



## BOARD OF COMMISSIONERS

### BOARD OF COUNTY COMMISSIONERS MEETING

9:00 AM, WEDNESDAY, FEBRUARY 7, 2024

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

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

## CONSENT AGENDA

1. Approval of Document No. 2024-027, a Notice of Intent to Award a contract for the Powell Butte Hwy/Butler Market Rd Intersection Improvement Project
2. Consideration of Board Signature on letters appointing Elizabeth Weide, Horace Ward, Heather Miller, and Melissa Steele for service on the Project Wildfire Steering Committee
3. Consideration of Board Signature on letters thanking Brandon Fogelman, Dan Galecki, Dave Gibson, and Doug Green for their service on the Project Wildfire Steering Committee
4. Approval of the minutes of the January 26, 2024 BOCC Legislative Update meeting

## ACTION ITEMS

5. **9:10 AM** South County Groundwater Protection Update from the Oregon Department of Environmental Quality
6. **10:10 AM** First reading of Ordinance 2024-003 – Miller Pit Plan Amendment and Zone Change
7. **10:15 AM** Community Navigator Pilot grant from the Oregon Health Authority
8. **10:35 AM** Grant application to the Office of Developmental Disabilities Services for an ARPA Emergency Response grant
9. **10:45 AM** Deliberations: Draft 2020-2040 Transportation System Plan Update
10. **10:50 AM** Discussion and Possible Action on County ARPA Funds for CHRO RFP Process

11. **11:20 AM** Review Draft Presentation for Annual State of South Deschutes County Breakfast

## **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.*

12. Consideration of Declaration of a Local State of Emergency:  
Fentanyl Public Health and Safety Crisis

## **EXECUTIVE SESSION**

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

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

13. Executive Session under ORS 192.660 (2) (e) Real Property Negotiations

## **ADJOURN**



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 7, 2024

SUBJECT: Approval of Document No. 2024-027, a Notice of Intent to Award a contract for the Powell Butte Hwy/Butler Market Rd Intersection Improvement Project

RECOMMENDED MOTION:

Move approval of Board Chair signature of Document No. 2024-027, a Notice of Intent to Award a contract for the Powell Butte Hwy/Butler Market Rd Intersection Improvement Project.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Road Department prepared bid solicitation documents for the Powell Butte Hwy/Butler Market Rd Intersection Improvement project. The project scope of work includes construction of a single-lane roundabout, installation of new signs and pavement markings, and other miscellaneous improvements. The project was advertised in the Daily Journal of Commerce and The Bulletin on December 27, 2023. The Department opened bids at 2:00 P.M. on January 24, 2024.

Five (5) responsive bids were received for this project. The bid results are as follows:

<u>BIDDER</u>	<u>TOTAL BID AMOUNT</u>
Bar Seven A Companies	\$ 1,995,961.00
Taylor Northwest, LLC	\$ 2,240,702.40
High Desert Aggregate & Paving, Inc.	\$ 2,243,714.00
JAL Construction dba 1859 Infrastructure	\$ 2,289,151.00
Brown Contracting Inc.	\$ 2,427,508.40
Engineer's Estimate	\$ 2,079,395.00

This action issues a Notice of Intent to Award the contract to the apparent low bidder, Bar Seven A Companies, and allows seven days for concerned parties to protest the award. If there is no protest within the seven-day period, the contract will be awarded to the apparent low bidder. The bid tabulation, including the Engineer's estimate, is attached.

**BUDGET IMPACTS:**

A portion of the project cost is budgeted in the Road Capital Improvement Plan (CIP) budget for Fiscal Year 2024. The remaining project cost will be included in the proposed Road CIP budget for Fiscal Year 2025.

**ATTENDANCE:**

Cody Smith, County Engineer/Assistant Road Department Director



BOARD OF COUNTY COMMISSIONERS

February 7, 2024

\*\*Posted on the Deschutes County, Oregon Bids and RFPs website at <http://www.deschutescounty.gov/rfps> prior to 5:00 PM on the date of this Notice.\*\*

Subject: **Notice of Intent to Award Contract**  
Contract for Powell Butte Hwy/Butler Market Rd Intersection Improvement

To Whom It May Concern:

On February 7, 2024, the Board of County Commissioners of Deschutes County, Oregon considered bids for the above-referenced project. The Board of County Commissioners determined that the successful bidder for the project was Bar Seven A Companies, with a bid of One Million Nine Hundred Ninety Five Thousand Nine Hundred Sixty One and 0/100 Dollars (\$1,995,961.00).

This Notice of Intent to Award Contract is issued pursuant to Oregon Revised Statute (ORS) 279C.375. Any entity 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 end at 5:00 PM on February 14, 2024.**

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. 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: telephone (541) 388-6625; FAX (541) 383-0496; or e-mail to [david.doyle@deschutescounty.gov](mailto:david.doyle@deschutescounty.gov).

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

Sincerely,

\_\_\_\_\_  
Patti Adair, Chair

**BID RESULTS**

BID OPENING : 2:00 PM 1/24/2024

				ENGINEER'S ESTIMATE		BAR SEVEN A COMPANIES 1060 SE LAKE RD REDMOND, OR 97756		TAYLOR NORTHWEST, LLC 18500 BULL SPRINGS RD BEND, OR 97703	
ITEM	UNIT	QTY	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	
1	Mobilization	LS	1	\$170,000.00	\$170,000.00	\$78,110.00	\$78,110.00	\$190,000.00	\$190,000.00
2	Temporary Protection And Direction Of Traffic	LS	1	\$120,000.00	\$120,000.00	\$120,165.00	\$120,165.00	\$85,650.00	\$85,650.00
3	Automated Flagger Assistance Device	EACH	2	\$10,000.00	\$20,000.00	\$7,260.00	\$14,520.00	\$50,270.00	\$100,540.00
4	Smart Work Zone System	LS	1	\$10,000.00	\$10,000.00	\$22,000.00	\$22,000.00	\$17,325.00	\$17,325.00
5	Erosion Control	LS	1	\$15,000.00	\$15,000.00	\$27,000.00	\$27,000.00	\$39,350.00	\$39,350.00
6	Pollution Control Plan	LS	1	\$2,000.00	\$2,000.00	\$1,650.00	\$1,650.00	\$180.00	\$180.00
7	Construction Survey Work	LS	1	\$20,000.00	\$20,000.00	\$26,500.00	\$26,500.00	\$26,850.00	\$26,850.00
8	Removal Of Structures And Obstructions	LS	1	\$5,000.00	\$5,000.00	\$1,250.00	\$1,250.00	\$1,290.00	\$1,290.00
9	Removal Of Surfacings	SQYD	7,240	\$7.00	\$50,680.00	\$4.35	\$31,494.00	\$6.70	\$48,508.00
10	Asphalt Pavement Sawcutting	FOOT	265	\$5.00	\$1,325.00	\$7.00	\$1,855.00	\$7.50	\$1,987.50
11	Clearing And Grubbing	LS	1	\$5,000.00	\$5,000.00	\$106,745.00	\$106,745.00	\$14,375.00	\$14,375.00
12	Embankment In Place	CUYD	6,400	\$35.00	\$224,000.00	\$32.60	\$208,640.00	\$40.90	\$261,760.00
13	Subgrade Geotextile	SQYD	8,650	\$5.00	\$43,250.00	\$1.20	\$10,380.00	\$1.10	\$9,515.00
14	Subgrade Reinforcement Geogrid	SQYD	8,650	\$6.00	\$51,900.00	\$6.30	\$54,495.00	\$6.00	\$51,900.00
15	Loose Riprap, Class 50	CUYD	15	\$150.00	\$2,250.00	\$215.00	\$3,225.00	\$120.00	\$1,800.00
16	8 Inch Storm Sewer Pipe, 5 foot Depth	FOOT	310	\$100.00	\$31,000.00	\$72.20	\$22,382.00	\$94.10	\$29,171.00
17	Concrete Inlets, Type G-2	EACH	10	\$5,000.00	\$50,000.00	\$3,500.00	\$35,000.00	\$3,625.00	\$36,250.00
18	3/4 Inch - 0 Aggregate Base	TON	4,000	\$30.00	\$120,000.00	\$33.50	\$134,000.00	\$24.75	\$99,000.00
19	Aggregate Shoulders	TON	675	\$30.00	\$20,250.00	\$33.40	\$22,545.00	\$37.00	\$24,975.00
20	Level 3, 1/2 Inch ACP Mixture, PG 70-28ER	TON	900	\$110.00	\$99,000.00	\$118.00	\$106,200.00	\$124.75	\$112,275.00
21	Level 3, 1/2 Inch ACP Mixture, PG 64-28	TON	2,960	\$100.00	\$296,000.00	\$111.00	\$328,560.00	\$116.65	\$345,284.00
22	Level 2, 1/2 Inch ACP Mixture, PG 64-28	TON	140	\$100.00	\$14,000.00	\$140.00	\$19,600.00	\$146.50	\$20,510.00
23	Concrete Curbs, High Strength, Low Profile Mountable Curb	FOOT	2,750	\$25.00	\$68,750.00	\$24.70	\$67,925.00	\$26.00	\$71,500.00
24	Concrete Curbs, High Strength, Low Profile Mountable Curb, Truck Apron	FOOT	350	\$25.00	\$8,750.00	\$24.20	\$8,470.00	\$26.00	\$9,100.00
25	Concrete Curbs, High Strength, Wide Modified	FOOT	260	\$45.00	\$11,700.00	\$52.80	\$13,728.00	\$46.20	\$12,012.00
26	6-Inch Thick, Pigmented Concrete Surfacing	SQFT	14,600	\$10.00	\$146,000.00	\$10.35	\$151,110.00	\$9.85	\$143,810.00
27	8-Inch Thick, Pigmented Concrete Surfacing	SQFT	4,150	\$14.00	\$58,100.00	\$12.20	\$50,630.00	\$13.00	\$53,950.00
28	Concrete Walks	SQFT	950	\$22.00	\$20,900.00	\$8.50	\$8,075.00	\$11.50	\$10,925.00
29	Extra For New Curb Ramps	EACH	12	\$1,000.00	\$12,000.00	\$660.00	\$7,920.00	\$1,155.00	\$13,860.00
30	Truncated Domes On New Surfaces	SQFT	240	\$55.00	\$13,200.00	\$40.00	\$9,600.00	\$34.65	\$8,316.00
31	Bi-Directional Yellow Type IAR Markers, Recessed	EACH	52	\$15.00	\$780.00	\$71.50	\$3,718.00	\$75.00	\$3,900.00
32	Permanent Surface Mounted Tubular Markers	EACH	39	\$250.00	\$9,750.00	\$95.00	\$3,705.00	\$190.00	\$7,410.00
33	Thermoplastic, Sprayed, Surface, Non-Profiled	FOOT	8,600	\$2.00	\$17,200.00	\$1.80	\$15,480.00	\$1.90	\$16,340.00
34	Pavement Legend, Type B-HS: Arrows	EACH	3	\$350.00	\$1,050.00	\$341.00	\$1,023.00	\$360.00	\$1,080.00
35	Pavement Legend, Type B-HS: Bicycle Lane Stencil	EACH	4	\$300.00	\$1,200.00	\$378.00	\$1,512.00	\$410.00	\$1,640.00
36	Pavement Bar: Type B-HS	SQFT	350	\$15.00	\$5,250.00	\$13.20	\$4,620.00	\$13.85	\$4,847.50
37	Pavement Legend, Type B-HS: Yield Line Triangle	EACH	18	\$70.00	\$1,260.00	\$81.00	\$1,458.00	\$84.50	\$1,521.00
38	Pavement Legend, Type B-HS: Transverse Speed Reduction Marker	EACH	120	\$20.00	\$2,400.00	\$29.70	\$3,564.00	\$31.20	\$3,744.00
39	Remove Existing Signs	LS	1	\$1,000.00	\$1,000.00	\$715.00	\$715.00	\$1,040.00	\$1,040.00
40	Remove And Reinstall Existing Signs	LS	1	\$1,000.00	\$1,000.00	\$1,770.00	\$1,770.00	\$1,040.00	\$1,040.00
41	Sign Support Footings	LS	1	\$7,000.00	\$7,000.00	\$17,990.00	\$17,990.00	\$13,860.00	\$13,860.00
42	Perforated Steel Square Tube Slip Base Sign Supports	LS	1	\$15,000.00	\$15,000.00	\$12,760.00	\$12,760.00	\$28,875.00	\$28,875.00
43	Signs, Standard Sheeting, Sheet Aluminum	SQFT	239	\$40.00	\$9,560.00	\$33.00	\$7,887.00	\$41.60	\$9,942.40
44	Pole Foundations	LS	1	\$65,000.00	\$65,000.00	\$42,545.00	\$42,545.00	\$53,260.00	\$53,260.00
45	Switching and Conduit	LS	1	\$124,000.00	\$124,000.00	\$83,140.00	\$83,140.00	\$78,820.00	\$78,820.00
46	Water Quality Mixture	CUYD	860	\$40.00	\$34,400.00	\$68.85	\$59,211.00	\$125.30	\$107,758.00
47	Permanent Seeding	ACRE	2	\$5,000.00	\$8,000.00	\$5,068.75	\$8,110.00	\$4,400.00	\$7,040.00
48	Rock Mulch	TON	510	\$100.00	\$51,000.00	\$37.20	\$18,972.00	\$82.60	\$42,126.00
49	Type 1-5W Fence	FOOT	966	\$15.00	\$14,490.00	\$14.50	\$14,007.00	\$15.00	\$14,490.00
				<b>TOTAL =</b>	<b>\$2,079,395.00</b>	<b>TOTAL =</b>	<b>\$1,995,961.00</b>	<b>TOTAL =</b>	<b>\$2,240,702.40</b>



**BID RESULTS**

BID OPENING : 2:00 PM 1/24/2024

				ENGINEER'S ESTIMATE		HIGH DESERT AGGREGATE & PAVING, INC. PO BOX 1929 REDMOND, OR 97756		JAL CONSTRUCTION INC dba 1859 INFRASTRUCTURE PO BOX 6269 BEND, OR 97708	
ITEM	UNIT	QTY	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	
1	Mobilization	LS	1	\$170,000.00	\$170,000.00	\$220,000.00	\$220,000.00	\$190,000.00	\$190,000.00
2	Temporary Protection And Direction Of Traffic	LS	1	\$120,000.00	\$120,000.00	\$70,000.00	\$70,000.00	\$130,000.00	\$130,000.00
3	Automated Flagger Assistance Device	EACH	2	\$10,000.00	\$20,000.00	\$45,000.00	\$90,000.00	\$4,000.00	\$8,000.00
4	Smart Work Zone System	LS	1	\$10,000.00	\$10,000.00	\$30,000.00	\$30,000.00	\$20,000.00	\$20,000.00
5	Erosion Control	LS	1	\$15,000.00	\$15,000.00	\$40,000.00	\$40,000.00	\$50,000.00	\$50,000.00
6	Pollution Control Plan	LS	1	\$2,000.00	\$2,000.00	\$500.00	\$500.00	\$1,500.00	\$1,500.00
7	Construction Survey Work	LS	1	\$20,000.00	\$20,000.00	\$35,000.00	\$35,000.00	\$30,000.00	\$30,000.00
8	Removal Of Structures And Obstructions	LS	1	\$5,000.00	\$5,000.00	\$20,000.00	\$20,000.00	\$23,000.00	\$23,000.00
9	Removal Of Surfacings	SQYD	7,240	\$7.00	\$50,680.00	\$4.00	\$28,960.00	\$5.00	\$36,200.00
10	Asphalt Pavement Sawcutting	FOOT	265	\$5.00	\$1,325.00	\$4.00	\$1,060.00	\$5.00	\$1,325.00
11	Clearing And Grubbing	LS	1	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00	\$22,000.00	\$22,000.00
12	Embankment In Place	CUYD	6,400	\$35.00	\$224,000.00	\$40.50	\$259,200.00	\$40.00	\$256,000.00
13	Subgrade Geotextile	SQYD	8,650	\$5.00	\$43,250.00	\$2.00	\$17,300.00	\$1.50	\$12,975.00
14	Subgrade Reinforcement Geogrid	SQYD	8,650	\$6.00	\$51,900.00	\$4.00	\$34,600.00	\$3.00	\$25,950.00
15	Loose Riprap, Class 50	CUYD	15	\$150.00	\$2,250.00	\$100.00	\$1,500.00	\$700.00	\$10,500.00
16	8 Inch Storm Sewer Pipe, 5 foot Depth	FOOT	310	\$100.00	\$31,000.00	\$85.00	\$26,350.00	\$75.00	\$23,250.00
17	Concrete Inlets, Type G-2	EACH	10	\$5,000.00	\$50,000.00	\$1,500.00	\$15,000.00	\$2,650.00	\$26,500.00
18	3/4 Inch - 0 Aggregate Base	TON	4,000	\$30.00	\$120,000.00	\$39.00	\$156,000.00	\$30.00	\$120,000.00
19	Aggregate Shoulders	TON	675	\$30.00	\$20,250.00	\$36.00	\$24,300.00	\$45.00	\$30,375.00
20	Level 3, 1/2 Inch ACP Mixture, PG 70-28ER	TON	900	\$110.00	\$99,000.00	\$112.00	\$100,800.00	\$114.00	\$102,600.00
21	Level 3, 1/2 Inch ACP Mixture, PG 64-28	TON	2,960	\$100.00	\$296,000.00	\$107.00	\$316,720.00	\$106.00	\$313,760.00
22	Level 2, 1/2 Inch ACP Mixture, PG 64-28	TON	140	\$100.00	\$14,000.00	\$120.00	\$16,800.00	\$134.00	\$18,760.00
23	Concrete Curbs, High Strength, Low Profile Mountable Curb	FOOT	2,750	\$25.00	\$68,750.00	\$26.00	\$71,500.00	\$29.00	\$79,750.00
24	Concrete Curbs, High Strength, Low Profile Mountable Curb, Truck Apron	FOOT	350	\$25.00	\$8,750.00	\$26.00	\$9,100.00	\$28.00	\$9,800.00
25	Concrete Curbs, High Strength, Wide Modified	FOOT	260	\$45.00	\$11,700.00	\$44.00	\$11,440.00	\$55.00	\$14,300.00
26	6-Inch Thick, Pigmented Concrete Surfacing	SQFT	14,600	\$10.00	\$146,000.00	\$11.00	\$160,600.00	\$18.00	\$262,800.00
27	8-Inch Thick, Pigmented Concrete Surfacing	SQFT	4,150	\$14.00	\$58,100.00	\$14.00	\$58,100.00	\$20.00	\$83,000.00
28	Concrete Walks	SQFT	950	\$22.00	\$20,900.00	\$12.00	\$11,400.00	\$16.00	\$15,200.00
29	Extra For New Curb Ramps	EACH	12	\$1,000.00	\$12,000.00	\$1,500.00	\$18,000.00	\$630.00	\$7,560.00
30	Truncated Domes On New Surfaces	SQFT	240	\$55.00	\$13,200.00	\$30.00	\$7,200.00	\$38.00	\$9,120.00
31	Bi-Directional Yellow Type IAR Markers, Recessed	EACH	52	\$15.00	\$780.00	\$65.00	\$3,380.00	\$68.00	\$3,536.00
32	Permanent Surface Mounted Tubular Markers	EACH	39	\$250.00	\$9,750.00	\$165.00	\$6,435.00	\$175.00	\$6,825.00
33	Thermoplastic, Sprayed, Surface, Non-Profiled	FOOT	8,600	\$2.00	\$17,200.00	\$1.65	\$14,190.00	\$1.75	\$15,050.00
34	Pavement Legend, Type B-HS: Arrows	EACH	3	\$350.00	\$1,050.00	\$310.00	\$930.00	\$325.00	\$975.00
35	Pavement Legend, Type B-HS: Bicycle Lane Stencil	EACH	4	\$300.00	\$1,200.00	\$350.00	\$1,400.00	\$370.00	\$1,480.00
36	Pavement Bar: Type B-HS	SQFT	350	\$15.00	\$5,250.00	\$12.00	\$4,200.00	\$13.00	\$4,550.00
37	Pavement Legend, Type B-HS: Yield Line Triangle	EACH	18	\$70.00	\$1,260.00	\$100.00	\$1,800.00	\$77.00	\$1,386.00
38	Pavement Legend, Type B-HS: Transverse Speed Reduction Marker	EACH	120	\$20.00	\$2,400.00	\$30.00	\$3,600.00	\$29.00	\$3,480.00
39	Remove Existing Signs	LS	1	\$1,000.00	\$1,000.00	\$900.00	\$900.00	\$630.00	\$630.00
40	Remove And Reinstall Existing Signs	LS	1	\$1,000.00	\$1,000.00	\$900.00	\$900.00	\$630.00	\$630.00
41	Sign Support Footings	LS	1	\$7,000.00	\$7,000.00	\$12,000.00	\$12,000.00	\$10,500.00	\$10,500.00
42	Perforated Steel Square Tube Slip Base Sign Supports	LS	1	\$15,000.00	\$15,000.00	\$25,000.00	\$25,000.00	\$22,500.00	\$22,500.00
43	Signs, Standard Sheeting, Sheet Aluminum	SQFT	239	\$40.00	\$9,560.00	\$36.00	\$8,604.00	\$30.00	\$7,170.00
44	Pole Foundations	LS	1	\$65,000.00	\$65,000.00	\$60,000.00	\$60,000.00	\$48,000.00	\$48,000.00
45	Switching and Conduit	LS	1	\$124,000.00	\$124,000.00	\$80,000.00	\$80,000.00	\$72,000.00	\$72,000.00
46	Water Quality Mixture	CUYD	860	\$40.00	\$34,400.00	\$118.50	\$101,910.00	\$114.00	\$98,040.00
47	Permanent Seeding	ACRE	2	\$5,000.00	\$8,000.00	\$3,800.00	\$6,080.00	\$4,000.00	\$6,400.00
48	Rock Mulch	TON	510	\$100.00	\$51,000.00	\$71.50	\$36,465.00	\$75.00	\$38,250.00
49	Type 1-5W Fence	FOOT	966	\$15.00	\$14,490.00	\$15.00	\$14,490.00	\$14.00	\$13,524.00
				<b>TOTAL =</b>	<b>\$2,079,395.00</b>	<b>TOTAL =</b>	<b>\$2,243,714.00</b>	<b>TOTAL =</b>	<b>\$2,289,151.00</b>





