Certain Property from Agriculture (AG) To Redmond Urban Growth Area (RUGA) and text amendment
2021-008	06-30-21/09-28-21	23.01.01	Comprehensive Plan Map Amendment Designation for Certain Property Adding Redmond Urban Growth Area (RUGA) and Fixing Scrivener's Error in Ord. 2020-022



2022-001	04-13-22/07-12-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2022-003	04-20-22/07-19-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2022-006	06-22-22/08-19-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area (RREA) to Bend Urban Growth Area
2022-011	07-27-22/10-25-22 (superseded by Ord. 2023-015)	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) To Rural Industrial (RI)
2022-013	12-14-22/03-14-23 (supplemented and controlled by Ord. 2024-010)	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-001	03-01-23/05-30-23	23.01.010, 5.9	Housekeeping Amendments correcting the location for the Lynch and Roberts Store Advertisement, a designated Cultural and Historic Resource
2023-007	04-26-23/6-25-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)

2023-010	06-21-23/9-17-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-018	08-30-23/11-28-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-015	9-13-23/12-12-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Industrial (RI)
2023-025	11-29-23/2-27-24	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area (RREA) to Bend Urban Growth Area
2024-001	1-31-24/4-30-24	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area (RREA) to Bend Urban Growth Area
2023-016	5-8-24/8-6-24	23.01(BM) (added), 4.7 (amended), Appendix B (replaced)	Updated Tumalo Community Plan
2023-017	3-20-24/6-20-24	23.01(D) (repealed), 23.01(BJ) (added), 3.7 (amended), Appendix C (replaced)	Updated Transportation System Plan

2024-003	2-21-24/5-21-24	23.01.010, 5.8	Comprehensive Plan Map Amendment, changing designation of certain property from Surface Mining (SM) to Rural Residential Exception Area (RREA); Modifying Goal 5 Mineral and Aggregate Inventory
2024-007	10-02-24/12-31-24 <u>(superseded by Ord. 2025-007)</u>	23.01(A)(repealed) 23.01(BK) (added)	Repeal and Replacement of 2030 Comprehensive Plan with 2040 Comprehensive Plan
2024-010	10-16-24/01-14-25	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2024-011	11-18-24/02-17-25	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Redmond Urban Growth Area (RUGA)
2024-012	1-8-25/4-8-25	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2025-001	2-5-25/2-5-25	23.01.010	Comprehensive Plan and Zoning Map Amendment updating the Greater Sage-Grouse Area Combining Zone boundary.
2025-003	4-2-25/7-1-25	23.01.010	Comprehensive Plan Designation for Certain Property from Agriculture (AG) to Rural Industrial (RI)

<u>2025-010</u>	<u>TBD</u>	<u>23.01.010</u>	<u>Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) and Surface Mining (SM) to Rural Residential Exception Area (RREA)</u>
<u>2025-007</u>	<u>x-xx-xx/x-x-xx</u>	<u>23.01 (BU) (added)</u>	<u>Amendments to Comprehensive Plan resulting from Deschutes County 2040 Update process.</u>



## COMMUNITY DEVELOPMENT

### STAFF FINDINGS

**FILE NUMBER(S):** 247-25-000145-PA

**APPLICANT:** Deschutes County Planning Division

**REQUEST:** Amendments to 2011 Comprehensive Plan resulting from Deschutes 2040 Comprehensive Plan Update process.

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**RECORD:** Record items can be viewed and downloaded from:  
<https://bit.ly/Deschutes2040Reconsideration>

#### 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 amend the 2011 Deschutes County Comprehensive Plan to incorporate new information and document reorganization resulting from 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 (Board) initiated the process to update the County's Comprehensive Plan in November 2021. Staff worked extensively with the project consultant, Moore Iacofano and Goltsman (MIG, Inc.), on creating the project scope and budget for this process.

Over the course of 18 months, staff conducted widespread community engagement and analysis of existing conditions and projected trends. This in turn, 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.

On October 2, 2024, the Board voted 2-1 to adopt Ordinance 2024-007, repealing and replacing the 2011 Deschutes County Comprehensive Plan ("2011 Plan") with the 2040 Plan (file no. 247-23-000644-PA). The decision was subsequently appealed by Central Oregon Landwatch (COLW) to the Land Use Board of Appeals (LUBA).