**BID RESULTS**

				ENGINEER'S ESTIMATE		BROWN CONTRACTING, INC. PO BOX 26439 EUGENE, OR 97402	
<b>BID OPENING : 2:00 PM 1/24/2024</b>							
ITEM	UNIT	QTY	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	
1	Mobilization	LS	1	\$170,000.00	\$170,000.00	\$242,000.00	\$242,000.00
2	Temporary Protection And Direction Of Traffic	LS	1	\$120,000.00	\$120,000.00	\$29,853.00	\$29,853.00
3	Automated Flagger Assistance Device	EACH	2	\$10,000.00	\$20,000.00	\$8,000.00	\$16,000.00
4	Smart Work Zone System	LS	1	\$10,000.00	\$10,000.00	\$11,000.00	\$11,000.00
5	Erosion Control	LS	1	\$15,000.00	\$15,000.00	\$25,000.00	\$25,000.00
6	Pollution Control Plan	LS	1	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
7	Construction Survey Work	LS	1	\$20,000.00	\$20,000.00	\$36,000.00	\$36,000.00
8	Removal Of Structures And Obstructions	LS	1	\$5,000.00	\$5,000.00	\$25,000.00	\$25,000.00
9	Removal Of Surfacings	SQYD	7,240	\$7.00	\$50,680.00	\$16.00	\$115,840.00
10	Asphalt Pavement Sawcutting	FOOT	265	\$5.00	\$1,325.00	\$15.00	\$3,975.00
11	Clearing And Grubbing	LS	1	\$5,000.00	\$5,000.00	\$15,555.00	\$15,555.00
12	Embankment In Place	CUYD	6,400	\$35.00	\$224,000.00	\$20.00	\$128,000.00
13	Subgrade Geotextile	SQYD	8,650	\$5.00	\$43,250.00	\$3.00	\$25,950.00
14	Subgrade Reinforcement Geogrid	SQYD	8,650	\$6.00	\$51,900.00	\$4.00	\$34,600.00
15	Loose Riprap, Class 50	CUYD	15	\$150.00	\$2,250.00	\$88.00	\$1,320.00
16	8 Inch Storm Sewer Pipe, 5 foot Depth	FOOT	310	\$100.00	\$31,000.00	\$111.00	\$34,410.00
17	Concrete Inlets, Type G-2	EACH	10	\$5,000.00	\$50,000.00	\$3,800.00	\$38,000.00
18	3/4 Inch - 0 Aggregate Base	TON	4,000	\$30.00	\$120,000.00	\$72.00	\$288,000.00
19	Aggregate Shoulders	TON	675	\$30.00	\$20,250.00	\$72.00	\$48,600.00
20	Level 3, 1/2 Inch ACP Mixture, PG 70-28ER	TON	900	\$110.00	\$99,000.00	\$117.00	\$105,300.00
21	Level 3, 1/2 Inch ACP Mixture, PG 64-28	TON	2,960	\$100.00	\$296,000.00	\$114.00	\$337,440.00
22	Level 2, 1/2 Inch ACP Mixture, PG 64-28	TON	140	\$100.00	\$14,000.00	\$140.00	\$19,600.00
23	Concrete Curbs, High Strength, Low Profile Mountable Curb	FOOT	2,750	\$25.00	\$68,750.00	\$35.00	\$96,250.00
24	Concrete Curbs, High Strength, Low Profile Mountable Curb, Truck Apron	FOOT	350	\$25.00	\$8,750.00	\$44.00	\$15,400.00
25	Concrete Curbs, High Strength, Wide Modified	FOOT	260	\$45.00	\$11,700.00	\$65.00	\$16,900.00
26	6-Inch Thick, Pigmented Concrete Surfacing	SQFT	14,600	\$10.00	\$146,000.00	\$15.00	\$219,000.00
27	8-Inch Thick, Pigmented Concrete Surfacing	SQFT	4,150	\$14.00	\$58,100.00	\$17.00	\$70,550.00
28	Concrete Walks	SQFT	950	\$22.00	\$20,900.00	\$13.00	\$12,350.00
29	Extra For New Curb Ramps	EACH	12	\$1,000.00	\$12,000.00	\$888.00	\$10,656.00
30	Truncated Domes On New Surfaces	SQFT	240	\$55.00	\$13,200.00	\$35.00	\$8,400.00
31	Bi-Directional Yellow Type IAR Markers, Recessed	EACH	52	\$15.00	\$780.00	\$71.00	\$3,692.00
32	Permanent Surface Mounted Tubular Markers	EACH	39	\$250.00	\$9,750.00	\$180.00	\$7,020.00
33	Thermoplastic, Sprayed, Surface, Non-Profiled	FOOT	8,600	\$2.00	\$17,200.00	\$2.00	\$17,200.00
34	Pavement Legend, Type B-HS: Arrows	EACH	3	\$350.00	\$1,050.00	\$400.00	\$1,200.00
35	Pavement Legend, Type B-HS: Bicycle Lane Stencil	EACH	4	\$300.00	\$1,200.00	\$400.00	\$1,600.00
36	Pavement Bar: Type B-HS	SQFT	350	\$15.00	\$5,250.00	\$14.00	\$4,900.00
37	Pavement Legend, Type B-HS: Yield Line Triangle	EACH	18	\$70.00	\$1,260.00	\$80.00	\$1,440.00
38	Pavement Legend, Type B-HS: Transverse Speed Reduction Marker	EACH	120	\$20.00	\$2,400.00	\$30.00	\$3,600.00
39	Remove Existing Signs	LS	1	\$1,000.00	\$1,000.00	\$740.00	\$740.00
40	Remove And Reinstall Existing Signs	LS	1	\$1,000.00	\$1,000.00	\$650.00	\$650.00
41	Sign Support Footings	LS	1	\$7,000.00	\$7,000.00	\$15,000.00	\$15,000.00
42	Perforated Steel Square Tube Slip Base Sign Supports	LS	1	\$15,000.00	\$15,000.00	\$11,000.00	\$11,000.00
43	Signs, Standard Sheeting, Sheet Aluminum	SQFT	239	\$40.00	\$9,560.00	\$29.00	\$6,931.00
44	Pole Foundations	LS	1	\$65,000.00	\$65,000.00	\$53,000.00	\$53,000.00
45	Switching and Conduit	LS	1	\$124,000.00	\$124,000.00	\$75,000.00	\$75,000.00
46	Water Quality Mixture	CUYD	860	\$40.00	\$34,400.00	\$144.00	\$123,840.00
47	Permanent Seeding	ACRE	2	\$5,000.00	\$8,000.00	\$6,544.00	\$10,470.40
48	Rock Mulch	TON	510	\$100.00	\$51,000.00	\$82.00	\$41,820.00
49	Type 1-5W Fence	FOOT	966	\$15.00	\$14,490.00	\$16.00	\$15,456.00
				<b>TOTAL =</b>	<b>\$2,079,395.00</b>	<b>TOTAL =</b>	<b>\$2,427,508.40</b>





BOARD OF  
COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** February 7, 2024

**SUBJECT:** South County Groundwater Protection Update from the Oregon Department of Environmental Quality

**BACKGROUND AND POLICY IMPLICATIONS:**

On February 7, 2024, the Board of County Commissioners will receive an update from the Oregon Department of Environmental Quality (DEQ). Shannon Davis, DEQ Deputy Director, provided a letter to the Board in December discussing groundwater pollution concerns from septic systems in the South Deschutes County area. DEQ respectfully recommended a meeting to begin discussing possible solutions.

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Peter Gutowsky, CDD Director  
Todd Cleveland, Onsite Wastewater Manager



COMMUNITY DEVELOPMENT

MEMORANDUM

**TO:** Deschutes County Board of Commissioners

**FROM:** Peter Gutowsky, AICP, Director  
Todd Cleveland, Onsite Wastewater Manager

**DATE:** January 31, 2024

**SUBJECT:** Oregon Department of Environmental Quality / South County Groundwater Protection

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On February 7, 2024, the Board of County Commissioners (Board) will receive an update from the Oregon Department of Environmental Quality (DEQ). Shannon Davis, DEQ Deputy Director, provided a letter to the Board in December discussing groundwater pollution concerns from septic systems in the South Deschutes County area (Attachment 1). Conditions documented from past investigations and outlined in a USGS factsheet remain valid. DEQ respectfully recommended a meeting to begin discussing possible solutions.

To assist the conversation, the Community Development Department prepared a list of Deschutes County and DEQ’s efforts over the last several decades to protect the groundwater in South County (Attachment 2). The list is not exhaustive.



# Oregon

Tina Kotek, Governor

Attachment 1

02/07/2024 Item #5.

Department of Environmental Quality  
Eastern Region Bend Office  
475 NE Bellevue Drive, Suite 110  
Bend, OR 97701  
(541) 388-6146  
FAX (541) 388-8283  
TTY 711

December 19, 2023

Deschutes County Board of Commissioners  
1300 NW Wall Street, Suite 200  
Bend, Oregon 97701

**RE: Meeting Proposal for County and DEQ staff to discuss future Septic Development and Variances, South Deschutes County**

Dear Commissioners:

For many years now the Department of Environmental Quality (DEQ) and Deschutes County have been working to address groundwater pollution concerns from septic systems in the South Deschutes County area. Groundwater in the Sunriver and La Pine area is vulnerable to nitrate contamination from septic systems and private wells are the primary drinking water source for most properties in this area.

The area was platted into many subdivisions back in the late 60's and early 70's before a comprehensive land use planning program was established. DEQ had previously worked with the County, the Department of Land Conservation and Development (DLCD), and the United States Geological Survey (USGS) to investigate groundwater pollution concerns in the South Deschutes County area.

Conditions documented from past investigations and outlined in USGS factsheet (attached) are still valid. Testing and research indicate most of the contamination in this region comes from septic systems. This means nutrients from septic systems are seeping into the area's porous, volcanic soil and the aquifer that is used as a primary drinking water source. Continued unrestricted development in the area will reach a tipping point that may be difficult or impossible to recover from due to groundwater contamination which will then require additional regulation and funding to address.

As outlined in a 2008 letter (attached), DEQ requested that the County, in coordination with DLCD establish areas in South Deschutes County that may be eligible for sewer systems. Eligibility would be based on a determination by DEQ that there was no practical alternative to a sewer system to abate the public health hazard. However, these previous efforts including a county code variance, variance repeal, and Statewide Planning Goal 11 exemption were unsuccessful.

DEQ previously determined that a variety of approaches were likely needed to properly manage wastewater pollutants and nitrate loading, including individual onsite wastewater treatment systems and various types of community sewer systems. In some locations, DEQ believes the use of various types of community sewer systems and/or drinking water systems may be a better long-term solution to human

health impacts, however, drinking water systems may not mitigate the effect on surface water or ecological impacts.

We recommend that County and DEQ staff meet and begin to discuss possible next steps to address the situation. Some items suggested include:

- Discuss current County process and DEQ variance process for approval of individual septic systems. Septic system site evaluation denial is commonly due to the depth to the seasonally high-water table. Oregon regulations require at least 24 inches below the ground surface to the water table, with a minimum 24-inch separation between the water table and the bottom of a septic system's sand filter. Meeting this regulation still doesn't ensure that there aren't impacts to groundwater from the systems.
- Discuss recent DEQ 2023 sampling of private residential wells that still indicate conditions are much the same as they were in the past with nitrate impacts to wells and the Deschutes River.
- Even with a septic design capable of producing high quality effluent, the treatment may not sufficiently minimize or eliminate nutrients and pathogens from the wastewater or future impacts to the aquifer system as outlined by a USGS model.
- Discuss whether a determination of "public health hazard" by DLCDC and DEQ may be a precursor to sewer or water service to rural lands via a Goal 11 exemption.
- Convene a meeting with non-government organizations (NGO), non-profits, and 3<sup>rd</sup> party stakeholders on support of installation and funding of sanitary systems, water systems, Goal 11 exemptions or other alternatives. Does there need to be an informed choice between smart development and human health and ecological water quality impacts in South Deschutes County or can there be a balance?
- Some parcels are not suitable for septic systems. Discuss potential to address or use "red tag" lots using some type of purchase for buffering potential impacts. Explore future DEQ Water Quality Onsite rulemaking that could include additional treatment standards while considering other nitrate loading factor such as regional climate changes and density of developments.
- Discuss suggestions or modification of County rules to meet rule requirements.
- Outline options to manage existing monitoring wells installed during the LaPine Demonstration Project that require maintenance and/or abandonment.
- Discuss whether a determination of "area of concern" by DEQ may be a precursor to a declaration of a Groundwater Management Area (GWMA) by DEQ.

DEQ still believes that conditions in South Deschutes County are a potential public health and ecological impact issue. There may also be rural community impacts, funding and financing issues, environmental justice concerns and climate change implications that should be addressed. As outlined in previous communications, DEQ understands that there will be further aspects of this process that will

require additional work, refinement, clarification and coordination and we stand committed to helping Deschutes County and the citizens in South Deschutes County.

If you have any questions concerning this letter and to begin discussions on a joint meeting, please contact Sean Rochette, DEQ Onsite Manager at (541) 633-2036 or via email at Sean.Rochette@deq.oregon.gov.

Respectfully,



Shannon Davis  
DEQ Deputy Director

ecc:

Todd Cleveland, Deschutes County  
Peter Gutowsky, Deschutes County Planning Director  
Sean Rochette, DEQ – Bend  
Greg Svelund, DEQ – Bend  
Ann Farris, DEQ – Bend  
Jennifer Wigal, DEQ – HQ

**Attachment(s):**

DEQ January 4, 2008, letter  
USGS 2007 factsheet



January 4, 2008

Deschutes County Board of Commissioners  
1300 NW Wall Street, Suite 200  
Bend, Oregon 97701

## RE: Application of Goal 11 to South Deschutes County

Dear Commissioners:

For many years now the Department of Environmental Quality (DEQ), the Department of Land Conservation and Development (DLCDD), the United States Geological Service (USGS) and Deschutes County have been addressing groundwater pollution concerns in the South Deschutes County area. We believe these concerns are first and foremost a public health issue rather than a land use planning issue. The area was platted into many subdivisions back in the late 60's and early 70's before a comprehensive land use planning program was established, which included Statewide Planning Goal 11.

Based on the summary and conclusions of the recently released USGS report 2007-5237 entitled "Evaluation of approaches for managing nitrate loading from on-site wastewater systems near La Pine, Oregon" and along with DLCDD's definition of a "public health hazard,"<sup>1</sup> DEQ requests that Deschutes County, in coordination with DLCDD, establish in South Deschutes County the areas in and around the tax lots delineated on Deschutes County maps titled "Sources of Sewage Contributing to Health Hazard"<sup>2</sup> dated December 19, 2007, as areas that may be eligible for sewer systems. Eligibility is primarily based on a determination by DEQ that there is no practicable alternative to a sewer system in order to abate the public health hazard.

This request is in accordance with Oregon Administrative Rule (OAR) Chapter 660, Division 11, Section 0060 (Sewer Service to Rural Lands), where a DEQ determination of a Public Health Hazard negates the need for an exception to Goal 11. Under the Goal 11 rules, specifically OAR 660-011-0060 (4) (a) (A), (B), (C), and (D), the DEQ is required to:

- 1. Determine that a public health hazard exists in the area;**
- 2. Determine that the public health hazard is caused by sewage from development that existed in the area on July 28, 1998;**

<sup>1</sup> OAR 660-011-0060(1) (d) defines a "Public health hazard" as a "...condition whereby it is probable that the public is exposed to disease-caused physical suffering or illness due to the presence of inadequately treated sewage;"

<sup>2</sup> The maps titled "Sources of Sewage Contributing to Health Hazard" dated December 19, 2007, may not include all of the sources of sewage. Therefore, this map as well as other maps referenced in this letter are considered as "work in progress documents" and may need to be modified over time.

**3. Describe the physical location of the identified sources of the sewage contributing to the public health hazard; and**

DEQ has determined that conditions that exist under items 1 and 2, above, have been satisfied as documented in the USGS report 2007-5237. Deschutes County maps titled "Sources of Sewage Contributing to Health Hazard", which show the physical location of the identified sources of the sewage contributing to the public health hazard satisfies item 3. This information was compiled based on information obtained by the County on the location of dwellings and information from WPCF-Onsite permits issued by DEQ in Deschutes County. Other maps prepared by the County identify sources that existed in the area prior to July 28, 1998.

**4. Determine that there is no practicable alternative to a sewer system in order to abate the public health hazard.**

To address the effects of nitrogen and other pollutants from onsite wastewater treatment systems on the quality of ground water in the South Deschutes County area, DEQ has determined that a variety of approaches are needed to properly manage wastewater pollutants and nitrate loading, including individual onsite wastewater treatment systems and various types of community sewer systems. In some locations within the area, DEQ believes the use of various types of community sewer systems are a better long term solution. Therefore, within or near the tax lots delineated on Deschutes County maps titled "Sources of Sewage Contributing to Health Hazard" as sources contributing to the public health hazard, DEQ intends to make the determination required under item 4. This will be done on a case-by-case basis when information has been presented to DEQ demonstrating that there is no practicable alternative to a sewer system in order to abate the public health hazard for that specific area, lot, parcel, or group of parcels or lots. The property affected by DEQ's determination will be clearly identified and presented to Deschutes County and DLCD's regional representative in a timely manner. At the time the determination is presented, DEQ would have satisfied all four conditions required by OAR 660-011-0060(4) (a) for the area so identified and our responsibility for providing affected local governments and special districts notification of the determination as required by OAR 660-011-0060(7).

In accordance with OAR 660-011-0060(4) (b), and based on recommendations by DEQ, Deschutes County and other public sanitary sewer authorities are required to:

- 1. Determine the type of sewer system and service to be provided;**
- 2. Determine the boundaries of the sewer system service area, pursuant to OAR 660-011-0060(6);**

DEQ considers items 1 and 2 as primary and necessary in protecting public health in the area and determinations can be made using the Nitrate Loading Management Model (NLMM) developed as a management tool by the USGS. Upon the determination required by DEQ under OAR 660-011-0060(4) (D) that there is no practicable alternative to a sewer system in order to abate the public health hazard, DEQ will provide the county with recommendations as to the type of sewer system to be provided and the boundaries of the sewer system service area. The boundaries





of the sewer system service area delineated by DEQ will include: (1) lots or parcels that contain the identified sources of the sewage contributing to the health hazard for that area; and (2) lots or parcels that are surrounded by or abut the contributing lots or parcels where, due to soils, insufficient lot size, or other conditions, there is a reasonably clear probability that onsite systems installed to serve uses on such lots or parcels will fail and further contribute to the health hazard (OAR 660-011-0060(6)).

- 3. **Adopt land use regulations that ensure the sewer system is designed and constructed so that its capacity does not exceed the minimum necessary to serve the area within the boundaries;**
- 4. **Adopt land use regulations to prohibit the sewer system from serving any uses other than those existing or allowed in the identified service area on the date the sewer system is approved;**
- 5. **Adopt plan and zone amendments to ensure that only rural land uses are allowed on rural lands in the area to be served by the sewer system, consistent with Goal 14 and OAR 660-004-0018, unless a Goal 14 exception has been acknowledged;**
- 6. **Ensure that land use regulations do not authorize a higher density of residential development than would be authorized without the presence of the sewer system; and**
- 7. **Determine that the system satisfies ORS 215.296(1) or (2) to protect farm and forest practices, except for systems located in the subsurface of public roads and highways along the public right of way.**

At the time DEQ makes the determination that there is no practicable alternative to a sewer system in order to abate the public health hazard, DEQ will be available to assist and provide recommendations to Deschutes County in satisfying the land use planning requirements specified under items 3 through 7, above. DEQ has already requested that DLCD assist the County in developing the necessary land use provisions to implement these items.

In accordance with OAR 660-011-0060(5), Deschutes County, based on recommendations from DEQ, shall determine the most practicable sewer system to abate the health hazard based on the following:

- 1. **The system must be sufficient to abate the public health hazard pursuant to DEQ requirements applicable to such systems; and**
- 2. **New or expanded sewer systems serving only the health hazard area shall be generally preferred over the extension of a sewer system from an urban growth boundary. However, if the health hazard area is within the service area of a sanitary authority or district, the sewer system operated by the authority or district, if available and sufficient, shall be preferred over other sewer system options.**

At the time DEQ makes the determination that there is no practicable alternative to a sewer system in order to abate the public health hazard, DEQ will provide the County with recommendations as to the sufficiency of the sewer system to abate the public health hazard and whether it is more feasible to obtain sewer service from an existing sewer service provider.



With the assistance from DLCD, DEQ also requests that Deschutes County expedite all planning requirements specified above in order to allow, in conjunction with the individual onsite wastewater treatment systems, the use of community sewer systems, extension of existing sewer systems, and use of smaller "cluster systems" within or near the tax lots delineated on Deschutes County maps titled "Sources of Sewage Contributing to Health Hazard", as satisfying OAR 660-011-0060(4) (A), (B) and (C), and within the specific areas as further determined by DEQ as satisfying OAR 660-011-0060(4) (D).

DEQ views the determinations described above and as later defined in more detail, and the County's quick response to that determination, as positive steps towards the protection of groundwater in South Deschutes County. We request an accelerated land use process from the County and DLCD when implementing future determinations for sewer systems.

We understand that there will be further aspects of this process that will require additional work, refinement, clarification and coordination. However, we also believe this is the most efficient way to work through this particular issue under the current land use regulations. We also understand that the determinations made by DEQ that sewer systems are more practicable raises other issues and questions not fully explored. We stand committed to helping Deschutes County, DLCD and the citizens in South Deschutes County sort through those matters.

If you have any questions concerning this designation and request for action, please contact Joni Hammond, DEQ's Interim Deputy Director at (503) 229-5332.

Sincerely,



Dick Pedersen  
Interim Director

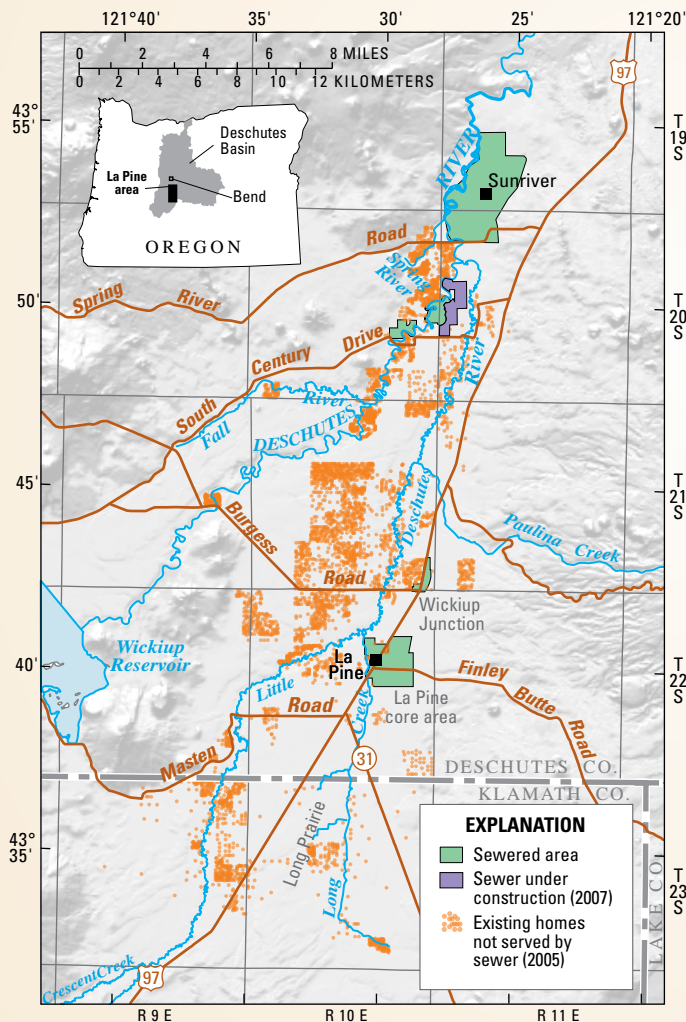
- cc: Joni Hammond, DEQ – Portland
- Bob Baggett, DEQ – Bend
- Mike Kucinski, DEQ – Roseburg
- Richard Whitman, DLCD – Salem
- Jon Jinings, DLCD – Bend
- Doug White, DLCD – Bend
- Darren Nichols – DLCD La Grande
- Tom Anderson, Deschutes County Community Development Director
- Katherine Morrow, Deschutes County Planning Director



Prepared in cooperation with Deschutes County and the Oregon Department of Environmental Quality

# Questions and Answers About the Effects of Septic Systems on Water Quality in the La Pine Area, Oregon

*Nitrate levels in the ground-water aquifer underlying the central Oregon city of La Pine and the surrounding area are increasing due to contamination from residential septic systems. This contamination has public health implications because ground water is the sole source of drinking water for area residents. The U.S. Geological Survey, in cooperation with Deschutes County and the Oregon Department of Environmental Quality, studied the movement and chemistry of nitrate in the aquifer and developed computer models that can be used to predict future nitrate levels and to evaluate alternatives for protecting water quality. This fact sheet summarizes the results of that study in the form of questions and answers.*



**Figure 1.** Residential development near La Pine, Oregon, is proceeding at a rapid pace. This map of the area shows the boundary of a USGS study to examine the processes that affect the movement and chemistry of nitrogen in the ground-water system.

The population of rural residential areas near La Pine in southern Deschutes County and northern Klamath County, Oregon, has grown rapidly since the 1960s. Most of these areas lie within a tract adjacent to the Deschutes and Little Deschutes Rivers that extends roughly 25 miles south of Sunriver (fig. 1). Existing and future homes on more than 9,300 residential lots in the area now use or will use individual, on-site septic systems for wastewater disposal and shallow wells for water supply. At least 50 percent of these wells draw ground water from the upper 50 feet of the shallow aquifer that underlies the area (Morgan and others, 2007).

Vulnerability of the shallow aquifer to contamination has led to concern by residents, County planners and resource managers, and State regulators that wastewater from septic systems may pose a threat to the primary drinking water supply if residential development continues at planned densities using conventional septic systems. Another concern is the quality of local streams (Hinkle, Morgan, and others, 2007). The Deschutes and Little Deschutes Rivers, which flow through the developed areas near La Pine, already have excessive algae in some reaches, possibly due to nutrient (nitrogen and phosphorus) contributions from ground water (Anderson, 2000; Jones, 2003).

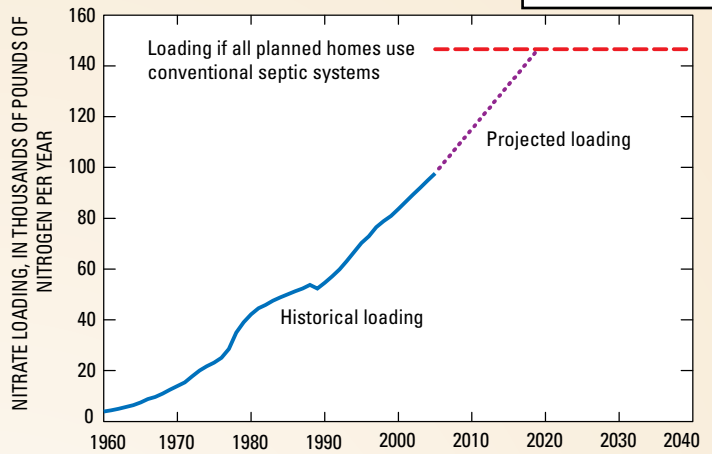


Septic system being installed near La Pine, Oregon.

Conventional residential septic systems are the principal source of nitrogen to the shallow aquifer in the La Pine area (Century West Engineering, 1982; Oregon Department of Environmental Quality, 1994; Hinkle, Böhlke, and others, 2007), and the nitrate contribution (loading) to the aquifer from these septic systems has increased rapidly as a result of ongoing residential development (fig. 2). Conventional septic systems, including sand filter and pressure distribution systems, are not designed to remove nitrogen from wastewater. Nitrate is a human health concern because it can cause methemoglobinemia (Blue-Baby Syndrome) in infants (<http://www.atsdr.cdc.gov/HEC/CSEM/nitrate/>). The U.S. Environmental Protection Agency has established 10 parts per million (ppm) of nitrogen as the maximum allowable nitrate concentration in drinking water for public water supply systems. Oregon law sets a nitrate concentration of 7 ppm as the level at which regulatory action must be taken to control water-quality degradation.

The city of La Pine was the location of the first concentrated development within the area. The first building permits, recorded in what was then called the core area, date from 1910. In 2006, the core area was incorporated as the City of La Pine. The Oregon Department of Environmental Quality (ODEQ) issued an administrative rule requiring community sewage treatment for the core area after studies in 1979 and 1982 documented nitrate contamination in drinking water wells (Century West Engineering, 1982; Cole, 2006).

Surveys of wells outside of the core area by ODEQ between 1993 and 1995 found unnaturally elevated nitrate concentrations in several of the most densely developed parts of the region



**Figure 2.** The rapid increase in nitrate loading to the aquifer that supplies drinking water to homes in the La Pine area is due to the rapid pace of residential development.

(R.J. Weick, ODEQ, written commun., 1998; Cole, 2006). The high concentrations were attributed to contamination by effluent from septic systems.

In 1999, Deschutes County and ODEQ 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 order to develop strategies for managing ground-water quality. In response, the USGS, in cooperation with Deschutes County and ODEQ, began a study in 1999 to examine the hydrologic and chemical processes that affect the movement and fate (chemical transformation) of nitrogen within the aquifer (Hinkle, Böhlke, and others, 2007; Morgan and others, 2007). A primary objective was to provide tools for evaluating the effects of existing and future residential development on water quality. The study has provided area residents and local and State agencies the information and tools needed to make informed decisions about the future of development in the La Pine area. Results from the study have been published in several reports (see References Cited). This fact sheet summarizes the results that relate to the effects of septic systems on water quality in the area.



As part of the La Pine area ground-water study, the USGS drilled wells to collect geologic and water-quality data.

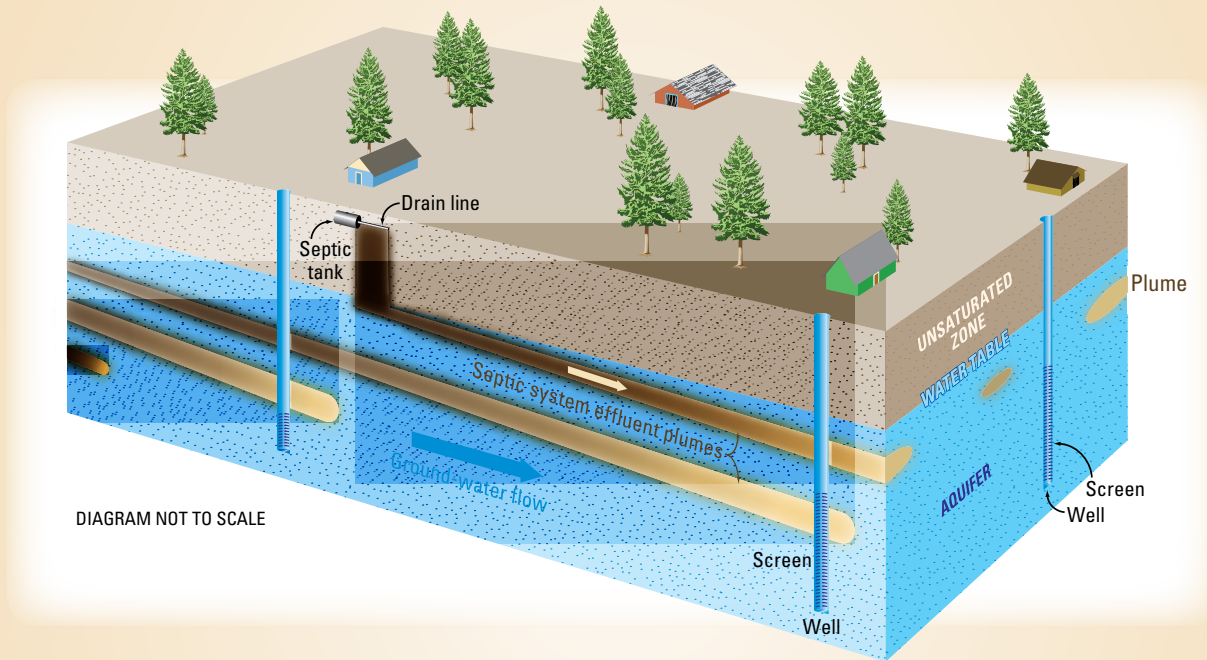


Geologists examined drill-core samples to define the geology at different depths.

## Is shallow ground water in the vicinity of La Pine vulnerable to contamination from on-site wastewater systems?

Yes, several factors contribute to the vulnerability:

1. The ground-water table is shallow, typically less than 20 feet below land surface and seasonally rising to within 2 feet in low-lying areas (fig. 3).
2. The sandy soils allow rapid infiltration of septic system effluent to the water table.
3. The amount of rain and snowmelt that enters the aquifer is small, which limits dilution of septic system effluent.
4. Most existing drinking-water wells draw water from shallow sand and gravel deposits within 50 feet of land surface. These deposits form the primary aquifer in the area.
5. Fifty-eight percent of lots are less than 1 acre and 82 percent are less than 2 acres, making residential densities relatively high for an area where homes are dependent on individual septic systems and wells.



**Figure 3.** Wastewater from septic systems contains nitrogen in the forms of ammonia and organic nitrogen. As wastewater leaves the septic system drainfield and percolates through the unsaturated zone, these forms of nitrogen are converted to nitrate. When the wastewater reaches the water table it forms plumes of elevated nitrate within the aquifer. The plumes move downward with the ground water and slowly spread. Currently, relatively few wells have water with high nitrate concentrations because these plumes have not had time to reach the depths where most domestic supply wells draw water. As more homes are built, and as plumes move deeper and spread, many more supply wells will be affected.

## Why don't more domestic wells in the area have high nitrate levels?

*Ground water moves slowly through the shallow aquifer. Because ground water moves slowly, it takes a long time for nitrate to appear in well water.*

For example, the severity of nitrate contamination in the La Pine core area did not become evident until 1979, nearly 70 years after development of that area began. Away from the core area, most wells currently provide drinking water that percolated to the water table decades ago, when there were very few homes and septic systems. Nitrate plumes, however, are beginning to affect a significant number of drinking-water wells. Of nearly 200 well samples collected by ODEQ in 2000, over 10 percent had nitrate concentrations above 4 ppm, indicating contamination from septic systems.

Much of the nitrate in the aquifer currently is confined to plumes less than about 30 feet below the water table, so not all supply wells are drawing water from affected areas of the aquifer (fig. 3). As development proceeds and the nitrate plumes expand and move deeper into the aquifer, more wells will be affected. Age dating of ground water in the La Pine area provides additional insight into this process. USGS scientists determined the age of ground water by sampling special monitoring wells and analyzing the water for tracers called chlorofluorocarbons (common refrigerant gases found in the atmosphere). These tracers indicate that nitrate from septic systems is moving downward into deeper parts of the aquifer where more wells will be affected in the future (Hinkle, Böhlke, and others, 2007; Morgan and others, 2007).

# Could other sources of nitrate, like agriculture, animals, golf courses, or lawns, cause water-quality problems?

*Probably not. Several lines of evidence point to septic systems as the main source of the nitrate (Hinkle, Böhlke, and others, 2007):*

1. Agriculture (primarily pasture) represents only about 4 percent of the study area. The four golf courses in the area cover less than 0.4 percent of the study area and are located where they would affect few if any wells. Animal waste contribution is much less than that of humans, and it is deposited on the land surface, where various processes remove nitrogen. Most homes in the area have natural landscaping or small lawn areas; assuming fertilizer is applied at recommended rates, very little nitrogen infiltrates below the root zone and into the ground water.
2. Nitrogen isotope (<sup>15</sup>N) concentrations can be used to identify the source of nitrate in ground water; nitrogen isotope data for the La Pine area indicate that septic systems are the source of nitrate in the shallow ground water.
3. The occurrence of nitrate in distinct plumes is consistent with localized sources (individual septic systems) and is not consistent with dispersed sources, such as agricultural fields, golf courses, or livestock pasture.
4. Chloride, a wastewater component, is present in the shallow aquifer at higher concentrations than seen outside of the La Pine area or in deep ground water beneath the area. Other sources of chloride, such as agriculture or road salt, are not common in the area. Therefore, the elevated chloride concentrations indicate that the shallow ground water contains a proportion of septic system effluent.



*These scientists are measuring the flow of ground water into the Little Deschutes River through the streambed.*



*The USGS measured water levels in the aquifer under the La Pine area to determine the direction of ground-water flow.*

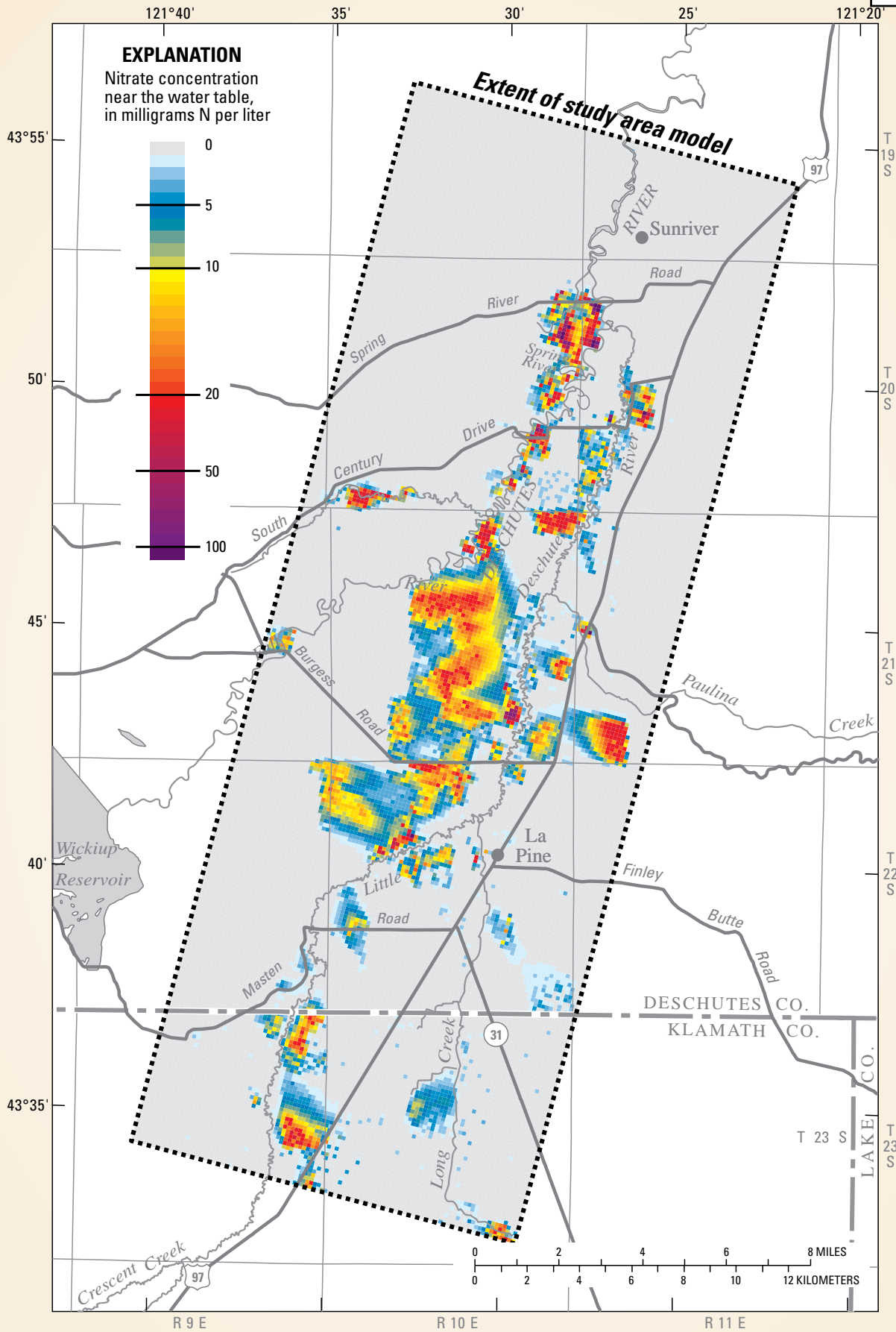
## What will happen to water quality if nitrate loading from septic systems continues at projected rates?

*Large areas of the shallow aquifer will have nitrate concentrations above 10 ppm, and more nitrate will be carried into streams by ground water.*

If residential development proceeds as planned and no efforts are made to reduce the rates of nitrate loading from septic systems, loading is projected to increase 52 percent above 2005 rates (fig. 2). Computer model simulations of this future scenario show that:

1. Peak nitrate concentrations will exceed 10 ppm over large areas of the shallow aquifer (fig. 4). On average, drinking water in those areas will be composed of at least 22 percent septic system effluent.
2. The highest nitrate concentrations will be near the water table, but many wells that draw water from the upper 50 feet of the aquifer will be at risk for nitrate contamination.
3. It will take decades for peak concentrations to occur and decades for concentrations to subside if nitrate loading is reduced.
4. Increasing amounts of nitrate from septic systems will be carried into the Deschutes and Little Deschutes Rivers by ground water.

The computer model integrates the current understanding of nitrogen geochemistry, hydrology, and geology of the aquifer underlying the La Pine area. The model was tested by simulating past ground-water levels, ground-water travel times, ground-water discharge to streams, and ground-water-quality conditions and then comparing the model results with measurements made in the study area. The simulated conditions, including past ground-water nitrate concentrations, matched measured conditions within acceptable limits. These results indicate that the model has sufficient accuracy to be a valid tool for evaluating the potential effects of septic systems on future ground-water quality.

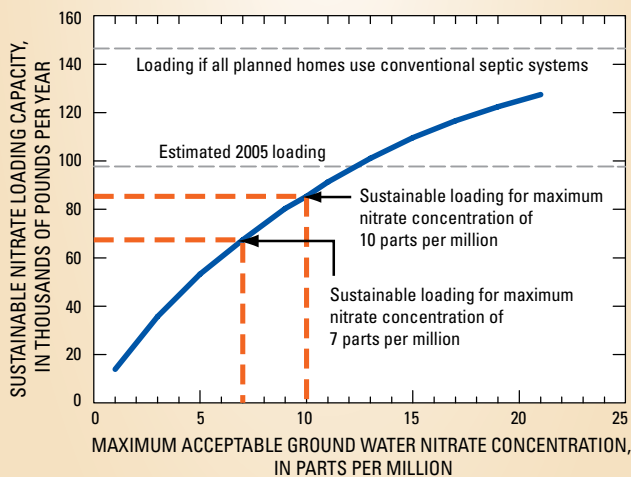


**Figure 4.** Ground water in much of the shallow aquifer underlying residential areas will exceed State and Federal water-quality standards for nitrate if existing and future homes continue to use conventional septic systems.

## How much nitrate can be put into the aquifer while still protecting water quality?

*The computer model is a tool that can be used to help answer this question.*

The capacity of the aquifer to receive nitrate varies throughout the area and depends on factors related to geology, climate, chemistry, and nearby development. These factors are accounted for by the model, allowing it to compute the maximum sustainable nitrate loading capacity in each of 95 subareas ranging in size from 160 to 640 acres. The maximum sustainable loading capacity also depends on the water-quality protection goals for the aquifer. Model users set the values of water-quality goals, which can be the maximum acceptable nitrate concentration in ground water, the maximum acceptable discharge of nitrate to streams, or both. Goals that are more protective, such as limiting nitrate concentrations in ground water to 7 ppm instead of 10 ppm, reduce the sustainable loading capacity of the aquifer (fig. 5). The model can be used to examine the trade-offs between more stringent water-quality goals and the costs of limiting nitrate loading. Planners and resource managers also can use the model to identify areas where loading from planned or existing development exceeds the sustainable nitrate loading capacity of the aquifer and devise appropriate strategies for reducing loading.



**Figure 5.** This graph shows the relation between maximum acceptable nitrate concentration in ground water and the sustainable nitrate loading capacity of the aquifer, as determined using the computer model. The graph illustrates that there is a trade-off between the sustainable loading capacity and water quality goals.

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### Base Credits for figures 1 and 4.

Base modified from U.S. Geological Survey 1:500,000 state base map, 1982 with digital data from U.S. Bureau of the Census, TIGER/Line (R), 1990 and U.S. Geological Survey Digital Line Graphs published at 1:100,000. Publication projection is Lambert Conformal Conic, Standard parallels 42°20' and 44°40', central meridian -120°30'. Datum is NAD83

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### For more information, contact:

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Oregon Water Science Center  
2130 SW 5th Ave., Portland, OR 97201  
(503) 251-3200 <http://or.water.usgs.gov>



## South Deschutes County – Groundwater Quality Efforts

Year	Topic	Comments
1960 - 1970	Preplatted Subdivisions	30-square mile area in southern Deschutes County (excluding La Pine Urban Unincorporated Area and Sunriver) was subdivided into over 11,000 lots prior to SB 100 and the establishment of Oregon Statewide Land Use System.
1982	Nitrates Detected in La Pine	Oregon Department of Environmental Quality (DEQ) La Pine Aquifer Study identified high nitrate levels in groundwater underlying the core area of La Pine.
1986	La Pine Core Area	La Pine core area sewered.
1994	Nitrates Detected Outside of La Pine	DEQ identified increasing nitrate levels outside of the La Pine area.
1996	Regional Problem Solving Grant	County received a \$157,250 Regional Problem Solving (RPS) grant from Department of Land Conservation and Development (DLCD) to identify regional problems and evaluate solutions.
1997	Cost / Benefit Analysis for Sewer Feasibility	<i>South County Regional Cost/Benefit Analysis PRS Project Final Report, Sewer Feasibility Study</i> , found creating or expanding sewers in the study area costs between \$19,000 and \$28,000 per household. A 20-year payback at 3% costs between \$1,275 and \$2,880 per household per year. This estimate also assumed that the sewage treatment plant site and related land could be purchased at \$3,000 per acre.
1998	Regional Problem Solving Water Quality Directives	Water Quality Directives resulting from RPS included: <ul style="list-style-type: none"> <li>▪ Continuing to study nitrates, well head protection, and alternative sewage disposal systems.</li> <li>▪ Do not build a new sewer system in study area</li> <li>▪ Reducing residential density to meet the carrying capacity of onsite sewage disposal systems through a market-based Transfer of Development Credit (TDC) Program</li> <li>▪ Identifying areas where existing community sewer systems can be expanded (La Pine Sewer District).</li> <li>▪ Supporting Oregon Water Wonderland II efforts to upgrade the existing sewage treatment facilities for that subdivision</li> </ul>
1999	National Demonstration Project	DEQ received \$5.5 million grant from U.S. Environmental Protection Agency to study the groundwater, model the aquifer, and field test nitrogen reducing onsite systems not available in Oregon.
1999 - 2004	Groundwater Sampling	DEQ and Deschutes County field sampled groundwater and onsite wastewater treatment system effluent. Results of studies reported at numerous national, regional and state meetings.

Year	Topic	Comments
2000	<b>Comprehensive Plan Amendments (RPS)</b>	<p>Deschutes County Comprehensive Plan amended to include certain goals in response to public comments during RPS:</p> <ol style="list-style-type: none"> <li>1. To preserve water and air quality, reduce wildfire hazards and protect wildlife habitat.</li> <li>2. To ensure that domestic water derived from groundwater meets safe drinking water standards.</li> <li>3. To develop an equitable, market-driven system, that reduces the potential development of existing lots in floodplains, wetlands, mule deer migration corridors and areas susceptible to groundwater pollution.</li> <li>4. To create a new neighborhood, primarily residential in character, between La Pine and Wickiup Junction, that provides services efficiently, sustains economic development and reduces adverse impacts to groundwater quality in South Deschutes County.</li> <li>5. To explore innovative sewage treatment and disposal methods.</li> </ol>
2002	<b>Transferable Development Credits Adopted</b>	TDC Program adopted into County Code.
2003	<b>La Pine National Demonstration Project Findings</b>	Findings of the La Pine National Demonstration Project groundwater investigation and three-dimensional groundwater modeling presented at a public meeting in La Pine.
	<b>Oregon Water Wonderland II Sewer Treatment Facility Upgrade</b>	Board of County Commissioners (Board) approved a Comprehensive Plan Amendment, Zone Change, and exceptions to Goals 4 and 11 for Oregon Water Wonderland II for a 480-acre parcel to establish sewage treatment facilities for that subdivision.
2005	<b>USGS Nitrate Fate and Transport Model Completed</b>	The US Geological Survey (USGS) completed upgrade to a three-dimensional groundwater model and produced a Nitrate Loading Management Model.
	<b>USGS Report</b>	USGS releases a report, <i>Organic Wastewater Compounds, Pharmaceuticals, and Coliphage in Ground Water Receiving Discharge from Onsite Wastewater Treatment Systems near La Pine, Oregon: Occurrence, and Implications for Transport</i> . Organic wastewater compounds, pharmaceuticals, and coliphage (viruses that infect coliform bacteria) in onsite wastewater and in a shallow, unconfined aquifer that serves as the primary source of drinking water for most residents near La Pine was documented.
	<b>TDC Technical Advisory Committee</b>	The County convenes the TDC Technical Advisory Committee to amend the Transferable Development Credit Program to focus resources created by the La Pine Neighborhood Planning Area on solving the groundwater protection problem.
	<b>Pollution Reduction Credits</b>	<p>The TDC Technical Advisory Committee recommends creating a Pollution Reduction Credit program to work in conjunction with a Local Rule to require the use of nitrogen reducing onsite wastewater treatment systems.</p> <p>The Board adopted amendments to the TDC Program to create Pollution Reduction Credits to create financial assistance for homeowners upgrading their existing onsite wastewater treatment systems to better protect groundwater.</p>

Year	Topic	Comments
2005	<b>New Alternative Treatment Technologies for Septic Systems</b>	Based on the results of the La Pine National Demonstration Project, DEQ amended state rules to allow alternative treatment technologies in Oregon for onsite septic systems. These systems provide a higher level of treatment for wastewater.
2007	<b>USGS Report</b>	USGS released a report, <i>Evaluation of Approaches for Managing Nitrate Loading from On-Site Wastewater Systems near La Pine, Oregon</i> .
	<b>Draft Local Rule</b>	<p>The Board held three public hearings in La Pine to take testimony on a draft Local Rule that would require that:</p> <ul style="list-style-type: none"> <li>▪ New development (on bare land) uses the best performing nitrogen reducing systems. If future development installs the best system possible the costs for existing system upgrades are kept as low as possible</li> <li>▪ All existing systems are upgraded within 10 years of the date the rule is adopted.</li> </ul>
	<b>Groundwater Discussions</b>	The Board held a public meeting with the DEQ and DLCD to discuss the groundwater science and modeling and next steps for protecting groundwater in the region.
	<b>USGS Report</b>	USGS releases report, <i>Ground Water Redox Zonation near La Pine, Oregon: Relation to River Position within the Aquifer-Riparian Zone Continuum</i> , acknowledging that the Deschutes and Little Deschutes Rivers, which receive part of their flow from groundwater, are vulnerable to contamination by wastewater from septic systems in southern Deschutes County and northern Klamath County.
2008	<b>DEQ Public Health Hazard Letter</b>	<p>DEQ issued a letter that stated that a public health hazard is being created in the region by continued use of conventional onsite wastewater treatment systems. DEQ stated that potential solutions to this public health hazard may include a variety of approaches ranging from onsite wastewater treatment systems to expanded or new sewer systems through a Goal 11 exception.</p> <p>The Board held a public work session with the DEQ and DLCD to discuss the groundwater science and modeling and next steps for protecting groundwater in the region.</p>
	<b>Financial Advisory Committee</b>	The Board convened a financial advisory committee to provide recommendations for a financial assistance program. This program is intended to help residents of south Deschutes County offset the costs of installing groundwater protection measures.