On February 20, 2025, the County received the *Petitioner's Brief* from COLW outlining areas of concern within the adopted 2040 Plan. Staff determined that new issues were raised in the *Petitioner's Brief* that were not previously discussed at the local level. Oregon Revised Statute (ORS) 197.835(3) and 197.797, also known as the "raise it or waive it" doctrine, do not apply to legislative proceedings, therefore, applicants are not required to raise all arguments during the local hearings process to preserve those issues for appeal.

ORS and Oregon Administrative Rule allow local governments to reconsider a legislative decision in response to new issues raised by LUBA appellants. The reconsideration process was initiated by the Board through Order No. 2025-004 in March 2025, and confirmed by LUBA Order No 2024-080 issued on March 12, 2025. The Board held *limited de novo* hearings gather additional testimony relating to the *Petitioner's Brief*. The county was required to complete the hearing process and file a reconsideration decision by September 8, 2025.

## **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 has initiated amendment of the 2011 Comprehensive Plan, the County bears the responsibility for justifying that the amendments are consistent with Statewide Planning Goals and the County's Comprehensive Plan.

The 2040 Plan amends the County's acknowledged 2011 Comprehensive Plan. Staff has utilized this amendment process to reorganize the document for readability and integrate new information and community feedback where possible. Much of the 2011 Comprehensive Plan goal and policy language remains unchanged, as noted in the redlined version of the document. The County did not initiate periodic review of its Comprehensive Plan, as described in ORS 197.629 and OAR 660-025-0035.

Staff initiated the update process to incorporate new information and allow for the opportunity for the Board to amend goals and policies following public participation. Policies that have been carried over from the 2011 Plan verbatim, although reorganized, are assumed to remain acknowledged by the Department of Land Conservation and Development (DLCD) as consistent with statewide planning goals, statutes, and rules.

## **III. FINDINGS & CONCLUSIONS**



## CHAPTER 22.12, LEGISLATIVE PROCEDURES

### Section 22.12.010.

#### ***Hearing Required***

**FINDING:** This criterion is met. Public hearings were held before the Deschutes County Planning Commission on October 26, November 9, and December 14, 2023, and before the Board of County Commissioners on April 10, April 23, April 30, and May 8, 2024, allowing for ample opportunity for public testimony to be gathered. Reconsideration hearings were held before the Board on April 23 and May 21, 2025.

### 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, 2023, for the Planning Commission public hearing and on March 27, 2024, for the Board of County Commissioners' initial public hearing. Notice was posted for the reconsideration hearing on April 4, 2025.

- 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 required to be sent. Staff sent a courtesy notice to interested parties for Board hearings.

- 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 officer for wider media distribution. Staff provided additional notice beyond the legal requirements. This was done through the project's constant contact mailing list, including 530 contacts, 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 Planning Commission held public hearings and issued a recommendation of approval to the Board of County Commissioners. The Board held a second round of public hearings and served as the final review body for the proposal. The Board held two additional hearings as part of the reconsideration process.

Section 22.12.050 Final Decision

***All legislative changes shall be adopted by ordinance.***

**FINDING:** The proposed legislative changes will be implemented by ordinance 2025-007 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:

- Established a project email list with over 500 contacts.
- 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 Comprehensive Plan 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 amended as shown in the redlined version of the document.

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 and Planning Commission process. The process generated considerable public input which has been 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 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. Notice was provided to the Oregon Department of Land Conservation (DLCD) and Development on August 30, 2023.

The 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 not propose any

changes to Comprehensive Plan designations or zoning designations, nor to 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 amended as shown in the redlined version of the document.

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 coordination 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 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 was amended as shown in the redlined version of the document.

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 seeks to remove unnecessary local barriers to establishing an accessory farm dwelling where otherwise allowed by state law..
- Policy 3.3.5 encourages coordination between farmers and fish/wildlife managers.
- Policy 3.3.6.a retains the ability for the County to consider individual plan amendment and zone change applications as allowed by state law. This policy is carried over from the 2011 plan and was acknowledged for compliance by DLCD when the 2011 plan was adopted.