Year	Topic	Comments
2008	<b>Draft Local Rule</b>	<p>The Board held a public hearing in La Pine to take testimony on a revised draft Local Rule that would require that:</p> <ul style="list-style-type: none"> <li>▪ New residential development (on bare land) uses the best performing nitrogen reducing systems. If future development installs the best system possible the costs for existing system upgrades are kept as low as possible</li> <li>▪ All existing systems are upgraded within 10-14 years of the date the rule is adopted.</li> </ul>
	<b>Ordinance 2008-019 (Advance On-site Treatment Systems for New Residential Development)</b>	<p>The Board adopted Ordinance 2008-019. <u>CDD currently administers OAR 340-071-130(1), Nitrogen-Reducing Systems today by requiring advanced onsite wastewater treatment systems for:</u></p> <ol style="list-style-type: none"> <li>1. New residential dwellings,</li> <li>2. Major septic repairs (repairs to drainfields, this does not include tank replacements), and</li> <li>3. Major residential alterations (changes that would cause increases in flows or proposing to connect to a system that doesn't meet minimum sizing requirements for the use).</li> </ol>
	<b>Local Rule Adopted</b>	<p>The Board adopted Ordinance 2008-012 which required:</p> <ul style="list-style-type: none"> <li>▪ All existing septic systems to be upgraded to an approved nitrate reducing system or other methods to prevent nitrate pollution from conventional septic systems by November 2022.</li> </ul> <p>6,500 existing septic units in southern Deschutes County affected by this requirement. Cost estimates for property owners at the time were between \$7,000-\$16,000.</p>
	<b>Nitrate Loading Management Model Adopted</b>	<p>The Board adopted Resolution 2008-021, adopting a Nitrate Loading Management Model to establish performance measures for onsite wastewater treatment systems. The model could be used to identify performance standards for onsite systems that maintain no higher than 7 mg/L nitrate as N average concentrations in the shallow groundwater in accordance with Oregon Administrative Rule 340-040, Groundwater Quality Protection. Minimum and maximum nitrogen regulation requirements and locations for the performance standards were established.</p>

Year	Topic	Comments
2008 - 2009	High Groundwater Project	<p>Deschutes received a \$90,000 DLCD Technical Assistance Grant to provide support for a technical committee and community involvement process to address land-use and water quality issues in South Deschutes County. Three months of community conversations identified numerous priorities including:</p> <ul style="list-style-type: none"> <li>▪ Involving the community in decisions affecting South County</li> <li>▪ Reducing wildfire hazards</li> <li>▪ DEQ and sewer districts leading the formation or expansion of sewer systems</li> <li>▪ Deschutes County leading an effort to construct and pave roads</li> <li>▪ Additional protection of natural resources</li> </ul> <p>However, residents remained deadlocked on development in high groundwater areas.</p>
2009	Local Rule Overturned	Voters overturned Ordinance 2008-019 by voting “No” to Measure 9-70, a special election ballot referendum. “No” carried with 56.99% of the vote.
	DEQ Takes Over Groundwater Protection	Deschutes County, DLCD, members of La Pine community met with DEQ to discuss next steps. The Board requested that DEQ take the lead on groundwater protection, expressing that it has exhausted its efforts to address the issue on a local level. DEQ agreed.
2010 - 2013	DEQ Groundwater Steering Committee	DEQ assembled a steering committee of community members to discuss and make recommendations to improve groundwater protection in South Deschutes and North Klamath counties. They met over 20 times for nearly three years.
2010	Nonconforming Loan Program	<p>Deschutes County entered into a Personal Services Contract with NeighborImpact to administer a nonconforming loan program for septic upgrades in South Deschutes County. The purpose of the contract is to establish a separate lending pool for South Deschutes residents who have been disqualified from the existing loan program due to mortgage delinquency and/or inadequate equity. Deschutes County has funded the loan program (grants, Newberry Neighborhood land sales) with a total contribution of \$240,000. Disbursements in the amount of \$60,000 to NeighborImpact occurred in FY 2011, FY 2012, FY 2014 and FY 2017. <u>The program in partnership with NeighborImpact remains in effect today.</u></p>
	Sunriver Sewer Feasibility Study	Sunriver LLC completed, <i>South Deschutes County Sewage Collection, Treatment, and Disposal Feasibility Study</i> , supported by DEQ and Deschutes County that examined the cost of extending sewer into rural areas south of Sunriver.

Year	Topic	Comments
2010	Rebate Program	The Board adopted Order 2010-006, establishing a nitrogen reducing onsite wastewater treatment rebate program administered by the Community Development Department. The amount of the rebate based on meeting certain conditions is \$3,750. Funds are derived from the sale of County-owned property (Newberry Neighborhood) in the city of La Pine. <u>The rebate program remains in effect today.</u> To date, CDD has issued 149 rebates.
2011	South County Local Wetland Inventory	The Board adopted a South County Local Wetland Inventory. It replaced the National Wetland Inventory for South County and improved the accuracy in the identification of jurisdictional wetland characteristics in the upper Deschutes Basin. Functions that were evaluated included wildlife habitat quality, contribution to fish habitat, water quality improvement, and floodwater retention capability.
2013	DEQ Groundwater Steering Committee Recommendations	<p>DEQ released, <i>South Deschutes/North Klamath Groundwater Protection Report and Recommendations</i>. DEQ steering committee approved a list of recommendations to address groundwater contamination in the area, then having fulfilled its mission, voted to disband. Recommendations included:</p> <ol style="list-style-type: none"> <li>1. A Goal 11 exception for at-risk areas in South Deschutes and North Klamath counties;</li> <li>2. DEQ design a testing program to determine whether there is a groundwater contamination problem, and if so, where it might be located;</li> <li>3. Form a Sanitation Authority to protect the groundwater in the affected area spanning South Deschutes and North Klamath counties;</li> <li>4. Institute an ordinance that limits the number of livestock per acre to reduce risk to groundwater contamination and provide education to manage livestock;</li> <li>5. Investigate establishing a permitting/groundwater monitoring program for all golf courses, nurseries and other point sources;</li> <li>6. Explore an ATT moratorium;</li> <li>7. Explore disadvantaged community financing solutions;</li> <li>8. Establish an outreach committee to educate the community; and</li> <li>9. Explore alternative “green” solutions for disposing human waste.</li> </ol>

Year	Topic	Comments
2013	Newberry Country Plan / Policies	<p>Board adopted, <i>Newberry Country, A Plan for Southern Deschutes County</i>, into the Comprehensive Plan. Policies include:</p> <ul style="list-style-type: none"> <li>▪ Consider an ordinance to limit the number of livestock allowed on small acreages in order to limit nitrates from entering the groundwater and protecting public health;</li> <li>▪ Use all the proceeds derived from the sale of County-owned property in the La Pine Neighborhood Planning Area to protect the groundwater in South Deschutes County, through methods such as funding septic system repairs and upgrades to qualifying low-income homeowners;</li> <li>▪ Evaluate and revise as needed, the TDC and Pollution Reduction Credit programs; and</li> <li>▪ Explore opportunities for Goal 11 exceptions and the full range of advance wastewater treatment opportunities.</li> </ul>
2014	Livestock and Animal Husbandry	<p>Planning Commission convened a domestic livestock panel comprised of representatives from Deschutes Soil and Water Conservation District, the Oregon Department of Agriculture, Oregon State University (OSU) Extension Services, and the South Deschutes/North Klamath Groundwater Protection Project Steering Committee. The panel and subsequent public comments focused on the importance of best management practices and several educational opportunities that are currently available to rural property owners. Planning Commission recommended that while there is no need for additional land use regulations, there is an extraordinary opportunity to emphasize the value of the information gathered during this process.</p> <p>The Board agreed with the Planning Commission's recommendations regarding rural residential domestic livestock and animal husbandry, directing staff to develop and/or promote:</p> <ul style="list-style-type: none"> <li>▪ An education and enforcement contacts matrix</li> <li>▪ Links to web sites of related organizations</li> <li>▪ An Upper Deschutes Agricultural Water Quality Management Area Plan</li> <li>▪ A Deschutes County Rural Living Handbook</li> <li>▪ Deschutes County Code Chapter 13.36, Nuisances and Abatement</li> </ul>

Year	Topic	Comments
2015 - 2016	Goal 11 Exception	DEQ, DLCD and the Community Development Department initiated a legislative amendment updating the County's Comprehensive Plan to take an exception to Statewide Planning Goal 11 (Public Facilities and Services) to allow for sewers in unincorporated lands in southern Deschutes County. After numerous public hearings with the Planning Commission and the Board, the Board adopted Ordinance 2016-007 taking an exception to Goal 11.
2016	Goal 11 Exception Remand from LUBA	<p>Central Oregon Landwatch (COLW) appealed Ordinance 2016-007 to the Land Use Board of Appeals (LUBA). COLW argued the Record did not demonstrate there was an imminent and significant threat to public health per OAR 660-011-0060(9). LUBA concurred and remanded the decision back to the County. Notable excerpts of LUBA's decision included:</p> <ul style="list-style-type: none"> <li>▪ Deschutes County, DEQ, and DLCD did not demonstrate there is imminent public health hazard that necessitates extending sewers.</li> <li>▪ It is the scope of the exception (11,000 lots), the area of the exception (180 square miles), and the indefiniteness of the number and location of the lots, if any, that will be connected to the sewer system that makes it improper.</li> <li>▪ The ordinance impermissibly "established a planning or zoning policy of general applicability" that allows sewer systems in order to facilitate residential development on rural lands in the county.</li> <li>▪ Deschutes County, DEQ, and DLCD need to explain how sewer service that they describe as "necessary to guard against unacceptable levels of pollution in the area's groundwater that would expose citizens to health risks" will correct the problem when connection to the sewer system is entirely optional.</li> </ul>
2022 - 2024	DEQ Groundwater Monitoring Study	DEQ initiated a groundwater monitoring study for South Deschutes County. Results expected in 2024.



Year	Topic	Comments
2023	<p style="text-align: center;"><b>DEQ Future Septic Development and Variance Letter</b></p>	<p>DEQ provided a letter to the Board recommending the County and DEQ staff meet and begin to discuss possible next steps to address groundwater protection. Items included:</p> <ul style="list-style-type: none"> <li>▪ DEQ variance process</li> <li>▪ DEQ 2023 sampling of private wells</li> <li>▪ Public health hazard and Goal 11 exception</li> <li>▪ Meetings with non-governmental organizations to support and fund alternatives</li> <li>▪ High groundwater lots</li> <li>▪ Rule modifications</li> <li>▪ Monitoring existing wells</li> <li>▪ Groundwater Management Area declaration</li> </ul>



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 7, 2024

SUBJECT: First reading of Ordinance 2024-003 – Miller Pit Plan Amendment and Zone Change

RECOMMENDED MOTION:

Move approval of first reading of Ordinance 2024-003 by title only.

BACKGROUND AND POLICY IMPLICATIONS:

The applicant requests approval of a Comprehensive Plan Amendment to change the designation of the subject property from Surface Mine to Rural Residential Exception Area. The applicant also requests a concurrent change in the zoning from Surface Mining to Multiple Use Agricultural. The subject property is approximately 65 acres in size and is located south of Bend on Knott Road.

Record items can be viewed and downloaded from the following link:

https://www.deschutes.org/cd/page/247-23-000547-pa-247-23-000548-zc-miller-pit-llc-comprehensive-plan-amendment-and-zone

BUDGET IMPACTS:

None

ATTENDANCE:

Audrey Stuart, Associate Planner

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 Surface Mine 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 Surface \*  
Mining to Multiple Use Agricultural.

ORDINANCE NO. 2024-003

WHEREAS, City of Bend, applied for changes to both the Deschutes County Comprehensive Plan Map (247-23-000547-PA) and the Deschutes County Zoning Map (247-23-000548-ZC), to change the comprehensive plan designation of the subject property from Surface Mining (SM) Rural Residential Exception Area (RREA), and a corresponding zone change from Surface Mining (SM) to Multiple Use Agricultural (MUA-10); and

WHEREAS, after notice was given in accordance with applicable law, a public hearing was held on November 13, 2023, before the Deschutes County Hearings Officer and, January 10, 2024, the Hearings Officer recommended approval of the Comprehensive Plan Map Amendment and Zone Change;

WHEREAS, pursuant to DCC 22.28.030(B), in considering all quasi-judicial zone changes and those quasi-judicial plan amendments on which the Hearings Officer has authority to make a decision, the Board of County Commissioners shall, in the absence of an appeal or review initiated by the Board, adopt the Hearings Officer's decision. No argument or further testimony will be taken by the Board; 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 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 SM to MUA-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 Decision 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.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

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

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

ATTEST:

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

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

Date of 1<sup>st</sup> Reading: \_\_\_\_ day of \_\_\_\_\_, 2024.

Date of 2<sup>nd</sup> Reading: \_\_\_\_ day of \_\_\_\_\_, 2024.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Patti Adair	—	—	—	—
Anthony DeBone	—	—	—	—
Phil Chang	—	—	—	—

Effective date: \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST

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

**Attachment "A" To Ordinance 2024-003**

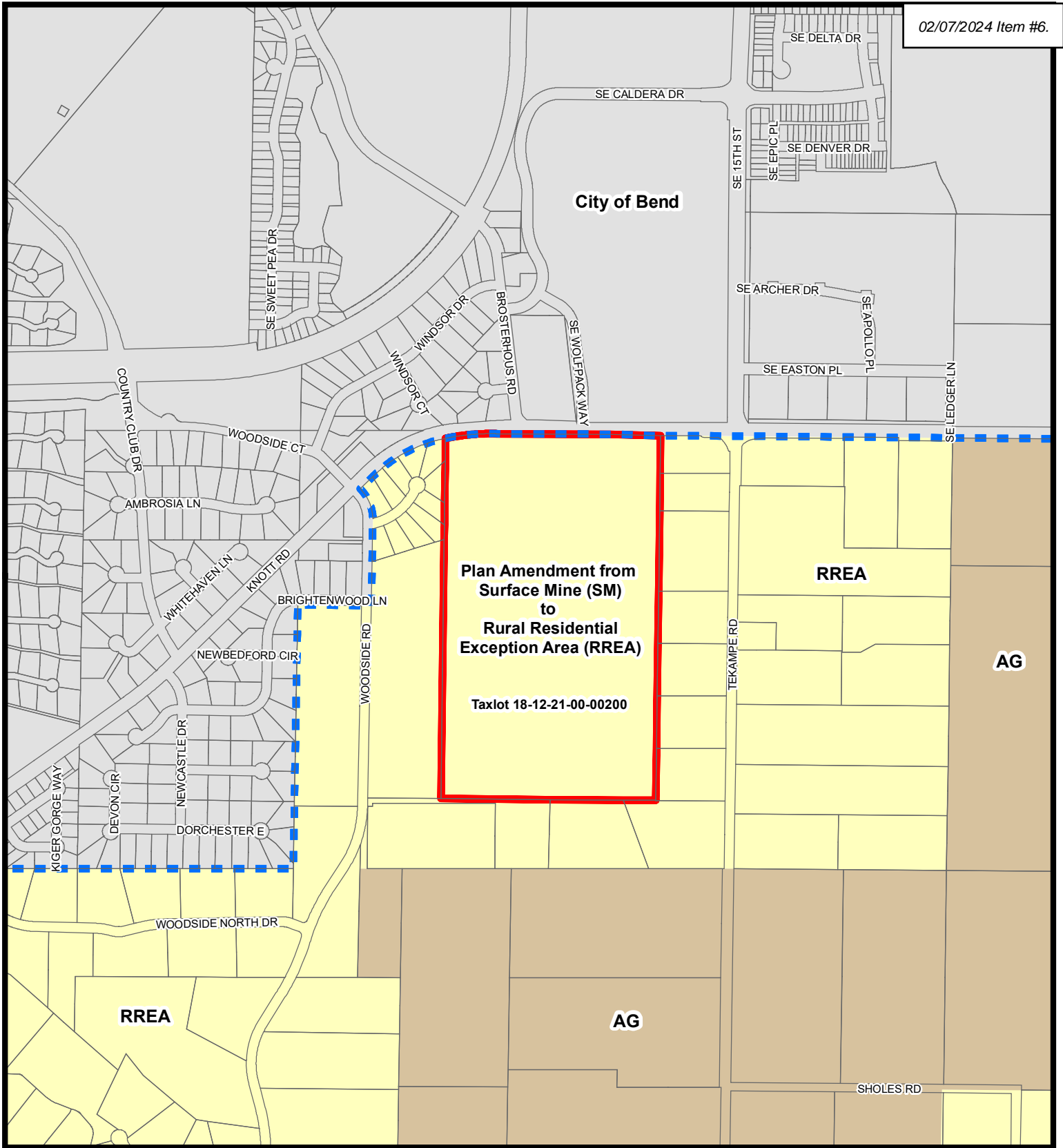
**Legal Description of Subject Property**

A tract of land situate in the Northeast Quarter (NE1/4) of Section Twenty-one (21), Township Eighteen (18) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at a point on the North line of said Section Twenty-one (21) which point is located South 89°50' West 450 feet from the Northeast corner of said Section 21; thence South 0°14' West on a line parallel to the East line of said Section 21, a distance of 2235 feet; thence West, a distance of 1300 feet; thence North 0°14' East, a distance of 2231.17 feet to the North line of said Section 21; thence North 89°50' East along the North line of said Section 21, a distance of 1300 feet to the point of beginning.

**EXCEPTING THEREFROM:**



Commencing at the Northeast corner of said Section Twenty-one (21); thence South 89°50' West along the North line of said Section 21, 450.00 feet; thence South 00°14' West on a line parallel with the East line of said Section 21, a distance of 20.00 feet to a point on the Southerly right of way line of Knott Road, being the point of beginning; thence South 00°14' West on a line parallel with the East line of said Section 21, 10.00 feet; thence North 88°15' West 300.10 feet, to a point on the Southerly right of way line of Knott Road; thence North 89°50' East along the Southerly right of way line of Knott Road a distance of 300.00 feet to the point of beginning.






# PROPOSED PLAN AMENDMENT

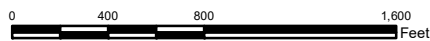
Exhibit "B"  
to Ordinance 2024-003

## Legend

-  Plan Amendment Boundary
-  Bend Urban Growth Boundary

## Comprehensive Plan Designation

-  AG - Agriculture
-  SM - Surface Mining
-  RREA - Rural Residential Exception Area



January 26, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

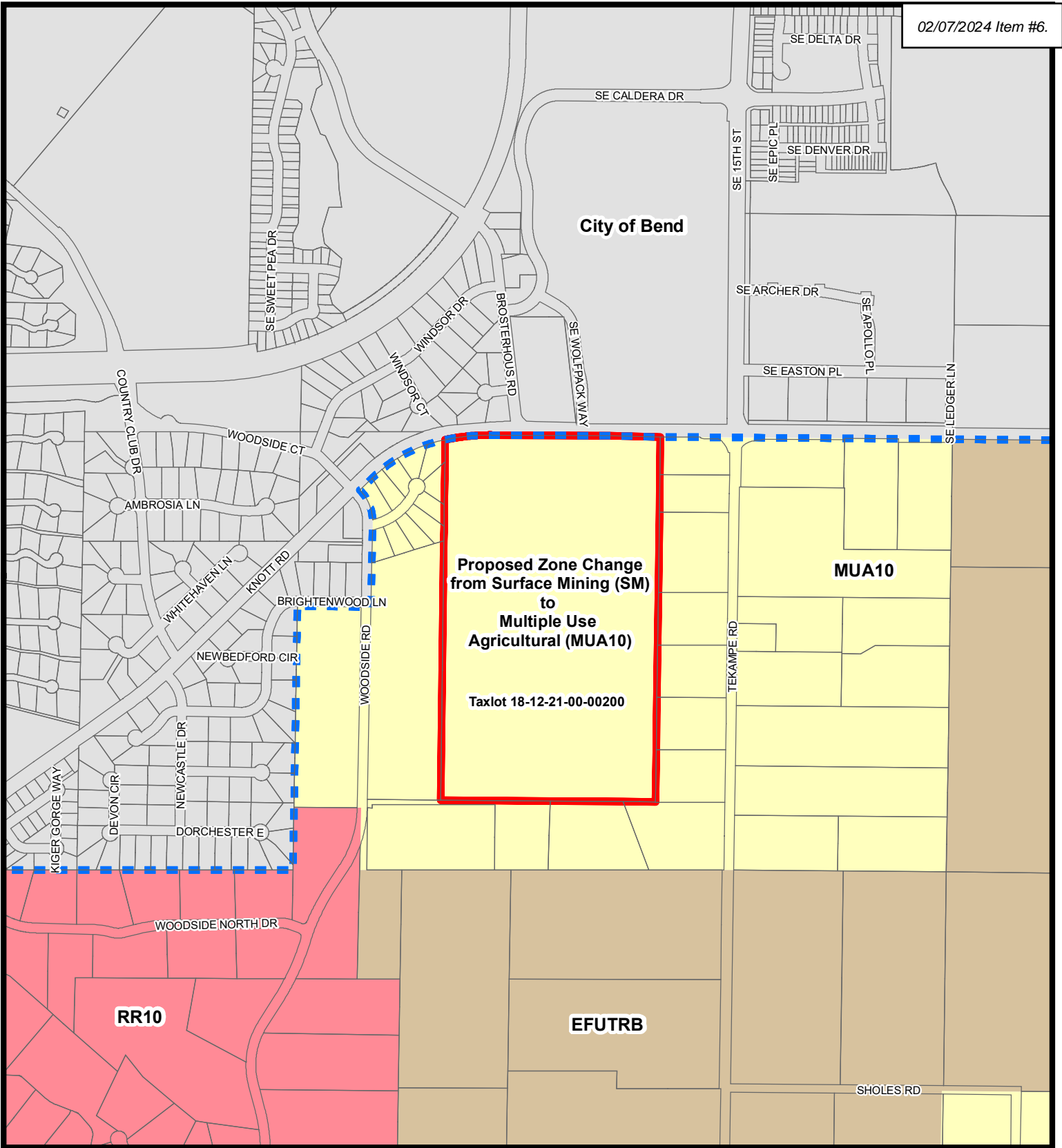
\_\_\_\_\_  
Patti Adair, Chair

\_\_\_\_\_  
Anthony DeBone, Vice Chair

\_\_\_\_\_  
Phil Chang, Commissioner

\_\_\_\_\_  
ATTEST: Recording Secretary



Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024  
Effective Date: \_\_\_\_\_, 2024






**Proposed Zone Change  
from Surface Mining (SM)  
to  
Multiple Use  
Agricultural (MUA10)**

Taxlot 18-12-21-00-00200

**Legend**

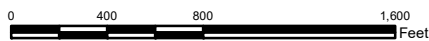
-  Zone Change Boundary
-  Bend Urban Growth Boundary

**County Zoning**

-  EFUTRB - Tumalo/Redmond/Bend Subzone
-  MUA10 - Multiple Use Agricultural
-  RR10 - Rural Residential

**PROPOSED  
ZONING**

Exhibit "C"  
to Ordinance 2024-003



January 26, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
Patti Adair, Chair

\_\_\_\_\_  
Anthony DeBone, Vice Chair

\_\_\_\_\_  
Phil Chang, Commissioner

\_\_\_\_\_  
ATTEST: Recording Secretary

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024  
Effective Date: \_\_\_\_\_, 2024



**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. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-005, are incorporated by reference herein.
- 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.
- 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.**

Click here to be directed to the Comprehensive Plan (<http://www.deschutes.org/compplan>)

HISTORY

*Amended by Ord. [2011-027](#) §10 on 11/9/2011*

*Adopted by Ord. [2011-003](#) §2 on 11/9/2011*

*Amended by Ord. [2011-017](#) §5 on 11/30/2011*

*Amended by Ord. [2012-012](#) §1, 2, 3, 4 on 8/20/2012*

*Amended by Ord. [2012-005](#) §1 on 11/19/2012*

*Amended by Ord. [2013-002](#) §1 on 1/7/2013*

*Repealed by Ord. [2013-001](#) §1 on 1/7/2013*

Amended by Ord. [2013-005](#) §1 on 1/23/2013  
Amended by Ord. [2012-016](#) §1 on 3/4/2013  
Amended by Ord. [2013-009](#) §1 on 5/8/2013  
Amended by Ord. [2013-012](#) §1 on 8/8/2013  
Amended by Ord. [2013-007](#) §1 on 8/28/2013  
Amended by Ord. [2014-005](#) §2 on 2/26/2014  
Amended by Ord. [2014-006](#) §2 on 3/15/2014  
Amended by Ord. [2014-012](#) §1 on 8/6/2014  
Amended by Ord. [2014-021](#) §1 on 11/26/2014  
Amended by Ord. [2015-029](#) §1 on 11/30/2015  
Amended by Ord. [2015-010](#) §1 on 12/21/2015  
Amended by Ord. [2015-021](#) §1 on 2/22/2016  
Amended by Ord. [2015-018](#) §1 on 3/28/2016  
Amended by Ord. [2016-001](#) §1 on 4/5/2016  
Amended by Ord. [2016-022](#) §1 on 9/28/2016  
Repealed & Reenacted by Ord. [2016-027](#) §1, 2 on 12/28/2016  
Amended by Ord. [2016-005](#) §1 on 2/27/2017  
Amended by Ord. [2016-029](#) §1 on 3/28/2017  
Amended by Ord. [2017-007](#) §1 on 11/1/2017  
Amended by Ord. [2018-002](#) §1 on 1/25/2018  
Amended by Ord. [2018-005](#) §2 on 10/10/2018  
Amended by Ord. [2018-008](#) §1 on 10/26/2018  
Amended by Ord. [2018-008](#) §1 on 10/26/2018  
Amended by Ord. [2018-008](#) §1 on 10/26/2018  
Amended by Ord. [2018-006](#) §1 on 11/20/2018  
Amended by Ord. [2018-011](#) §1 on 12/11/2018  
Amended by Ord. [2019-004](#) §1 on 3/14/2019  
Amended by Ord. [2019-003](#) §1 on 3/14/2019  
Amended by Ord. [2019-002](#) §1 on 4/2/2019  
Amended by Ord. [2019-001](#) §1 on 4/16/2019  
Amended by Ord. [2019-010](#) §1 on 5/8/2019  
Amended by Ord. [2019-011](#) §1 on 5/17/2019  
Amended by Ord. [2019-006](#) §1 on 6/11/2019  
Amended by Ord. [2019-019](#) §2 on 12/11/2019  
Amended by Ord. [2020-001](#) §26 on 4/21/2020  
Amended by Ord. [2020-003](#) §1 on 5/26/2020  
Amended by Ord. [2020-002](#) §1 on 5/26/2020  
Amended by Ord. [2020-008](#) §5 on 9/22/2020  
Amended by Ord. [2020-007](#) §1 on 10/27/2020  
Amended by Ord. [2020-006](#) §1 on 11/10/2020  
Amended by Ord. [2020-009](#) §4 on 11/17/2020  
Amended by Ord. [2020-013](#) §1 on 11/24/2020  
Amended by Ord. [2021-002](#) §3 on 4/27/2021  
Amended by Ord. [2021-005](#) §1 on 6/16/2021

- Amended by Ord. [2021-008](#) §1 on 6/30/2021*
- Amended by Ord. [2022-001](#) §2 on 7/12/2022*
- Amended by Ord. [2022-003](#) §2 on 7/19/2022*
- Amended by Ord. [2022-006](#) §2 on 7/22/2022*
- Amended by Ord. 2022-010 §1 on 10/25/2022*
- Amended by Ord. 2023-001 §1 on 3/1/2023*
- Amended by Ord. 2022-013 §2 on 3/14/2023*
- Amended by Ord. 2023-007 §19 on 4/26/2023*
- Amended by Ord. 2023-010 §1 on 6/21/2023*
- Amended by Ord. 2023-018 §1 on 8/30/2023*
- Amended by Ord. 2023-015 §3 on 9/13/2023*
- Amended by Ord. 2023-025 §1 on 11/29/2023*
- Amended by Ord. 2024-001§1 on 01/31/2024*
- Amended by Ord. 2024-003§1 on 02/21/2024*

# Section 5.12 Legislative History

## Background

This section contains the legislative history of this Comprehensive Plan.

**Table 5.12.1 Comprehensive Plan Ordinance History**

Ordinance	Date Adopted/ Effective	Chapter/Section	Amendment
2011-003	8-10-11/11-9-11	All, except Transportation, Tumalo and Terrebonne Community Plans, Deschutes Junction, Destination Resorts and ordinances adopted in 2011	Comprehensive Plan update
2011-027	10-31-11/11-9-11	2.5, 2.6, 3.4, 3.10, 3.5, 4.6, 5.3, 5.8, 5.11, 23.40A, 23.40B, 23.40.065, 23.01.010	Housekeeping amendments to ensure a smooth transition to the updated Plan
2012-005	8-20-12/11-19-12	23.60, 23.64 (repealed), 3.7 (revised), Appendix C (added)	Updated Transportation System Plan
2012-012	8-20-12/8-20-12	4.1, 4.2	La Pine Urban Growth Boundary
2012-016	12-3-12/3-4-13	3.9	Housekeeping amendments to Destination Resort Chapter
2013-002	1-7-13/1-7-13	4.2	Central Oregon Regional Large-lot Employment Land Need Analysis
2013-009	2-6-13/5-8-13	1.3	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2013-012	5-8-13/8-6-13	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Bend Urban Growth Boundary
2013-007	5-29-13/8-27-13	3.10, 3.11	Newberry Country: A Plan for Southern Deschutes County

2013-016	10-21-13/10-21-13	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Sisters Urban Growth Boundary
2014-005	2-26-14/2-26-14	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Bend Urban Growth Boundary
2014-012	4-2-14/7-1-14	3.10, 3.11	Housekeeping amendments to Title 23.
2014-021	8-27-14/11-25-14	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Sunriver Urban Unincorporated Community Forest to Sunriver Urban Unincorporated Community Utility
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 II 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 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.
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 II (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	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	01-31-24/4-30-24	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area (RREA) to Bend Urban Growth Area

<u>2024-003</u>	<u>2-21-24/5-21-24</u>	<u>23.01.010</u>	<u>Comprehensive Plan Map Amendment, changing designation of certain property from Surface Mining (SM) to Rural Residential Exception Area (RREA)</u>
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**RECOMMENDATION AND FINDINGS OF  
THE DESCHUTES COUNTY HEARINGS OFFICER**

**FILE NUMBERS:** 247-23-000547-PA, 247-23-000548-ZC

**HEARING DATE:** November 13, 2023, 6:00 p.m.

**HEARING LOCATION:** Videoconference and  
Barnes & Sawyer Rooms  
Deschutes Services Center  
1300 NW Wall Street  
Bend, OR 97708

**APPLICANT:** Caldera Land, LLC

**OWNER/  
SUBJECT PROPERTY:** Miller Pit LLC  
Map and Taxlot: 1812210000200  
Account: 110218  
Situs Address: N/A

**REQUEST:** Applicant requests approval of a Comprehensive Plan Amendment to change the designation of the Subject Property from Surface Mine (SM) to Rural Residential Exception Area (RREA). Applicant also requests a corresponding Zone Change to rezone the Subject Property from Surface Mining to Multiple Use Agricultural (MUA-10).

**HEARINGS OFFICER:** Tommy A. Brooks

**SUMMARY OF RECOMMENDATION:** The Hearings Officer finds that the Applicant has met its burden of proof with respect to the requested Comprehensive Plan Amendment and Zone Change and, therefore, recommends APPROVAL of the Application based on the Findings set forth in this Recommendation.

**I. APPLICABLE STANDARDS AND CRITERIA**

- Title 18 of the Deschutes County Code, the County Zoning Ordinance:
  - Chapter 18.04, Title, Purpose, and Definitions
  - Chapter 18.32, Multiple Use Agricultural (MUA10)
  - Chapter 18.52, Surface Mining (SM)
  - 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

**II. BACKGROUND AND PROCEDURAL FINDINGS**

A. Nature of Proceeding

This matter comes before the Hearings Officer as a request for approval of a Comprehensive Plan Map Amendment (“Plan Amendment”) to change the designation of the Subject Property from Surface Mining (SM) to Rural Residential Exception Area (RREA). The Applicant also requests approval of a corresponding Zoning Map Amendment (“Zone Change”) to change the zoning of the Subject Property from Surface Mining (SM) to Multiple Use Agricultural (MUA10). If approved, the Plan Amendment would also remove the Subject Property, designated as “Site No. 391”, from the County’s Goal 5 inventory of significant mining resources.

The primary bases of the request in the Application are the Applicants’ assertions that: (1) the Subject Property has been mined to the extent that it no longer qualifies as a significant Goal 5 resource; and (2) the Subject Property does not qualify as “agricultural land” under the applicable provisions of the Oregon Revised Statutes or Oregon Administrative Rules governing agricultural land. Based on those assertions, the Applicant is not seeking an exception to Statewide Planning Goal 3 for the Plan Amendment or Zone Change.

B. Notices and Hearing

The Application is dated June 23, 2023. On July 7, 2023, the County issued a Notice of Application to several public agencies and to property owners in the vicinity of the Subject Property (together, “Application Notice”). The Application Notice invited comments on the Application. The County also provided notice of the Plan Amendment to the Department of Land Conservation and Development on October 9, 2023.

The County mailed a Notice of Public Hearing on October 10, 2023 (“Hearing Notice”) announcing an evidentiary hearing (“Hearing”) for the requests in the Application. Pursuant to the Hearing Notice, I presided over the Hearing as the Hearings Officer on November 13, 2023, opening the Hearing at 6:00 p.m. The Hearing was held via videoconference, with Staff and representatives of the Applicant in the hearing room. The Hearings Officer appeared remotely. The Hearing concluded at 6:51 p.m.

Prior to the Hearing, on November 7, 2023, the Deschutes County Planning Division (“Staff”) issued a report setting forth the applicable criteria and presenting the evidence in the record at that time (“Staff Report”).

At the beginning of the Hearing, I provided an overview of the quasi-judicial process and instructed participants to direct comments to the approval criteria and standards, and to raise any issues a participant wanted to preserve for appeal if necessary. I stated I had no *ex parte* contacts to disclose or bias to declare. I asked for but received no objections to the County’s jurisdiction over the matter or to my participation as the Hearings Officer.

Prior to the conclusion of the Hearing, Staff recommended, and the Applicant agreed to, leaving the written record open to take additional evidence. At the conclusion of the Hearing, I announced that the written record would remain open: (1) until November 20, 2023, for any participant to provide additional evidence (“Open Record Period”); (2) until November 27, 2023, for any participant to provide rebuttal evidence to evidence submitted during the Open Record Period; and (3) until December 4, 2023, for the Applicant only to provide a final legal argument, without additional evidence.

C. 150-day Clock

Because the Application includes the request for the Plan Amendment, the 150-day review period set forth in ORS 215.427(1) is not applicable.<sup>1</sup> The Staff Report also notes that the 150-day review period is not applicable by virtue of Deschutes County Code (“DCC” or “Code”) 22.20.040(D). No participant in the proceeding disputed that conclusion.

**III. SUBSTANTIVE FINDINGS AND CONCLUSIONS**

A. Staff Report

On November 7, 2023, Staff issued the Staff Report, setting forth the applicable criteria and presenting evidence in the record at that time.

The Staff Report does not make a final recommendation. However, the Staff Report does make several findings with respect to the approval standards. Because much of the information, analysis, and findings provided in the Staff Report are not refuted, portions of the findings below refer to the Staff Report and, in some cases, adopt sections of the Staff Report as my findings. In the event of a conflict between the findings in this Decision and the Staff Report, the findings in this Decision control.

B. Code, Plan, and Statewide Planning Goal Findings

The legal criteria applicable to the requested Plan Amendment and Zone Change were set forth in the Application Notice and appear in the Staff Report. No participant in this proceeding asserted that those criteria do not apply, or that other criteria are applicable. This Recommendation therefore addresses each of those criteria, as set forth below.

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<sup>1</sup> ORS 215.427(7).  
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1. Title 18 of the Deschutes County Code, County Zoning

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.*

The Applicant submitted the Application with the consent of the owner of the Subject Property, as evidenced by the owner’s signature on the Application form. The Applicant has requested a quasi-judicial Plan Amendment and filed the Application for that purpose, together with the request for a Zone Change. It is therefore appropriate to review the Application using 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.*

According to the Applicant, with which the Staff Report agrees, the County’s application of this Code provision does not involve the direct application of the Plan’s introductory statements and goals as approval criteria. Rather, consistency with the Plan can be determined by assessing whether the proposal is consistent with specific Plan goals and policies that may be applicable to the proposal.

The Applicant identified multiple Plan goals and policies it believes are relevant to the Application.<sup>2</sup> Among those goals and policies are those set forth in: (1) Section 2.4 of Chapter 2, relating to Goal 5 resources; (2) Section 2.10 of Chapter 2, relating to surface mining; (3) Section 3.3 of Chapter 3, relating to rural housing; and (4) Section 3.4 of Chapter 3, relating to the rural economy. The Application explains how the Plan Amendment and Zone Change is consistent with these goals and policies. No participant disputes the Applicant’s characterization of the goals and policies, asserts the Application is inconsistent with those goal and policies, or identifies other goals and policies requiring consideration. Separate findings appear below relating to the identified Comprehensive Plan policies.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that this Code provision is satisfied.

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<sup>2</sup> See page 15-17 of the Application narrative prepared by AKS Engineering and Forestry (“Application Narrative”).  
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B. *That the change in classification for the subject property is consistent with the purpose and intent of the proposed zone classification.*

The Applicant and Staff each offer evidence and argument with respect to the purpose of the MUA-10 zone. The purpose of the MUA-10 zoning district is stated in DCC 18.32.010 as follows:

The purposes of the Multiple Use Agricultural Zone are 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; to preserve and maintain agricultural lands not suited to full-time commercial farming for diversified or part-time agricultural uses; to conserve forest lands for forest uses; to conserve open spaces and protect natural and scenic resources; to maintain and improve the quality of the air, water and land resources of the County; to establish standards and procedures for the use of those lands designated unsuitable for intense development by the Comprehensive Plan, and to provide for an orderly and efficient transition from rural to urban land use.

According to the Applicant, the Subject Property is not suited to commercial farming. The MUA-10 zone will instead allow the owners to engage in low-density development allowed by the MUA-10 zone, which will conserve open spaces and protect natural and scenic resources. As a result, the Applicant asserts that the MUA-10 zoning provides a proper transition zone from urban to EFU zoning. The Staff Report agrees that the change in classification is consistent with the purpose and intent of the MUA10 Zone.

The record contains several comments expressing potential concerns arising from residential development on the Subject Property. Those comments, however, are based on the fact that no specific development is yet proposed, and those comments do not assert that the change to MUA-10 is inconsistent with the purpose of that zone.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that this Code provision is satisfied.

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.*

As noted in the Staff Report, this criterion specifically asks if the Zone Change will *presently* serve public health, safety, and welfare. The Applicant provided the following as support for why this criterion is met:

- Necessary public facilities and services are available to serve the Subject Property
- Transportation access to the Subject Property is available, and the impact of increased traffic on the transportation system is non-existent and, to the contrary, the planned rezone results in a reduction in the trip generation potential
- The Subject Property receives police services from the Deschutes County Sheriff and fire service

- from Rural Fire Protection District # 2, which has a fire station 1.4 miles from the Subject Property
- The close proximity of the Subject Property to urban development will allow for efficient service provision of water, electric, and telephone, which already exist on surrounding properties

The Staff Report acknowledges that no service issues have been identified for the Subject Property. The Staff Report also confirms that, prior to development of the Subject Property, the Applicant would be required to comply with the applicable requirements of the Code, at which time assurances of adequate public services and facilities will be verified.

Comments in the record express concerns about the adequacy of water supplies for agriculture or irrigation purposes. Those comments do not expressly state that this Code provision is not satisfied, but they do provide testimony that the Arnold Irrigation District has not supplied adequate water in recent years and that inadequate water poses increased fire risks if the Subject Property is developed with residential uses. The Applicant relies on a service provider letter from Avion Water Company, Inc. That letter confirms that Avion is able to serve the Subject Property and can provide water both for domestic purposes and for fire flow. No participant challenges Avion’s ability to serve the Subject Property.

Based on the foregoing, I find that services are currently available and sufficient for the Subject Property, and that they can remain available and sufficient if the Subject Property is developed under the MUA-10 zone. I therefore find this Code provision is satisfied.

2. *The impacts on surrounding land use will be consistent with the specific goals and policies contained within the Comprehensive Plan.*

The Applicant asserts the following:

Any potential impacts on surrounding land would be minimal due to the consistent zoning and the fact that most of the surrounding MUA-10 properties are less than five acres in size, have been subdivided, and contain residential uses. Regardless, the development and uses permitted under the MUA-10 Zone are far less impactful to surrounding land than uses permitted under the SM Zone. Applicable Comprehensive Plan goals and polices are addressed in the responses above. The standards are met.

The Staff Report agrees that the Applicant has demonstrated the impacts on surrounding land use will be consistent with the specific goals and policies contained within the Plan. Some testimony in the record expresses concerns about the impact of future development on the Subject Property, but that testimony does not assert that any potential impacts are inconsistent with Plan goals and policies. Nor does that testimony dispute the Applicant’s characterization of the applicable goals and policies.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that this Code provision is satisfied.

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*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.*

According to the Applicant, a change in circumstances exists because the Subject Property has been mined and reclaimed, meaning there are no longer any viable uses for the Subject Property under the SM zone. The Staff Report agrees that the termination of mining and the reclamation of the Subject Property constitute a change in circumstances. No other participant appears to dispute those arguments or otherwise assert that there has been no change in circumstances.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that this Code provision is satisfied.

Section 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.*

The Applicant provided information documenting that the Subject Property no longer has a significant resource. The Subject Property has been mined since the late 1940’s. No participant in opposition to the Application asserts that any mineable resource remains, much less a significant resource. The Applicant has also documented that DOGAMI has acknowledged the reclamation of the site.

Based on the foregoing, the Code contemplates that a reclaimed site will be rezoned. The Code specifically provides that a reclaimed site will be rezoned to the “subsequent use zone identified in the surface mining element of the Comprehensive Plan.” For the Subject Property, the surface mining element of the Comprehensive Plan does not identify a subsequent use zone.

A comment submitted by Central Oregon LandWatch (“COLW”) asserts that the subsequent use zone for the Subject Property is “agriculture”. The sole basis of COLW’s comment is that “[t]he only subsequent use zone identified anywhere, in both the property’s reclamation plan on file with DOGAMI and in the 1979 Comprehensive Plan, is Agriculture.” COLW points to the County’s original Comprehensive Plan Map, on which the Subject Property appears to be depicted as “agriculture”. COLW also points to the 1974 Reclamation Plan Guideline submitted to DOGAMI in which the property owner indicated that the “planned subsequent ‘beneficial use’ of the permit area” would be “Immediate – Agriculture (pasture)”.

The Applicant responds, and I agree, that COLW’s assertion is misplaced for several reasons. First, this Code provision refers not just to any identified subsequent use, but rather to the “subsequent use zone identified in the surface mining element of the Comprehensive Plan.” That is a very specific reference, and the surface mining element of the Comprehensive Plan contains a specific table that identifies a

subsequent use zone for various properties in the Surface Mining Zone. Second, even if the 1979 Comprehensive Plan Map were relevant, the County has since made a determination that the Map was in error for the Subject Property, and the Subject Property was not “agriculture” as COLW suggests. Finally, the 1974 Reclamation Plan Guideline COLW relies on is also irrelevant. That document asked the property owner to identify a subsequent “beneficial use” and does not itself refer to what zone was contemplated. Even so, the portion of that document COLW relies on is not a complete characterization of the subsequent beneficial use the property owner anticipated. That document also states that, beyond the immediate pasture use, the long-term use was unknown but could be a race track or stadium.

Based on the foregoing, I find that a Plan Amendment and Zone Change is available to the Applicant as long as all other criteria are satisfied, and the Code does not require the Applicant to change the zoning of the Subject Property to an agriculture use.

*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.*

As described in the Staff Report, this criterion is contingent upon approval of the Application and, if approved, the Surface Mining Impact Area Combining Zone would also be removed from affected surrounding properties. No participant objects to that description. Based on the foregoing, I find that this Code provision will be implemented if the Application is approved as part of the final action by the County’s Board of Commissioners (“Board”).

2. Deschutes County Comprehensive Plan Goals and Policies

The Applicant and Staff Report both identify several Comprehensive Plan goals and policies potentially relevant to this Application. Staff’s discussion of those goals and policies appears on pages 12 through 19 of the Staff Report. No participant in this proceeding identified other applicable goals and policies or otherwise asserted that the proposal is inconsistent with the plans and policies the Applicant and Staff identified. I therefore adopt the findings in the Staff Report as my findings relating to the Comprehensive Plan goals and policies.

3. Oregon Administrative Rules

The Applicant and Staff agree that the Transportation Planning Rule – OAR 660-012-00060 – is relevant to the Plan Amendment and Zone Change. Only the Applicant and Staff address that rule.

OAR 660-012-0060

- (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.*

I find that this administrative rule is applicable to the Plan Amendment and the Zone Change because they involve an amendment to an acknowledged comprehensive plan. The Applicant asserts that its proposal will not result in a significant effect to the transportation system. In support of that assertion, the Applicant submitted a transportation impact analysis memorandum dated March 22, 2023, prepared by traffic engineer, Joe Bessman, PE. No participant to this proceeding disputed the information in the impact analysis or otherwise objected to the use of that information.

The County’s Transportation Planner agreed with the report’s conclusions. As a result, the Staff Report finds that the Plan Amendment and Zone Change will comply with the Transportation Planning Rule.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application satisfies this administrative rule.

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4. Statewide Planning Goals

Division 15 of OAR chapter 660 sets forth the Statewide Planning Goals and Guidelines, with which all comprehensive plan amendments must demonstrate compliance. The Applicant asserts the Application is consistent with all applicable Goals and Guidelines. No participant in this proceeding identified a Statewide Planning Goal with which the proposal does not comply, except that COLW asserts that the Subject Property is agricultural land protected by Statewide Planning Goal 3. The Staff Report generally agrees with the Applicant and asks the Hearings Officer to address Statewide Planning Goal 3. Having reviewed the evidence and arguments presented, I adopt the Applicants’ position and find that the Plan Amendment and Zone Change are consistent with the applicable Goals and Guidelines as follows:

**Goal 1, Citizen Involvement.** Deschutes County has an established citizen involvement program. The application will be processed as a quasi-judicial Plan Amendment and Zone Change, which is a land use action involving public notification and public hearings as established in DCC Title 22. Therefore, Goal 1 is satisfied.

**Goal 2, Land Use Planning.** The County reviewed and processed this quasi-judicial Plan Amendment and Zone Change consistent with the procedures detailed in DCC Title 22, including consideration of any public comments received regarding the Application. Therefore, consistency with this Statewide Planning Goal is established.