Consistency with Goal 3 is 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 Plan 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 combined into the same chapter as agricultural lands and was amended as shown in the redlined version of the document.

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 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 Plan 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:* This chapter was amended as shown in the redlined version of the document. The Goal 5 inventories for these resources (as well as ESEEs and programs) are retained and remain 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 5.1.3-5.1.4 promote 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 policies 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 incentivize 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 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 amended as shown in the redlined version of the document, 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 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 amended as shown in the redlined version of the document.

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 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 to 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 amended as shown in the redlined version of the document.

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 is 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 amended as shown in the redlined version of the document.

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 Plan, acknowledged by DLCD. These policies govern Rural Commercial and Rural Industrial designated properties.

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 a statutory obligation to provide findings on Goal 10 consistency. Staff and community members identified important emerging issues that pertain to rural housing and staff proposed 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 amended as shown in the redlined version of the document.

The policies below and this section as a whole comply with 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 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 public water or sewer services. The primary services provided by Deschutes County, aside from Transportation, which is addressed in the County's Transportation System Plan), pertain 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 amended as shown in the redlined version of the document.

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 refers to the County's Transportation System Plan, included as an appendix to the 2040 Plan.

#### 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 amended as shown in the redlined version of the document.

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 met.

#### Goal 14: Urbanization:

**FINDING:** Two chapters within the 2040 Plan address the topic of urbanization - Land Use and Regional Coordination, and Unincorporated Communities and Destination Resorts. Staff summarizes the key policies pertaining to urbanization below. Staff notes that the unincorporated community policies pertain to those unincorporated communities designated pursuant to OAR 660-022. Rural industrial and rural commercial policies are addressed in Goal 9 findings above. These policies were carried over verbatim from the 2011 Plan and have been acknowledged by DLCD as being consistent with Goal 14 – no changes are proposed. Specific policies for the unincorporated communities of Tumalo and Terrebonne are included in the area plans included as appendices to the 2040 Plan. The community plans were not updated or amended through the Deschutes County 2040 Plan 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 amended as shown in the redlined version of the document. Text, goals and policies for 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 policies 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 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 and is consistent with Statewide Planning Goals

2011 Comprehensive Plan	2040 Comprehensive Plan	Summary of Changes	Staff Recommendation - Reconsideration
<b>Chapter 2 Resource Management, Section 2.2 Agricultural Lands</b>	<b>Chapter 3 Farm and Forest Resources</b>		
Policy 2.2.3 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.	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. <b>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>	Exact language retained, placed as a subpolicy	No amendment required, may consider refinement as proposed by Commissioner Chang
<b>Chapter 3 Rural Growth Management, Section 3.4 Rural Economy, Rural Commercial Policies</b>	<b>Chapter 9 Rural Economy, Rural Commercial Goals and Policies</b>		
	Goal 9 .2: Support creation and continuation of rural commercial areas that support rural communities while not adversely affecting nearby agricultural and forest uses.	New goal - No Goal in 2011 Version	Remove goal
Policy 3.4.9 Rural Commercial designated lands located outside of urban growth boundaries shall allow uses less intense than those allowed in unincorporated communities as defined by OAR 660-22 or its successor. <b>Rural Commercial zoning shall be applied to any new properties that are approved for Rural Commercial designated as allowed by State Statute, OAR, and this Comprehensive Plan.</b>	Policy 9.2.1 Allow for new Rural Commercial zoning designations if otherwise allowed by ORS, OAR, and this Comprehensive Plan.	Simplified language	Revert to original language
3.4.11 In Spring River there shall be a Limited Use Combining Zone.	9.2.2 In Spring River there shall be a Limited Use Combining Zone.	Exact language retained	No amendments
3.4.12 County Comprehensive Plan policies and land use regulations shall ensure that new uses authorized on Rural Commercial designated lands do not adversely affect agricultural and forest uses in the surrounding areas.	9.2.3 Ensure new uses permitted on Rural Commercial lands do not adversely affect nearby agricultural and forest uses.	Clarified language	Revert to original language
3.4.13 Zoning in the area shall ensure that the uses allowed are rural as required by Goal 14, Urbanization, and less intensive than those allowed for unincorporated communities as defined in OAR 660-22. New commercial uses shall be limited to those that are intended to serve the surrounding rural area or the travel needs of people passing through the area.	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.	Clarified language	Revert to original language