Further, the Application provides an adequate factual basis for the County to approve the Application because it describes the site and its physical characteristics and applies those facts to the relevant approval criteria. Goal 2 also requires coordination of the Application by the County with affected governmental entities. Coordination requires notice of an application, an opportunity for the affected governmental entity to comment on the application, and the County’s incorporation of the comments to a reasonable extent. Coordination of this Application has been accomplished in two ways: by the Applicant prior to submittal of the Application and by the County in the review process for the Application.

**Goal 3, Agricultural Lands.** The Subject Property is designated as Surface Mining and had been mined since the late 1940s. There is no evidence of prior agricultural use, the property predominantly consists of Class VII and VIII soils, and the property does not have water rights. The Subject Property is not identified as agricultural land on the acknowledged Deschutes County Comprehensive Plan Map. The 1980 zone change (Z-80-13) to SM included findings acknowledging that active surface mining sites at the time of plan adoption should have been zoned SM, the Subject Property was active and designated as site #58 on a preliminary map, and a “simple error” resulted in site #58 not being transposed to the final zoning map with adoption of the 1979 Comprehensive Plan. The Subject Property was again identified as containing mineral resources in the Deschutes County Goal 5 Aggregate inventory adopted by the County’s Board on December 6, 1988. In 1990, the County listed the property as Site No. 391 on the Goal 5 Inventory, adopted a site-specific economic, social, environmental and energy (“ESEE”) analysis, and imposed the SM and SMIA zoning (Ord No. 90-014, 90-025, 90-028, and 90-029).

The Subject Property’s status as something other than agricultural land was confirmed in the 1990 ESEE. Ordinarily, the ESEE identifies the post-mining uses and zoning for properties deemed Goal 5 significant mineral resources. The ESEE for the Subject Property does not include any such discussion. In *Tumalo Irrigation District (247-17-000775-ZC/247-17-000776-PA)*, the County’s Board interpreted that a similar ESEE omission on a Goal 5 site would have specified EFU zoning if the property had been classified as agricultural land, and concluded that the SM Zone was “intended to be a distinct zoning and Comprehensive Plan designation and the properties designated as other than ‘resource uses’ (lands subject to Goals 3 and 4).”

In 1992, as part of periodic review and a revamping of the County’s agricultural lands program, the County again inventoried its agricultural lands. Once again, the County did not classify the Subject Property as agricultural land. The agricultural land analysis was incorporated into the County’s Comprehensive Plan, which was again acknowledged.

Based on the foregoing, the Subject Property is not agricultural land subject to the protections of Statewide Planning Goal 3 and, as such, the Plan Amendment and Zone Change is consistent with that Goal.

**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.

**Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces.** The Subject Property does not contain any inventoried significant resources related to energy sources, habitat, natural areas, scenic views, water areas or watersheds, wilderness areas, historic areas, or cultural areas. The Subject Property no longer contains any significant aggregate resources.

The Subject Property contains a small strip of “wetland” within the southern pit. The Comprehensive Plan has no specific protections for wetlands; protections are provided by ordinances that implement Goal 5 protections (for example, fill and removal zoning code regulations). Because the Plan Amendment and Zone Change are not development, there is no impact to any Goal 5 resource. Any potential future development of a wetland – no matter what zone the wetland is in – will be subject to review by the County’s fill and removal regulations. Therefore, Goal 5 is satisfied.

**Goal 6, Air, Water, and Land Resources Quality.** The surface mine has been reclaimed and mining activities have ceased. Rezoning the Subject Property will not impact the quality of the air, water, and land resources of the County because no specific development is proposed at this time. However, any future uses permitted in the MUA-10 zone are likely to have less adverse impacts to air, water, and land resources than the historical mining use or uses permitted in the SM Zone. Future development of the property will be subject to local, state, and federal regulations that protect these resources. Therefore, Goal 6 is satisfied.

**Goal 7, Areas Subject to Natural Disasters and Hazards.** The Subject Property does not include areas subject to flooding or landslide activity. 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 Subject Property will have to demonstrate compliance with applicable local and state health, environmental quality, and wildfire regulations. Therefore, Goal 7 is satisfied.

**Goal 8, Recreational Needs.** Goal 8 is not applicable because the proposed Plan Amendment and Zone Change do not reduce or eliminate any opportunities for recreational facilities on the Subject Property or in the general vicinity.

**Goal 9, Economy of the State.** The Subject Property no longer contains sufficient quantity or quality of mining or aggregate materials for profitable economic use. However, the proposed Plan Amendment and Zone Change will promote continued economic opportunities by allowing the currently undeveloped and underutilized property to be put to productive use. Therefore, Goal 9 is satisfied.

**Goal 10, Housing.** The Plan Amendment and Zone Change do not reduce or eliminate any opportunities for housing on the Subject Property or in the general vicinity. Rather, they will allow rural residential development, consistent with Goal 10 as implemented by the acknowledged Deschutes County comprehensive plan. Therefore, Goal 10 is satisfied.

**Goal 11, Public Facilities and Services.** The approval of the Application will have no adverse impact on the provision of public facilities and services to the site. Utility service providers have confirmed that they have the capacity to serve the maximum level of residential development allowed by the MUA-10 zoning district. Therefore, Goal 11 is satisfied.

**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.** Approval of the Application does not reduce or eliminate the ability to conserve energy. In fact, Planning Guideline 3 of Goal 13 states “land use planning should, to the maximum extent possible, seek to recycle and re-use vacant land...” Surface mining activities have ceased on the subject property and has been vacant for decades. The Subject Property abuts the Bend City Limits and is surrounded by other rural residential uses. The Plan Amendment and Zone Change will allow for rural residential development that would provide homes close to urban services and employment, as opposed to more remote rural locations. Siting homes close to urban services and employment results in fewer vehicle miles traveled and related energy expenditures as residents travel to work, school, and essential services. Therefore, Goal 13 is satisfied.

**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 MUA-10 zone is an acknowledged rural residential zoning district that limits the intensity and density of developments to rural levels.

**Goals 15 through 19.** These goals do not apply to land in Central Oregon.

**IV. CONCLUSION**

Based on the foregoing findings, I find the Applicant has met its burden of proof with respect to the standards for approving the requested Plan Amendment and Zone Change. I therefore recommend to the County Board of Commissioners that the Application be APPROVED.

Dated this 8th day of January 2024



Tommy A. Brooks  
Deschutes County Hearings Officer



# BOARD OF COMMISSIONERS

## AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** February 7, 2024

**SUBJECT:** Community Navigator Pilot grant from the Oregon Health Authority

**RECOMMENDED MOTION:**

Move to authorize the submittal of an application for a Community Navigator Pilot grant from the Oregon Health Authority.

**BACKGROUND AND POLICY IMPLICATIONS:**

Deschutes County Health Services (DCHS) is seeking approval to apply for a \$1,000,000 Oregon Health Authority (OHA) Community Navigator Pilot grant. The term of the grant funded program would be April 2024 through June 2025.

OHA’s Community Navigator Pilot program will consist of six Certified Community Behavioral Health Clinic sites that will provide a two-person Community Navigator (CN) team. The team will consist of a forensically trained Peer Support Specialist and a forensically trained Case Manager. The CN team will provide up to three months in-reach, transitional care at discharge, and six months post-discharge for individuals on Aid and Assist (AA) orders leaving the Oregon State Hospital. This study models its intervention protocols on Evidence Based Practices (EBPs) not limited to: Critical Time Intervention (CTI), Peer Support Specialists, Intensive Case Management, and Trauma-Informed Care.

The primary goal of this pilot is to reduce rates of recidivism for individuals, especially those at risk of houselessness, on AA orders from involuntary state hospitalization. The secondary goal is to effectively decriminalize mental and substance use disorders, by assessing the impact of Community Navigator teams in stabilizing the behavioral health needs of individuals re-entering communities-based services.

If approved, funding from this grant would support the following personnel:

- 1.0 FTE Peer Support Specialist – New FTE
- 1.0 FTE Administrative Analyst – NEW FTE
- 1.0 FTE BH Specialist I
- 0.2 FTE BH Specialist II, Licensed
- 0.2 FTE BH supervisor
- 0.5 FTE Nurse

The Peer Support Specialist and Administrative Analyst positions would be new limited

duration FTE. In addition to personnel, the grant will fund contracts for shelter services; client stabilization, including guardianships; training; furniture/fixtures; computers and peripherals; cell phone services; a new vehicle; and 10% indirect. If approved, budget and FTE resolutions will be forthcoming.

**BUDGET IMPACTS:**

\$1,000,000 revenue if approved. See attached five-year fiscal analysis.

**ATTENDANCE:**

Kara Cronin, Manager, Behavioral Health Program  
Holly Harris, Behavioral Health Director

## Analysis performed on a fiscal year

## Fiscal Years 2024 - 2026, 4/1/24 - 6/30/28

	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	TOTAL
<b>RESOURCES</b>						
HA Community Navigator Pilot Grant	\$ 209,113	\$ 790,887				\$ 1,000,000
						\$ -
						\$ -
						\$ -
	\$ 209,113	\$ 790,887	\$ -		\$ -	\$ 1,000,000
<b>REQUIREMENTS</b>						
Wages & Benefits	\$ 131,333	\$ 551,037				\$ 682,370
Contracted Services	\$ 35,000	\$ 92,000				\$ 127,000
Training	\$ 3,000	\$ 4,000				\$ 7,000
Supplies	\$ 20,770	\$ 26,497				\$ 47,267
Capital Outlay		\$ 50,000				\$ 50,000
Total Indirect -	\$ 19,010	\$ 67,353			\$ -	\$ 86,363
Total Costs	\$ 209,113	\$ 790,887	\$ -		\$ -	\$ 1,000,000

Supplies includes computer and peripherals (\$4,500), client stabilization funds (\$33,417), furniture and fixtures (\$8,000), and cell phones (\$1,350). Grant funding will be for the period 4/1/24 to 6/30/25.





BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 7, 2024

SUBJECT: Grant application to the Office of Developmental Disabilities Services for an ARPA Emergency Response grant

RECOMMENDED MOTION:

Move to authorize the submittal of an application for an APRA Emergency Response grant from the State’s Office of Developmental Disabilities Services.

BACKGROUND AND POLICY IMPLICATIONS:

The Oregon Department of Human Services’ Office of Developmental Disabilities Services (DHS-ODDS) is making one-time American Rescue Plan Act (ARPA) funding available to case management entities to help clients prepare for future emergency situations. Deschutes County Health Services (DCHS) is seeking Board approval to apply for \$249,002 of funding. The term of the funding is through February 2025.

Individuals and families of people with intellectual or developmental disabilities (IDD) have needs related to the individual’s disability that require special planning in order to be prepared for emergencies. There are equipment and supply needs specific to each person, based on aspects of their disability. DCHS’s IDD program addresses emergency preparedness and safety planning in Individual Support Plans (ISPs), but often individuals and families lack the resources to be able to purchase the needed supplies or equipment.

If awarded, DCHS would use \$226,365 of the funding to provide needed materials and supplies to the IDD population. Ten percent (\$22,637) of the grant amount would be used to cover indirect costs. This grant would enable IDD to assist our client in increasing preparedness and independence and decreasing reliance on first responders or other professional personnel during emergency situations.

BUDGET IMPACTS:

\$249,002 revenue.

ATTENDANCE:

Paul Partridge, Manager, BH Program



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 7, 2024

SUBJECT: Deliberations: Draft 2020-2040 Transportation System Plan Update

RECOMMENDED MOTION:

Move to continue deliberations on the draft 2020-2040 Transportation System Plan Update to February 14, 2024.

BACKGROUND AND POLICY IMPLICATIONS:

On February 7, 2024, the Board of County Commissioners (Board) will open deliberations on the County's drafted 2020-2040 Transportation System Plan (TSP) Update. As it conducts those deliberations, the Board is not limited to the issue areas outlined in the attached Decision Matrix (Attachment 2); rather, the Commissioners may deliberate on any desired topics from the public record which they deem pertinent. Upon concluding its deliberations, the Board may then vote on whether to adopt the plan as drafted, adopt the plan with amendments, or deny the plan. Subsequent to the Board's decision, staff will present a draft ordinance and relevant exhibits at a future meeting.

The full record of the Draft 2020-2040 Transportation System Plan (TSP) Update (Files 247-23-000507-PA, 508-TA) is located on the project webpage:

<https://www.deschutes.org/cd/page/transportation-system-plan-update-2020-2040-247-23-000507-pa-508-ta>

BUDGET IMPACTS:

The draft TSP document outlines cost estimates associated with various transportation improvement projects for the 2020-2040 planning period.

ATTENDANCE:

- Tarik Rawlings, Senior Transportation Planner
- Chris Doty, Road Department Director
- Cody Smith, County Engineer/Assistant Road Department Director



**MEMORANDUM**

**TO:** Deschutes County Board of Commissioners (Board)

**FROM:** Tarik Rawlings, Senior Transportation Planner

**DATE:** January 31, 2024

**SUBJECT:** Deliberations: Draft 2020-2040 Transportation System Plan (TSP)

---

The Road Department, with the assistance of the Community Development Department (CDD), has prepared an update of the 2010-2030 Deschutes County Transportation System Plan (TSP), covering the years 2020-2040. The TSP focuses on County arterials and collectors as well as bicycles, pedestrians, transit, and other modes. Following a public hearing on November 29, 2023, the Board of County Commissioners (Board) will engage in deliberations on February 7, 2024.

**I. BACKGROUND**

The County selected Kittelson & Associates Inc. (KAI) as the consultant for the 2020-2040 TSP. The County and KAI prepared the draft of the 2020-2040 TSP based on technical analysis, public comments, and internal staff review. During the plan development process, KAI and County staff from the Road Department and Planning Division have coordinated with Oregon Department of Transportation (ODOT) and staff from other local jurisdictions. KAI and County staff reviewed a proposal from the County Bicycle and Pedestrian Advisory Committee (BPAC) on future road improvements and connectors. Additionally, KAI and the County held an on-line presentation from April 27 to May 14, 2021, including an online public meeting on May 4, 2021, to solicit public comment. The on-line presentation included technical memos on plans and policy reviews, goals and objectives, and needs analyses of existing and future conditions.

The background materials were posted at the following link:  
<https://kaiproject.com/websites/68/>

The full record including public and agency comments is included at the following project-specific website: <https://www.deschutescounty.gov/cd/page/transportation-system-plan-update-2020-2040-247-23-000507-pa-508-ta>

The Deschutes County Planning Commission (PC) held a public hearing<sup>1</sup> on August 10, 2023 and held deliberations on October 12, 2023<sup>2</sup>. Ultimately, the PC issued a recommendation to the Board, which is reviewed later in this memorandum. Following a public hearing on November 29, 2023<sup>3</sup>, the Board extended the open record period until December 6, 2023 at 4pm to collect any additional testimony. On December 20, 2023, staff engaged the Board in a pre-deliberation update where the Board was asked to identify the pertinent issue areas they would like presented through a decision matrix during future deliberations<sup>4</sup>. On January 10, 2024, the Board elected to reopen the record through Board Order 2024-003, allowing for additional materials in record until January 31, 2024, at 4pm<sup>5</sup>. Staff has prepared a decision matrix reflecting the Board’s input from the December 20, 2023, pre-deliberation update, attached to this memorandum.

**II. PUBLIC TESTIMONY**

Overall, approximately 360 written comments were received from both individuals and public agencies. The main topics within the public testimony were highlighted for the Board during their November 29, 2023 public hearing. Of the highlighted public testimony topics, staff emphasizes the following topics which were directly referenced during the November 29, 2023 public hearing and in written comments leading up to the public hearing:

- Allowance/disallowance of multi-use pathways in the rural county related to wildlife values and resource-zoned lands;
- Multi-use pathway connection between the City of Sisters and Black Butte Ranch (BBR);
- Potential development of a footbridge across the Deschutes River near the Brookswood neighborhood of Deschutes River Woods;
- Concerns regarding Local Access Roads in Special Road District #1, including replacement of the canal crossing (culvert) on Island Loop Way; and
- Priority status elimination for BPAC Bicycle Route Community Connections

As a reminder, the written comments in public record appear at the following project-specific website under the tabs labeled “Comments & Submittals – Agencies”, “Comments & Submittals – Public”, “BOCC Hearing – Public Comments”, and “BOCC Hearing – New Evidence & Testimony”:  
<https://www.deschutescounty.gov/cd/page/transportation-system-plan-update-2020-2040-247-23-000507-pa-508-ta>

The Sisters-BBR multi-use pathway connection has generated numerous e-mails and phone calls, some prior to the initiation of the TSP public process and some during the Comprehensive Plan process. Regarding the subject land use before the Board, the bulk of the submitted written comments have been in opposition with a smaller amount being in favor. Recurring themes from those opposed include concerns about the public using private paths in BBR; adverse effects to the forest; potential trespassing; criminal activity; attracting transients; disruption to wildlife; and safety.

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<sup>1</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-38>  
<sup>2</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-41>  
<sup>3</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-139>  
<sup>4</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-145>  
<sup>5</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-146>

(Staff notes the multiuse path would lie on Deschutes National Forest (DNF) land and/or ODOT right of way, which each have their own regulations and environmental review processes.)

Concerning multi-use pathways generally, the TSP (at Table 5.6 - Bicycle Route Community Connections) describes and prioritizes connections between various cities, unincorporated communities, and destination resorts. Table 5.7 (Bicycle Route Recreation Connections) provides similar information about these corridors. Neither table lists specific design aspects such as precise routes, widths, surface type, etc., as those variables would be determined prior to actual construction. No specific alignments are identified or mapped, except for the Bend-Lava Butte Trail, which appears as S-3 on Figure 5-4 (ODOT Facility Changes). The TSP tables were prepared based on input from the Deschutes County Bicycle and Pedestrian Advisory Committee (BPAC). There has been a mix of public input regarding the overall allowance of multi-use pathways in Deschutes County with the bulk of testimony opposed to a full prohibition of multi-use pathways and additional comments in support of the prohibition based on wildlife habitat and resource-zoned property sensitivities.

Regarding the specific improvements requested for the Island Loop Way canal crossing/culvert and the larger Three Rivers community in general, the Road Department Director Chris Doty has provided individual responses to multiple comments received from the Three Rivers community related to project feasibility, funding, and legal constraints. Stakeholders have been referred to Special Road District #1 for maintenance and operational concerns within the District.

**Van Dyke LUBA Case Law**

Staff notes the *Van Dyke* LUBA case law has been raised in record and may be pertinent to the review of multi-use pathways as referenced in the updated TSP document. Staff presents the relevant case law, below, through the framing of two relevant questions related to pathways.

Question 1: How are conflicts handled between farm or forest uses and trails on resource lands?

*Van Dyke I (LUBA 2018-061)*

The above-referenced decision involved an appeal against Yamhill County's Ordinance 904, which authorized the development of a recreational trail within a portion of a former railroad corridor. Petitioners, who owned agricultural land adjacent to the proposed trail, raised concerns about the trail's impact on farming practices, particularly regarding pesticide use. They argued that the trail's development would necessitate new restrictions on pesticide application, significantly changing accepted farm practices in violation of ORS 215.296. However, the Land Use Board of Appeals (LUBA) remanded the decision, finding that the county failed to adequately assess and make findings on the potential impacts of the trail on farming practices as required by ORS 215.296.

Staff notes that, based on *Van Dyke I (LUBA 2018-061)*, trails are considered conditional uses subject to the Farm Impacts Test.

Question 2: How are conflicts handled between farm or forest uses and trails along a zone boundary (for example, EFU zoning adjacent to RR10 zoning)?

*Van Dyle II (LUBA 2019-047)*

In the above-referenced decision, the Land Use Board of Appeals (LUBA) concluded that the proposed recreational trail did not significantly change accepted farm practices or significantly increase the cost of these practices along a zone boundary. LUBA agreed with the county's argument that off-site pesticide application is not an accepted farm practice, and thus, the presence of the trail would not impose additional restrictions on pesticide use on the adjoining farmlands. This decision effectively allowed the construction of the trail, as it was found to comply with the farm impacts test under Oregon's land use laws.

Legal Counsel and staff are available if there are any further questions on the above-mentioned LUBA case law.

### III. PLANNING COMMISSION REVIEW

Staff held a June 22, 2023, work session<sup>6</sup> with the PC to provide an overview of the updated TSP and the process to create it. The PC held a public hearing<sup>7</sup> on August 10, 2023, on the draft 2020-2040 TSP. The PC closed the oral record and left the written record open until 4 p.m., August 24, 2023. Staff provided an update on record submittals during the August 24, 2023 Planning Commission meeting<sup>8</sup>. The PC held deliberations<sup>9</sup> on October 12, 2023, ultimately making a recommendation to the Board to adopt the TSP document including five (5) amendments, presented below in no particular order:

- Removal of the Conceptual Multi-use Pathway Connection between City of Sisters and Black Butte Ranch. (6 Commissioners in favor, 1 Commissioner in opposition)
- Changing the Multi-use Pathway Connection between Baker Road and Lava Butte to be located on the west side of Highway 97 rather than the east side. (7 Commissioners unanimously in favor)
- Changing the priority status for the 2<sup>nd</sup> Street/Cook Ave sidewalks in Tumalo project (Table 5.5 ID BP-3) from Medium to High. (6 Commissioners in favor, 1 Commissioner absent)
- Changing the priority status for the US 20/Powell Butte Highway Roundabout project (Table 5.4 ID S-9) from Low to High. (6 Commissioners in favor, 1 Commissioner absent)
- Changing the priority status for the US 20/Locust St Roundabout project (Table 5.4 ID S-11) from Low to High and noting that the project, with contributions from Deschutes County, City of Sisters, and ODOT, is funded for construction in 2024. (6 Commissioners in favor, 1 Commissioner absent)

<sup>6</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-30>

<sup>7</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-38>

<sup>8</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-39>

<sup>9</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-41>

Throughout deliberations, the Planning Commission entertained other motions including the allowance of multi-use pathways generally within the County jurisdiction and dark skies standards. On both motions, the Planning Commission’s vote resulted in a tie, leading to the failure of those motions. Staff includes this information to illustrate how the Planning Commission was generally closely aligned on certain deliberative aspects of these topics, but ultimately diverged on some of the more detailed points.

**IV. NEXT STEPS**

The Board is, of course, not limited to the issue areas outlined in the attached Decision Matrix (Attachment 2) and the Commissioners are welcome to deliberate on any desired topics from public record that they deem pertinent. If the Board determines that additional deliberations are necessary, staff will work with the Board to schedule a future meeting for continued deliberations. If the Board concludes their deliberations during the February 7, 2024 meeting, the Board may then vote on whether to adopt the plan as drafted, adopt the plan with amendments, or deny the plan. If the Board renders a vote during the February 7, 2024 meeting, staff will coordinate with the Board to return for a future meeting during which a draft ordinance and relevant exhibits will be presented and a first reading of the ordinance initiated.

**V. CONCLUSION**

Staff is prepared to answer any questions.

*Attachments:*

- 1. *Draft 2020-2040 Transportation System Plan*
- 2. *Decision Matrix*

# DESCHUTES COUNTY TRANSPORTATION SYSTEM PLAN

August 2023

**DRAFT**







# Deschutes County Transportation System Plan

Deschutes County, Oregon

Prepared for

Deschutes County

Prepared by:

Kittelsohn & Associates, Inc.

August 2023

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# 01 | INTRODUCTION

Deschutes County is located in the heart of Central Oregon with the Cascade Mountain Range to the west and the High Desert plateau to the east. The County covers 3,055 square miles of natural beauty, outdoor recreation, and is home to a growing economy. For the last two decades, Deschutes County has experienced rapid population growth and has become a national destination for new residents, visitors and a center for economic prosperity and progress. In the past 10 years, the population of the County has increased by more than 40 percent to more than 200,000 people today; only 33 percent of the County’s residents live in the unincorporated and rural areas.

With this unprecedented growth, Deschutes County faces the challenges of maintaining, funding, and planning for a transportation system that both enhances the health and well-being of residents and supports long-term economic resilience for businesses, tourism and recreation. The County’s transportation system must accommodate traffic passing through enroute to destinations elsewhere in the region, the day-to-day travel needs of its residents and those employed here in addition to the influx of visitors during the winter and summer months.

The County also is home to US 97 and the Redmond Municipal Airport, which are two of the crucial components of Oregon’s Resilience Plan in the event of a Cascadia Subduction Zone Event (an earthquake and/or tsunami striking the Oregon coast). With limited funding for new transportation infrastructure, as well as built and natural environmental considerations, the County must balance the need to preserve its existing transportation system with strategic changes to the system that enables these needs to be met during the next 20 years.