3.4.14 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.	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.	Exact language retained	No amendments
3.4.15 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.	9.2.6. A lawful use existing on or before November 5, 2022 that is not otherwise allowed in a Rural Commercial zone, may continue to exist subject to the County's nonconforming use regulations	Exact language retained	No amendments
3.4.16 An existing lawful use may expand up to 25 percent of the total floor area existing on November 5, 2002.	9.2.7 An existing lawful use may expand up to 25 percent of the total floor area existing on November 5, 2002.	Exact language retained	No amendments
3.14.17 The Rural Commercial zoning regulations shall allow a mixed use of residential or rural commercial uses.	9.2.8. The Rural Commercial zoning regulations shall allow a mixed use of residential or rural commercial uses.	Exact language retained	No amendments
3.4.18 Residential and commercial uses shall be served by DEQ approved on-site sewage disposal systems.	9.2.9. Residential and commercial uses shall be served by DEQ approved on-site sewage disposal systems.	Exact language retained	No amendments
3.4.19 Residential and commercial uses shall be served by on-site wells or public water systems.	9.2.10 Residential and commercial uses shall be served by on-site wells or public water systems.	Exact language retained	No amendments
3.4.20 Community sewer systems, motels, hotels and industrial uses shall not be allowed.	9.2.11 Motels, hotels and industrial uses shall not be allowed. Community sewer systems shall not be allowed without exceptions to relevant statewide land use goals.	Clarified language	Revert to original language
3.2.21 Recreational vehicle or trailer parks and other uses catering to travelers shall be permitted.	9.2.12 Recreational vehicle or trailer parkers and other uses catering to travelers shall be permitted	Exact language retained	No amendments
<b>Chapter 3 Rural Growth Management, Section 3.4 Rural Economy, Rural Industrial Policies</b>	<b>Chapter 9 Rural Economy, Rural Industrial Goals and Policies</b>		
	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.	New goal - No Goal in 2011 Version	Remove goal
Policy 3.4.22 Update the policies for lands designated Rural Industrial as needed.	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.	Clarified language	Revert to original language
3.4.23 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.	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.	Exact language retained	No amendments
3.4.24 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.	9.3.3 Limited Use Combining zones shall be applied to the Redmond Military (Tax lot 1512000000116), 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.	Exact language retained	No amendments

3.4.25 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.	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.	Exact language retained	No amendments
	9.3.5 duplicate - clerical error	No issue	
3.4.26 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.	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.	Exact language retained	No amendments
3.4.27 Land use regulations shall ensure that new uses authorized within the Rural Industrial sites do not adversely affect agricultural and forest uses in the surrounding area.	9.3.7 Ensure new uses on Rural Industrial lands do not adversely affect nearby agricultural and forest uses.	Clarified language	Revert to original language
3.4.29 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.	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.	Exact language retained	No amendments
3.4.30 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.	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.	Exact language retained	No amendments
3.4.31 Residential and industrial uses shall be served by DEQ approved on-site sewage disposal systems.	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 y (DEQ).	Clarified language	Revert to original language
3.4.32 Residential and industrial uses shall be served by on-site wells or public water systems.	Policy 9.3.11 Residential and industrial uses shall be served by on-site wells or public water systems.	Exact language retained	No amendments



3.4.33 Community sewer systems shall not be allowed in Rural Industrial zones.	Policy 9.3.12 Community sewer systems shall not be allowed in Rural Industrial zones without exceptions to relevant statewide land use goals.	Clarified language	Revert to original language
3.4.34 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 9.3.13 A 2009 exception (Ordinance 2009-007) included an irrevocably committee 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.	Exact language retained	No amendments
3.4.35 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 9.3.14 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.	Exact language retained	No amendments
3.4.36 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.	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.	Exact language retained	No amendments