The County’s Transportation System Plan (TSP) was last updated in 2012. This updated TSP provides a coordinated guide for changes to the County’s transportation infrastructure and operations over the next 20 years. Planning for the County’s future transportation reflects regional and community goals and values, supports local and regional economic development activities, and enhances the quality of life that residents and visitors enjoy and expect.



# PRIORITIZED INVESTMENTS FOR THE FUTURE

The identified list of priorities for future transportation investments reflects the County’s commitment to prioritizing changes to the transportation system that reflect its focus on preserving and maintaining its existing

investments. This list of capital investments identified in the TSP will be reviewed and prioritized as part of the County’s regular budgeting efforts. For reference purposes, **Figure 1-1** shows how the County prepares its annual prioritization and budget for maintenance, operation, and capital expenditures.

**Figure 1-1: Hierarchy of Expenditures and Investment**



The list of prioritized investments in the TSP is based on this hierarchy and was developed assuming:

1. Current maintenance and operational standards remain in place.
2. The County’s existing Road Moratorium (Resolution 2009-118), which limits acceptance of new road miles into the County maintenance system, remains in place.
3. Existing funding levels remain in place and are occasionally adjusted legislatively to a level that will roughly match inflation.
4. No significant additional local funding mechanisms are developed or implemented.
5. State and Federal grant programs are available at approximately the same historical intervals and funding levels.

With this backdrop, the County refined the list of possible TSP projects by working with its residents, policy-makers, and partner agency staff and performing technical analyses of roadways, intersections, bike facilities, transit, walking routes, and transportation safety. Many of the identified projects help to support plans adopted by the local cities, the Oregon Department of Transportation (ODOT), other County planning efforts, the County’s Transportation Safety Action Plan (TSAP) and/or local refinement and facility plans. Some of the other considerations that shaped the final list of recommended investments include:

- Balancing impacts to existing and developable parcels with County-wide and community needs;
- Minimizing impacts to Goal 5 resources (natural resources, scenic and historic areas, and open spaces);
- Supporting and enhancing key state and regional economic plans and priorities;
- Identifying key intersections that could be changed in the future to address known safety and/or anticipated capacity needs;
- Prioritizing roadway corridors where strategic investments may be needed to help support future growth and economic development in the region, enhance the safety of all users and/or strengthen connections between areas of the County and to other areas in Central Oregon;
- Providing regional bicycle connections that could serve broad transportation functions, such as commuting, recreation, or daily services;
- Modifying key bridges as funding and/or other opportunities arise;
- Leveraging opportunities for future system changes that could be provided using funds from the Federal Lands Access Program (FLAP), particularly for transportation facilities providing connections to key recreational areas and economic development priorities adjacent to/and or located within Federal lands;

- Coordinating with Cascades East Transit (CET) on projects that can help increase service to the unincorporated areas of the County as well as to the High Desert Museum and Lava Lands Visitor Center;
- Enhancing access to the Redmond Municipal Airport and Bend Municipal Airport; and,
- Leveraging funding opportunities with key partner agencies and private investments.

The list of transportation investments are organized into the following categories for implementation based on complexity, likely availability of funding, and assessment of need:

- Intersection changes;
- Roadway segments, including changes to functional classification;
- ODOT intersections and roadways;
- Pedestrian facilities;
- Bicycle facilities;
- Bridges;
- FLAP projects;
- Transit; and,
- Safety.

**Table 1-1** shows the list of identified projects by category and by prioritization. In reviewing this table, it is important to note that some projects may be accelerated and others postponed due to changing conditions, funding availability, public input, or more detailed study performed during programming and budgeting processes. Further, project design details may change before construction commences as public input, available funding, and unique site conditions are taken into consideration. Projects identified herein may be funded through a variety of sources including federal, state, county or local transportation funds, system development charges (SDCs), through partnerships with private developers, or a combination of these sources. In addition, as part of TSP implementation, the County will continue to coordinate with ODOT and the local communities regarding project prioritization, funding, and construction.

**Table 1-1: Total Cost of Prioritized TSP Investments**

Project Category	Estimated Cost by Priority			Total Cost
	High	Medium	Low	
Intersection Changes	\$11,530,000	\$14,900,000	\$2,100,000	\$28,530,000
Roadway Changes	\$6,100,000	\$25,000,000	\$57,500,000	\$88,600,000
County Share of ODOT Intersections	\$19,100,000	\$3,000,000	\$19,000,000	\$41,100,000
Pedestrian Facilities	\$600,000	\$3,600,000	\$2,100,000	\$6,300,000
Bridges	\$5,700,000	\$2,400,000	\$7,900,000	\$16,000,000
County Share of FLAP Projects	\$600,000	\$3,700,000	\$4,500,000	\$8,800,000
Total	\$43,630,000	\$52,600,000	93,100,000	\$189,330,000

The remainder of this chapter outlines the organization of the TSP as well as a summary of public engagement activities and compliance of the TSP with some of the regulatory requirements.

**TSP ORGANIZATION**

The TSP is comprised of two volumes. Volume 1 is the main document and includes the items that will be of interest to the broadest audience. Volume 2 contains the technical memoranda, data, and related transportation plans that enhance and support Volume 1.

**Volume 1 includes the following:**

- Chapter 1 – a brief overview of the planning context for the TSP;
- Chapter 2 – goals and policies that express the County’s long-range vision for the transportation system;
- Chapter 3 – the transportation system deficiencies and needs as well as the process to develop the TSP’s list of planned capital improvements and transportation programs;
- Chapter 4 – an overview of the recommended projects for the multimodal system (this chapter also serves as the Transportation Element of the Comprehensive Plan);
- Chapter 5 – a list of the multimodal projects and the costs estimated for their construction; and,

- Chapter 6 – a summary of transportation funding and implementation, including estimated revenue, cost of 20-year needs, and potential funding sources.

**Volume 2 includes the following technical documents:**

- Appendix A: Plans and Policy Review Memo;
- Appendix B: Public Involvement Plan;
- Appendix C: Methodology Memo;
- Appendix D: Transportation System Conditions, Deficiencies, and Needs Memo;
- Appendix E: Solutions Analysis Memo;
- Appendix F: Preferred Alternatives and Funding Plan Memo;
- Appendix G: Redmond Municipal Airport Master Plan; and,
- Appendix H: Tumalo Community Plan (TCP) Active Transportation Update/Sisters Country Vision Action Plan Trails Outreach Update.

While not all of Volume 2 is adopted as part of the TSP, all of the documents provide useful information regarding the basis for the decisions represented in Volume 1.

## PURPOSE

The TSP addresses transportation needs in Deschutes County except within the Urban Growth Boundaries (UGB) for Redmond, Sisters, La Pine and Bend.

The TSP goals, policies, projects, and implementation tasks are based on technical analyses and thoughtful input received from the community, Deschutes County staff, partner agency staff, and County policymakers. The TSP identifies transportation facilities and services that can support the County’s adopted Comprehensive Plan and continued regional economic development. This TSP provides for a long-term vision to support growth in jobs and population in the County as well as improving the safety for all transportation-users over the next 20 years. The TSP serves as a resource for the County to make decisions about transportation and land use by providing:

- A blueprint for future County transportation investments that improve safety for all travelers;
- A tool for coordination with state, regional and local agencies;
- Information to ensure prudent land use and transportation choices;
- Order of magnitude cost estimates for transportation infrastructure investments needed to support system needs, and possible sources of funding for these improvements; and,
- Function, capacity and location of future roadways, sidewalks, bikeways, transit, and other transportation facilities.

The TSP satisfies the state’s requirements as prescribed by Oregon Statewide Planning Goal 12: Transportation.

## GUIDING PRINCIPLES AND CONTEXT

The TSP provides a flexible, adaptable framework for making transportation decisions in an increasingly unpredictable and financially constrained future. Decisions about the County’s transportation system will be guided by the goals contained in Chapter 2, but ultimately the decisions will be made within the overall context of the County’s land use plans and support for local and regional economic development. These guiding plans and principles provide a foundation for the TSP’s goals, policies, and potential actions.

The Oregon Revised Statutes (ORS) require that the TSP be based on the Comprehensive Plan land uses and provide for a transportation system that accommodates the expected growth in population and employment. Development of this TSP was guided by ORS 197.712 and the Department of Land Conservation and Development (DLCDD) administrative rule known as the Transportation Planning Rule (TPR, OAR 660-012-0060).

Per the TPR, this TSP identifies multimodal transportation needs to serve users of all ages, abilities, and incomes. As such, solutions to address existing and future transportation needs for bicycling, walking, transit, motor vehicles, freight, and rail, and improved safety for all travelers are included. Further, one of the implementation steps of the TSP will include proposed amendments to the Deschutes County Code. As required by the TPR, this TSP was developed in coordination with local, regional and state transportation plans.



## REGIONAL COORDINATION & COMMUNITY ENGAGEMENT

The TSP reflects the County’s continued commitment to coordinating transportation and land use planning within Central Oregon. This update was collaboratively developed by community members, businesses, the freight community, ODOT, Sisters, Redmond, La Pine, Bend, Terrebonne, Sunriver, Tumalo Cascades East Transit (CET), and the County’s Bicycle and Pedestrian Advisory Committee (BPAC). Opportunities for engagement included:

- Project website that included all technical reports, draft goals and objectives, and links to other relevant documents;

- Project Management Team Meetings attended by County staff;
- Two Advisory Committee Meetings;
- Four Agency Partner Advisory Committee Meetings;
- Two Public Open Houses;
- Targeted outreach with community and social service organizations; and,
- Updates with the Board of County Commissioners.

Through these activities, the County provided community members with a variety of forums to identify their priorities for future transportation projects, programs, and policies.



# 02 | GOALS AND POLICIES

The TSP provides a coordinated guide for changes to the County’s transportation infrastructure and operations over the next 20 years. The development of the TSP is based on the assumption that the transportation system meets daily travel needs and also contributes to the physical, social, and economic health of the County and of Central Oregon. The TSP strives to provide users with a safe and efficient transportation network. As such, planning for the County’s future transportation needs must be conducted within regional and community goals and values, support local and regional economic development activities, and enhance the quality of life that residents and visitors enjoy and expect.

The TSP goals provide the County’s visions for the future transportation system. The goals are aspirational in nature and may not be fully attained within the 20-year planning horizon. The policies support the goals to help the County implement the TSP projects and programs after the TSP has been adopted. The policies, organized by goals, provide high-level direction for the County’s policy and decision-makers and for County staff. The policies will be implemented over the life of the TSP. The County’s 2012 TSP goals and policies were used as a foundation for providing the updated TSP goals and policies outlined below.

## GOAL 1: COORDINATION AND COLLABORATION

Promote a multimodal transportation system that supports the County’s Comprehensive Plan and is consistent and coordinated with the adopted plans for the State, the region, adjacent counties, and the cities and incorporated communities within the County.

### Policies

- 1.1 Coordinate the design and operations of the County’s transportation system with State, regional, and local planning rules, regulations and standards.
- 1.2 Coordinate future land use and transportation decisions with state, regional and local agencies to efficiently use public investments in the County’s transportation system, for people driving, bicycling, walking, or using transit as well as the movement of freight, emergency responses, and evacuation needs.
- 1.3 Coordinate regional project development and implementation with the cities of Bend, Redmond, Sisters, and La Pine.
- 1.4 Provide notification to the affected local and state agency partners regarding land use development proposals, plan amendments and zone changes that have the potential to significantly impact non-County transportation facilities.
- 1.5 Coordinate system management and operations with ODOT on major roadways.
- 1.6 Maintain an intergovernmental agreement with each of the cities to provide specific timelines and milestones for the transfer of County roadways within the urban growth boundaries at the time of annexation, including the full width of right of way.
- 1.7 Provide regular outreach to residents and employers, schools, law enforcement and public health professionals to encourage participation with the County in identifying and solving transportation issues.
- 1.8 Coordinate with CET to implement the Transit Master Plan recommendations within the County to support people taking transit.

## GOAL 2: SAFETY

Provide a transportation system that promotes the safety of current and future travel by all users.

### Policies

- 2.1 Design and maintain County roadways consistent with their expected use, vehicular travel speeds, and traffic volumes.
- 2.2 Incorporate the Transportation Safety Action Plan (TSAP) goals and action items into County planning projects and update the TSAP at appropriate intervals.
- 2.3 Coordinate with the Sheriff's Office to discuss enforcement activity on specific facilities in the County and jointly communicate safety issues when observed and encountered.
- 2.4 Continue the partnership with the County's BPAC to promote education and outreach activities and to inform future County investment decisions in facilities for people riding bikes and walking.
- 2.5 Coordinate with the emergency service providers in the County to prioritize the maintenance and investment in key lifeline and evacuation routes.
- 2.6 Coordinate with ODOT, railroads, and local communities to prioritize safety investments at rail crossings.
- 2.7 Prioritize investments in key crossing locations for people walking and riding bikes across major County roadways and/or ODOT highways, especially at locations that serve vulnerable populations.
- 2.8 Coordinate with ODOT for planning for grade-separate wildlife crossings of State highways using relevant wildlife migration information, crash data, and best management practices.

### 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.

#### Policies

- 3.1 Maintain the County’s roadway system in a state of “good repair.”
- 3.2 Invest in new roadways only when a need has been demonstrated that benefits the economic growth of the County and/or locations that address key gaps in the roadway system and there is sufficient long-term funding to operate and maintain the new roadways.
- 3.3 Monitor the safety, traffic volumes, and usage by people walking and riding bikes on County arterials and collectors to help determine when changes to specific roadways are needed and/or educational outreach to the traveling public.
- 3.4 Maintain a County-wide bicycle route map.
- 3.5 Partner with ODOT, Bend, La Pine, Redmond, Sisters, and neighboring counties to coordinate investment in transportation facilities that cross jurisdictional boundaries.
- 3.6 Pursue funding to provide secondary access roadways to isolated rural subdivisions.
- 3.7 Periodically review transportation performance standards used to review land use applications and modernization projects and revise if needed.
- 3.8 Periodically review and update the County design and construction standards related to roadways and facilities for people walking and riding bikes in unincorporated areas.
- 3.9 Periodically review policies and standards that address street connectivity, spacing, and access management.
- 3.10 Support transit service to improve mobility within the County and connectivity to transit stations in Bend, Redmond, La Pine, and other regional and state destinations.
- 3.11 Monitor the condition of County bridges on a regular basis and perform routine maintenance, repair and replacement when necessary.
- 3.12 Partner with local agencies, ODOT, and the public airports to periodically review airport master plans for Redmond, Bend, Sisters, and Sunriver to ensure they and County development code are consistent.
- 3.13 Partner with the US Forest Service and Bureau of Land Management to maintain the County’s system of forest highways to continue to provide key access to recreational areas such as campsites, lakes, hiking, and biking trails in the County.
- 3.14 Coordinate with ODOT to identify County routes to be used as detours when a crash or other incident closes a State highway.
- 3.15 At a minimum, seek dedication of public rights of way for extensions of existing roads or future roads on lands not zoned Exclusive Farm Use or Forest in order to develop a rural-scale grid system.

## GOAL 4: ECONOMIC DEVELOPMENT

Plan a transportation system that supports existing industry and encourages economic development in the County.

### Policies

- 4.1 Prioritize transportation investments that support access to allowed land uses, activities, airports, and recreational areas.
- 4.2 Maintain arterials and collector roadways for the movement of people and goods to employment centers in the County.
- 4.3 Update and continue to implement the County's Transportation System Development Charge (SDC) program.
- 4.4 Incorporate facilities for people walking and riding bikes to key recreational areas as part of changes to the roadway system.
- 4.5 Support bicycle tourism by prioritizing and improving designated County bike routes.
- 4.5 Incorporate improvements to the County arterial system that support freight service and provide access to US97, US 20, and OR 126.
- 4.6 Support economic development by encouraging ODOT to prioritize modernization, preservation, and safety projects on highways designated as Freight Routes.
- 4.7 Periodically assess the probability of providing passenger rail service to and through Deschutes County.

## GOAL 5: EQUITY AND ACCESSIBILITY

Provide a multimodal transportation system that supports a safe, efficient, and low-stress environment for walkers, cyclists and transit users as well as benefits the overall health and environment within the County.

### Policies

- 5.1 Prioritize investments in the County’s transportation system that support users of all abilities, ages, race/ethnicity, income levels, and those with disabilities.
- 5.2 Design all new transportation facilities consistent with the requirements of the American’s with Disabilities Act (ADA).
- 5.3 Maintain a partnership with CET, the cities, ODOT, and transportation options providers to promote walking and cycling, public transportation, micro mobility options, and rideshare/carpool programs through community awareness and education.
- 5.4 Accommodate bicycle, pedestrian, and transit facilities, when prescribed by design standards and various master plan documents, when new roads are constructed and/or existing roads are reconstructed.
- 5.5 Maintain road design standards that promote pedestrian, bicycle and transit facilities to and from schools, community gathering places, grocery stores, and other services as prescribed within community plans.
- 5.6 Establish priorities for construction and maintenance of roadway shoulders or shared use pathways to provide for walking and bicycle travel.
- 5.7 Partner with ODOT, the cities, CET and other providers to secure funding for transit service to underserved areas of the County.
- 5.8 Support efforts of local agencies to develop and maintain a trail system along the Deschutes River, within Tumalo, and along major irrigation canals.
- 5.9 Support Commute Options’ efforts to work with major employers, local business groups, non-profit agencies, school districts to support implementation of Transportation Demand Management (TDM) strategies that provide options employees, residents, and customers to use transit, walk, ride bikes, carpool, and telecommute.

## GOAL 6: SUSTAINABILITY AND ENVIRONMENT

Provide a transportation system that balances transportation services with the need to protect the environment.

### Policies

- 6.1 Partner with BPAC, local agencies, CET, and non-profit groups to promote the use of walking, cycling and transit as viable options, minimize energy consumption, and lessen air quality impacts.
- 6.2 Ensure changes to the County transportation system are consistent with the Transportation Planning Rule (TPR).
- 6.3 Comply with applicable state and federal noise, air, water, and land quality regulations as part of transportation investments in the County.
- 6.4 Preserve listed Goal 5 resources within the County.
- 6.5 Implement, where cost-effective, environmentally friendly materials and design approaches as part of County transportation projects (e.g., storm water retention/treatment to protect waterways, solar infrastructure, impervious surfaces, etc.).
- 6.6 Prioritize transportation investments that support system resilience to seismic events, extreme weather events, and other natural hazards.

## GOAL 7: STRATEGIC INVESTMENTS

Maintain the safety, physical integrity, and function of the County’s multi-modal transportation network, consistent with Goal 6 of the OTP.

### Policies

- 7.1 Continue to pursue and implement Federal Lands Access Program (FLAP) funding to prioritize County investments to support tourism and access to key recreational areas.
- 7.2 Maintain long-term funding stability for maintenance of the transportation system.
- 7.3 Prioritize investment in the existing transportation network through maintenance and preservation activities.
- 7.4 Coordinate with ODOT and local agency partners to implement intelligent transportation solutions that increase the life of transportation facilities and/or delay the need for capacity improvements.
- 7.5 Periodically review and, if needed, make updates to the County Code requirements to ensure that future land use decisions are consistent with the planned transportation system.
- 7.6 Coordinate with ODOT in the implementation of the Statewide Transportation Improvement Program (STIP) and Statewide Transportation Improvement Funding (STIF).
- 7.7 Coordinate with and provide guidance to CET in programming public transportation funds received by the County.
- 7.8 Pursue additional funding sources to support major reconstruction or replacement of County bridges.
- 7.9 Partner with federal and state agencies to seek funding that prioritize investments that support recommendations from the Bend, Redmond, Sisters, or Sunriver airport master plans.

# 03 | NEEDS ASSESSMENT AND EVALUATION

The TSP projects and implementation tasks were informed by technical analyses of existing transportation conditions, forecast year 2040 deficiencies, and an evaluation of possible system changes that can meet the transportation needs for all users (including the transportation disadvantaged) and address the need for movement of goods and services to support local and regional economic development priorities. The needs assessment, in combination with thoughtful input received from the community, Deschutes County staff, partner agency staff, and County policy makers, formed the list of recommended projects, the TSP goals and policies and the funding plan. This chapter summarizes the key elements of the existing and future needs analyses; further details of the needs analyses are provided in Volume 2.

## EXISTING TRANSPORTATION SYSTEM CONDITIONS

Existing transportation needs, opportunities, and constraints reflect an inventory of the County transportation system conducted in 2019 and 2020. This inventory included all major transportation-related facilities and services at that time. Key roadway features (including number and type of roadway lanes, speeds, pavement type/condition, traffic volumes and roadway classifications), traffic conditions, safety performance, bicycle and pedestrian facilities, and transit service, among other topics, were analyzed.

Key findings related to the existing County system are highlighted below.

- The areas within the County with the highest percentages of youth are primarily located in Tumalo and Terrebonne as well as adjacent to the Bend and Redmond Urban Growth Boundaries (UGBs). Connections for school students between their homes, the local community schools, and school

bus stops were considered in identification of potential roadway, walking, cycling and transit projects.

- The highest percentage of elderly populations is located in the Sunriver area and adjacent to the Sisters, Redmond, and La Pine UGBs. The areas adjacent to these three UGBs are also where the highest concentration of the population with disabilities and the minority populations reside. Coordination with Cascades East Transit (CET) to serve the existing and future needs of these residents is included in the recommended implementation task list for the TSP.
- Continued coordination between the County and ODOT and the incorporated communities will help address and provide consistency of individual roadway functional classification designations.
- Roadway repairs are and will continue to be monitored and accomplished as part of the County’s ongoing maintenance program.
- The County does not have any designated freight routes that provide connections to local industrial and employment lands. The TSP alternatives evaluation explored the need to designate County freight routes to serve key economic priority areas to supplement the ODOT freight system.
- No roadway capacity deficiencies were identified under existing conditions.
- The County’s Transportation Safety Action Plan (TSAP) identified key locations for monitoring and potential changes to the transportation system to address documented safety deficiencies. The TSAP is incorporated by reference as part of the TSP.
- Many of the County bikeways and highways do not have paved shoulders that are at least six feet wide which is the standard for



ODOT highway while the County standard for paved shoulders is 3-5’.

- The small, unincorporated communities in the County do not have dedicated bicycle facilities and several of the roadways adjacent to schools or other pedestrian trip generators (parks, trail connections, rural commercial areas, etc.) located in Terrebonne and Tumalo are missing sidewalks. Safe Routes to School funding may be an option to assist with implementation of TSP recommendations in small communities.

### **BASIS OF NEED ASSESSMENT**

The TSP addresses the projects, programs, and policies needed to support growth in population and jobs within the County as well as the travel associated with regional and state economic growth between now and the year 2040. The identified set of recommendations reflects County policy makers’ and community members’ priorities to maintain existing facilities and reduce congestion, save money, improve safety, and provide community health benefits without costly increases to automobile-oriented infrastructure. Over time, the County will periodically update the TSP to respond to changing conditions and funding opportunities.

The existing land use patterns, economic development opportunities, and population and job forecasts helped inform the analysis of year 2040 needs. This information helped identify future changes to the transportation system (and the supporting policies and programs) to address deficiencies and support economic development in a manner consistent with the County’s Comprehensive Plan and Zoning Map.

#### **Growth in County Population**

By Oregon Revised Statute 195.034, incorporated cities and counties formulate and adopt coordinated population projections. Based on the June 2022 Coordinated Population Report prepared by the Portland State University (PSU) Center for Population Research, in 2020 the total County population was 198,253 and is forecast to grow to a total population of 275,905 by the year 2040. Much of the County growth is expected

to occur within the Redmond, Bend, and Sisters UGBs. Within the unincorporated/rural areas, the 2020 population was 59,471 and is anticipated to grow to approximately 64,000 people by 2040. The anticipated growth in both urban and rural population within the County helped inform the estimation of year 2040 traffic volumes using the County transportation facilities.

#### **Traffic Volume Development**

The expected increase in traffic volumes on key roadways within the County was based on a review of past changes in traffic volumes as well as expected increases in population and area jobs. Further details on the anticipated growth in traffic volumes on roadways within the County is provided in Volume 2.

The deficiencies evaluation included a review of County arterials and collector roadways. The roadway capacity needs associated with the State facilities within the County are addressed through other planning efforts by ODOT. The County will continue to partner with ODOT to monitor and identify additional needs through future planning and evaluation efforts.

The deficiencies analysis compares the anticipated traffic volumes on the roadways to capacity levels associated with a Level-of-Service (LOS) “D” condition, which is considered by the County to reflect “acceptable” conditions. From a planning standpoint, two-lane rural roadways carrying a total daily volume of less than 24,000 vehicles per day is generally considered to operate with a LOS “D” or better.

#### **Baseline Roadway Analyses**

The baseline (future) analysis forms the basis of the project list reflected in Chapter 5. This baseline analysis was guided by the transportation needs identified in previously adopted plans and policies for the County, ODOT, and other agency partners, the 2040 population forecasts and the County’s land use map, the anticipated growth in traffic volumes, and the fact that there are no major construction projects that are funded at this time that could materially change traveler behaviors or traffic volumes on the County’s roadway network in the future.

### Baseline (Year 2040) Transportation Needs

In addition to the summary of existing deficiencies identified in the previous section, the future deficiencies analysis revealed:

- Two County roadways that would exceed LOS "D" conditions, including Deschutes Market Road at Greystone Lane and S Century Drive at Venture Lane.
- Following adoption of the TSP, the County will continue to monitor the need for changes to the transportation system to address roadway and intersection safety, especially at the locations included in the TSAP.
- Although most County roadways do not have adequate width for comfortable and convenient connections for people walking and riding bicycles, providing shoulders on all County collectors and arterials in the next 20 years is not feasible due to constraints such as available right-of-way, environmental and/or property impacts and the high costs to construct. The County will continue to seek opportunities to provide shoulders, particularly in areas with significant roadway curvature, hills, bridges and other locations that could be beneficial for sharing the road among people driving, walking and riding bikes. Additionally, many County roads have low volumes of traffic, which offsets the substandard shoulders.
- Additional public transportation services are needed to provide options for people who cannot or may choose not to drive vehicles. In the future, transit service will continue to be coordinated and operated by CET. The County will continue to collaborate with CET and ODOT on the prioritization of funding and operating public transportation services within and to the County.
- The Redmond Municipal Airport Master Plan was updated in 2018 to identify needs through the year 2040. This updated Master Plan identified the provision of additional airside facilities, general aviation facilities, parking supply, passenger facilities, and non-aeronautical property development in the vicinity of the airport to support the Airport through the year 2040.

- No changes to the existing rail or pipeline facilities were identified to serve the future needs of the County.

### EVALUATION OF TRANSPORTATION SYSTEM ALTERNATIVES TO ADDRESS IDENTIFIED NEEDS

The Advisory Committee (AC), Agency Partner Coordination Committee (APCC), Project Management Team (PMT), the Bicycle and Pedestrian Advisory Committee (BPAC) and participants at open houses and other community forums identified transportation system alternatives that had the potential to address existing and future transportation needs. Many of the potential alternatives help to support plans that have been identified by the cities and unincorporated areas within the County, ODOT, other County planning efforts, the TSAP and/or local refinement and facility plans.

The identified alternatives address all modes of travel and include programs that could reduce vehicular travel demand. Further, these potential system alternatives avoid principal reliance on any one mode of transportation and increase transportation choices for all users. The PMT developed these ideas into a potential project list that they screened considering the TSP's goals and objectives and key County priorities. The potential solutions were reviewed and refined through community members and policymakers to form the 20-year list of projects reflected in Chapter 5. Through this process, evaluation of solutions that could address the identified needs as well as serve to accomplish key County objectives were identified. Some of the considerations that shaped the final list of recommended projects include:

- Balancing impacts to existing and developable parcels with County-wide and community needs;
- Minimizing impacts to Goal 5 resources (natural resources, scenic and historic areas, and open spaces);
- Supporting and enhancing key state and regional economic plans and priorities;

- Leveraging future transportation investments to reduce access, economic, safety and health disparities within the County, particularly those areas identified as serving populations of low income, minority, youth and/or the elderly;
- Providing additional connections within Terrebonne and Tumalo for people walking;
- Identifying key intersections where the roadway geometry and/or traffic control could be changed in the future to address known safety and/or anticipated capacity needs;
- Prioritizing strategic roadway corridors where vehicular capacity and/or changes to the roadway characteristics may be needed to help support future growth and economic development in the region, enhance the safety of all users and/or strengthen connections between areas of the County and to other areas in Central Oregon;
- Providing regional bicycle connections that could serve broad transportation functions, such as commuting, recreation, or daily services;
- Modifying key bridges as funding and/or other opportunities arise;
- Leveraging opportunities for future system changes that could be provided using funds from the Federal Lands Access Program (FLAP), particularly for transportation facilities providing connections to key recreational areas and economic development priorities adjacent to/and or located within Federal lands;

- Coordinating projects included in the CET Master Plan that can help increase service to the unincorporated areas of the County as well as to the High Desert Museum and Lava Lands Visitor Center;
- Enhancing access to the Redmond Municipal Airport and Bend Municipal Airport;
- Improving freight mobility; and,
- Leveraging funding opportunities with key partner agencies and private investments.

The resultant 20-year project list is intended to address the identified transportation needs, meet the TSP goals, and reflect the criteria included in ORS 660-012-0035. The TSP projects are categorized as high, medium, and low priorities for future inclusion into the County's Capital Improvement Program (CIP) based on the complexity, likely availability of funding, and assessment of need. The intent of identifying likely priorities allows the County with the flexibility to adapt to changing economic development and community needs over the next 20 years. The project lists and maps of the potential locations were posted to the County's website prior to adoption. Details of the recommended project lists are provided in Chapter 5.

# 04 | PROVIDING MULTIMODAL SYSTEMS

The TSP is a coordinated set of multimodal policies, programs, and projects that addresses the transportation needs within the rural and unincorporated areas of the County over the next 20 years. This chapter provides an overview of these programs and projects; the detailed project list and associated cost estimates are shown in Chapter 5.

Although driving will continue to be the primary mode of travel in the County and the preservation and improvement of the existing roadway system will remain important, the TSP projects, policies, and programs are intended to increase transportation choices, reduce reliance on the automobile by better accommodating and encouraging travel by foot and bike for short trips, improve safety for all transportation users, and provide for improved transit service. The TSP and the County's adopted land use plans and regulations are intended to make walking, cycling, and use of transit convenient.

## THE ROADWAY SYSTEM

People driving, walking, biking, and taking transit all rely on the roadway network to access destinations locally within the County as well as regionally within Central Oregon. The identified roadway solutions in the TSP address mobility, access, freight, and safety needs.

### Functional Classification

The County's functional classification system provides a system hierarchy based on the intended function of each type of roadway (e.g., moving people across Central Oregon or providing access to local destinations). ODOT identifies the appropriate classifications for state facilities whereas the County identifies the appropriate classifications for roads under its

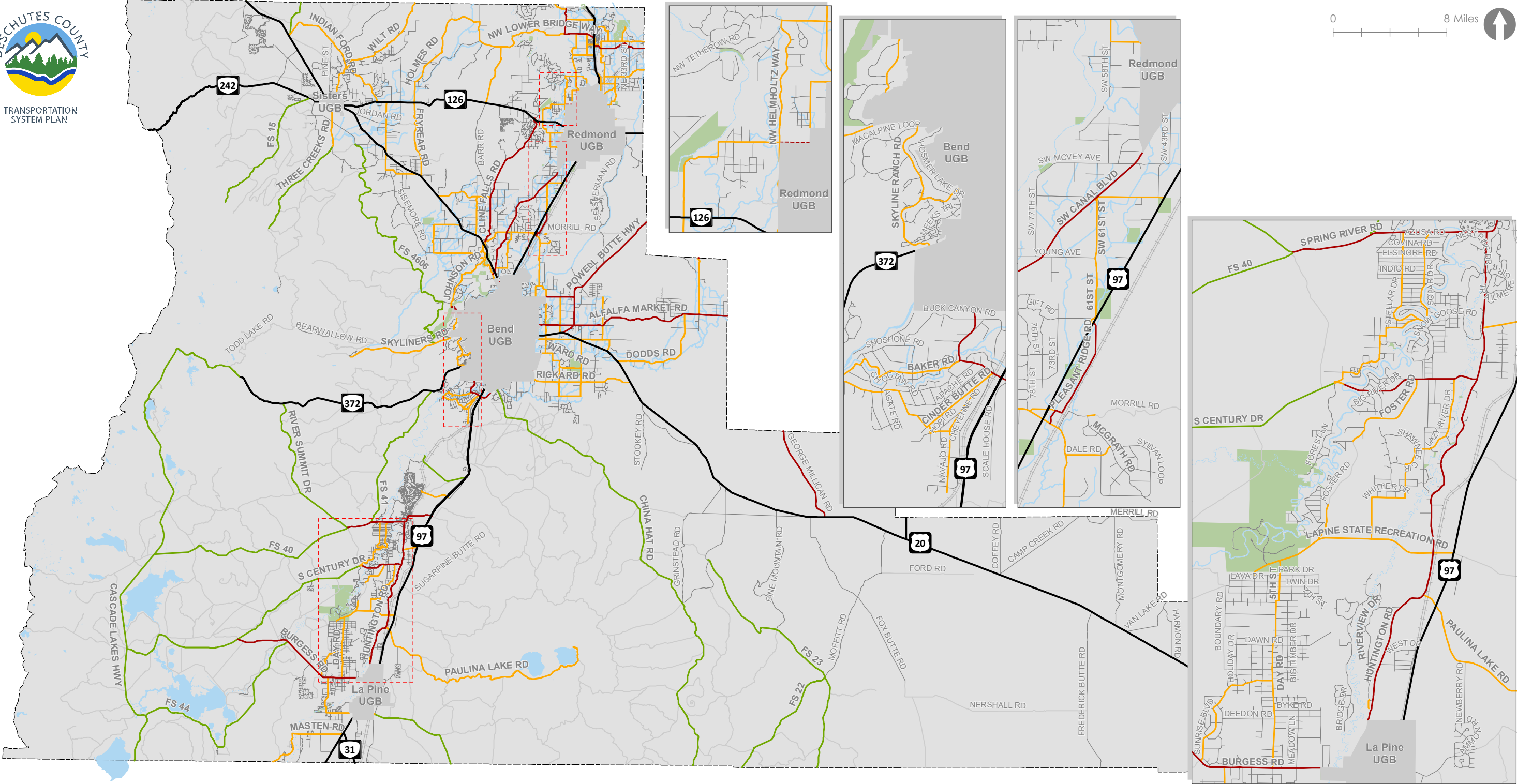
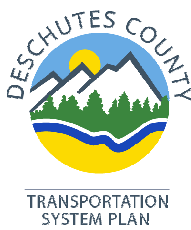
authority. The classification levels also describe how the roadway "looks and feels" and provides recommendations for travel lane widths, roadside treatments, accommodating bicycles, and the need for sidewalk or trails adjacent to the road.

The County's functional classification is based on the following hierarchy:

- Arterials are intended to serve more regional needs and provide connections to key activity centers within the County. They are also intended to represent the key movement of goods and services throughout and to/from the County. These roadways also provide connections to the incorporated UGBs within the County.
- Collectors primarily connect the rural areas of the county with the state facilities and the County arterials. These roadways provide important connections to much of the unincorporated areas of the County.
- Forest Highways provide access to recreational areas such as campsites, lakes, hiking, and biking trails in the County. Maintenance of these facilities is provided by the County and by the Forest Service, depending on location.
- Local roads serve specific areas within the County and can be paved or unpaved.

**Figure 4-1** presents the County's functional classification map.

Figure 4-1: Functional Classification



H:\24\24964 - Deschutes County TSP\GIS\TSP Figures 4-1 Roadway Functional Classifications.mxd Date: 6/14/2023

- Highway
- Arterial
- - - Future Arterial
- Collector
- Forest Highway
- Parks
- Water

Data Source: Deschutes County

## COUNTY ROADWAY CROSS-SECTION STANDARDS

The County’s cross-section standards are used to guide the construction of new roadways and/or changes to existing roadways. These standards are updated over time to support the needs of all users as well as continued economic development opportunities. Many existing roadways within the County area are not built to the standards shown in **Table 4-1**. The adoption of these standards is not intended to imply that all existing roadways be rebuilt to match these standards, rather the standards will help inform identified changes to specific roadways in the future. Further, because the design of a roadway

or corridor can vary based on the needs of the area, these standards provide flexibility based on adjacent land use and specific topographic considerations. The unincorporated communities of Terrebonne and Tumalo have their own standards; these are shown in **Table 4-2** and **Table 4-3**, respectively.

The County standards do not require a sidewalk except for certain segments in Terrebonne and Tumalo; people walking or biking are assumed to use the shoulder or share the road on lower volume streets. Standards are presented within the TSP for reference only. DCC Chapter 17.48 (in particular Table A) contains the adopted County’s roadway standards.

**Table 4-1: Minimum Road Design Standards, Rural County (outside of La Pine, Tumalo, and Terrebonne)**

Type/Class	ROW	Paved Width	Travel Lane Width	Paved Shoulder Width	Gravel Shoulder Width	Turn Lane Width	Sidewalk Required
State Hwy	80'-100'	36'-70'	12'	6'	---	14'	No
Minor Arterial	80'	28'-46'	11'	3'-5'	2'	14'	No
Collector	60'	28'-46'	11'	3'-5'	2'	14'	No
Local Road	60'	20', 24"	---	---	2'	---	No
Industrial	60'	32'	---	---	---	---	No
Private	---	20', 28'	---	---	---	---	No
Frontage Road	40'-60'	28'	---	---	---	---	No

**Table 4-2: Minimum Road Design Standards, Terrebonne Unincorporated Community**

Type/Class		ROW	Paved Width	Travel Lane Width	Paved Shoulder Width	Gravel Shoulder Width	Turn Lane Width	Sidewalk Required
US97		80'-100'	60'	12'	6'	6'	14'	No*
Minor Arterial								
Smith Rock Way	TeC	60'	34'	12'	5'	2'	14'	Yes
	TeR	60'	34'	12'	5'	2'	14'	No
Lower Bridge Way		60'	34'	12''	5'	2'	14'	No
Collector								
Commercial	TeC	60'	24'	12'	---	2'	---	Yes
	TeR	60'	24'	12'	---	2'	---	No
Residential	TeR	60'	24'	12'	---	2'	---	No**
Local								
Commercial	TeC	60'	24'	12'	---	2'	---	Yes
	TeR	60'	24''	12'	---	2'	---	No
Residential	TeR	60'	20'	12'	---	2'	---	No***
Other								
Alley (Commercial)	20'	20'	10'	---	---	---		No
Path/Trail		15'	6'-8'	---	---	2.5****	---	---

Source: Deschutes County Code 17.48.050, Table A

6-foot sidewalks are required on both sides of US97 between South 11th Avenue and Central Avenue with improved pedestrian crossings at B Avenue/97 and C Avenue/97

\*\* 5-foot sidewalks with drainage swales are required from West 19th to 15th Street on the south side of C Avenue

\*\*\* 5-foot curb sidewalks with drainage swales required along Terrebonne Community School frontage on B Avenue and 5th Street

\*\*\*\* If path/trail is paved

**Table 4-3: Minimum Road Design Standards, Tumalo Unincorporated Community**

Type/Class	ROW	Paved Width	Travel Lane Width	Paved Shoulder Width	Gravel Shoulder Width	Turn Lane Width	Sidewalk Required
US 20	80'-100'	60'	12'	4'	6'	14'	No
Collector							
Commercial	60'	30'	11'	4'	2'	14'	Yes
Residential	60'	36'	12'	6'	2'	14'	No
Local							
Commercial	60'	20'	10'	---	2'	---	No*
Residential	60'	20'	10'	---	2'	---	No
Other							
Alley (Commercial)	20'	20'	---	---	---	---	No
Path/Trail	15'	6' unpaved 8' paved	---	---	2.5'***	---	No

Source: Deschutes County Code 17.48.050, Table A

\*5-foot curbless sidewalks on both sides for roads designated for sidewalks in Tumalo Comprehensive Plan Map D2.

\*\* If path/trail is paved

**FEDERAL LANDS ACCESS PROGRAM ROADWAYS**

The Federal Lands Access Program (FLAP) was established to “improve transportation facilities that provide access to, are adjacent to, or are located within Federal lands.” This program is intended to supplement State and County funds for public roads, transit, and other transportation facilities accessing federal lands with a prioritized emphasis for “high-use recreation sites and economic generators.” FLAP is funded through the Federal Highway Trust Fund and its allocation is based on road mileage, bridges, land area, and number of visits to the lands.

FLAP provides funding opportunities to help the County deliver capital projects that increase access to Federal Lands. In addition, FLAP is a funding tool to help the County fund maintenance of existing roads that are designated as Forest Highways and other roads that provide similar access.

As part of TSP implementation, the County will continue to coordinate with all of the federal agencies, BPRD, CET, and ODOT on the request for future FLAP-funded projects.

**STATE HIGHWAY DESIGN STANDARDS**

Any future changes to the state highways within the County will be informed by the OHP, the state’s Highway Design Manual (HDM), and the Blueprint for Urban Design, which provides more flexible standards for urban areas.

**Access Management and Spacing Guidance**

Providing appropriate levels of access to adjacent lands is a key part of operating and planning for a transportation system that serves the needs of all users. ODOT and the County maintain standards to help balance the needs for both “through travelers” (including freight and public transportation) as well as serving the localized needs of residents, employees, and visitors.



For state highways, access spacing guidelines are specified in the 1999 Oregon Highway Plan, Appendix C – Access Management Standards. Access to State Highways is controlled under Oregon Administrative Rule, Division 51 (OAR 734-051-4020(8)).

*The adopted County access spacing standards are included in DCC Chapter 17.48.*

**Movement of Freight**

The movement of goods and services within the County and the overall region will continue to rely upon the state highways, especially those designated as freight routes. The TSP does not include a designated freight system of County roadways.

**Traveler Information/ITS**

Intelligent Transportation System (ITS) infrastructure enhances traffic flow, maintenance activities, and safety through the application of technology. The provision of reliable ITS infrastructure to inform motorists about incidents, weather conditions, and congestion has proven to be a useful and cost-effective tool for the County to manage its roadway system.

ODOT and the County collaborated to update the Deschutes County ITS Plan in 2020. This update reflected identified needs, advanced and emerging technologies, and supports an integrated Transportation Systems Management and Operations (TSMO) strategy. The plan includes recommended TSMO strategies, a communications plan, and a deployment plan. This plan is incorporated by reference into the TSP.

**Safety**

The County’s 2019 Transportation Safety Action Plan (TSAP) provides specific projects, policies, and programs to address identified safety needs within the unincorporated areas of the County. The TSAP is adopted by reference into the TSP.

As part of TSP implementation, the County will continue to identify future project refinements, as needed, monitor the timing of intersection changes at these locations, and seek funding opportunities and/or the potential to combine

safety-related projects with other project development within the County.

Several of the safety-based needs for the County reflect conditions best addressed through education, enforcement, or outreach programs. Others may be addressed through systemic intersection and roadway treatments at specific locations. The type of treatments that could be considered by the County are further detailed in the TSAP and include:

- Roadway Treatments to Reduce Roadway Departure Crashes – With new road construction and roadway maintenance projects, the County may consider the construction of shoulders (as required by roadway standards), centerline and shoulder rumble strips, edge-line striping, recessed or raised pavement markers, and/or curve signing upgrades.
- Roadway Treatments to Reduce Speed – With new road construction and roadway maintenance projects, the County may consider lane narrowing at targeted locations, transverse speed reduction markings, and speed feedback signs in conjunction with posted speed limit signs. At rural communities, changes in roadside elements can be used to indicate a change in context to reduce speeds. In addition, enhanced enforcement at key corridors could focus on driving at appropriate speeds.
- Safety Data Monitoring – County staff, in collaboration with ODOT, will continue to periodically analyze crash data and identify the need for engineering, enforcement and educational treatments at specific locations. Tools such as ODOT’s Safety Priority Index System (SPIS) and All Roads Transportation Safety (ARTS) programs may be used to assist with prioritizing locations.
- Safe Routes to School – The County, Tumalo, and Terrebonne should seek projects that improve safety near schools and school routes, particularly for those walking and biking to school. These efforts should be coordinated with infrastructure projects such as ADA projects.

- Enhanced Intersection Signing and Striping Options – At collector and arterial intersections, the County may consider enhancements such as advanced warning signs, double advance signs, reflective striping and signage, oversized stop signs, double stop signs, stop ahead pavement markers, transverse rumble strips, and edge-line treatments to help increase visibility and awareness of an intersection. The County should prioritize the use of treatments that have documented effectiveness through the Highway Safety Manual (HSM) or documented Crash Modification Factors (CMFs).

The top sites for safety improvements in unincorporated Deschutes County are identified in the TSAP and will help inform future funding and prioritization in the County's Capital Improvement Plan (CIP).

### THE PEDESTRIAN SYSTEM

Outside of the urban areas, sidewalks are needed in portions of Tumalo and Terrebonne to provide walking facilities between the residential areas and schools and the neighborhood commercial areas. In addition, dedicated sidewalks are appropriate within one-quarter mile of transit stops. The County will work with the local communities, CET and the private sector to identify funding opportunities to add sidewalks in these areas over the next 20 years.

Additional changes not specifically identified in the TSP to the sidewalks, pathways, and pedestrian crossings treatments at key intersections may be provided in the future based on project development and design as well as funding opportunities. Where applicable, the County will require sidewalk and/or multiuse pathway construction as part of future land use actions per the DCC Chapter 17.48 requirements.

### THE BICYCLE SYSTEM

Deschutes County provides and maintains useable shoulders along roadways for use by people riding bikes though not all roadways are currently improved to include such facilities. The County has an aspirational designated bicycle route system ("County Bikeways") where

useable shoulders will be provided, as practical, as part of ongoing maintenance and roadway improvements projects.

Crossing improvements for people riding bikes, though not specifically identified in the TSP, may be provided when bicycle facilities are constructed that intersect major roads. The need for and type of crossing treatments as well as other facility changes will be evaluated at the time of project development and design. The County may provide such facilities as standalone projects or in conjunction with scheduled maintenance activities. As part of TSP implementation, the County will evaluate the need to modify existing DCC Chapter 17.48 requirements related to bicycle facility requirements as part of future land use actions.

In addition, as part of implementation of the TSP, changes to the bicycle network will continue to be informed by the County's Bicycle and Pedestrian Committee (BPAC) activities. BPAC's mission is "to promote and encourage safe bicycling and walking as a significant means of transportation in Deschutes County" and focuses on both changes to the system as well as public education and awareness and a review of safety and funding needs as part of implementation of potential projects.

The County will also continue to partner with ODOT to identify priority locations along the state highways for increased shoulder widths and/or shared use paths.



The County, by reference, will adopt the Map 11 of the Bend Parks and Recreation District’s (BPRD’s) Comprehensive Plan (2018) identifying future trail connections to parks within the County but outside the Bend (UGB) as well as those within the Deschutes National Forest. As noted in the BPRD plan, the trails have been prioritized for implementation but the actual alignments in the map are approximate and subject to future easement/user agreements to enable trail construction, availability of funding, and securing agreements from affected property owners for trailheads and parking areas.

The Redmond Area Parks and Recreation District (RAPRD) also provides access to trails and facilities outside of the Redmond City Limits, including those in Terrebonne and Tumalo and the Borden Beck Wildlife Preserve. As part of TSP implementation, the County will coordinate with RAPRD on the need for and timing of new trails outside of the Redmond City Limits.

The La Pine Parks and Recreation District also provides facilities outside of the City Limits, such as the Leona Park and Rosland Campground. They are also planning for a working with BLM on a property transfer of 141 acres to the Park District that will house a future “South County Events Area” to include facilities for “campers, bikers, walkers, hikers, horse owners and others”. The County will coordinate with Park District on the planning for this new facility as well as overall access to existing facilities outside the City Limits.

As part of TSP implementation, the County will coordinate with BPRD, RAPRD, the La Pine Parks and Recreation District, and the Sisters Park and Recreation District on the planning for and timing of new trails outside of city limits. It is important to note that not all County roadways are currently or will be designed to provide roadside parking for trailhead users within the County. The County will work with each of these parks and recreation districts to identify appropriate locations in the future to provide safe access for trail users as well as to roadway users not accessing the parks/trails.

**Other Programmatic Considerations for the Pedestrian and Bicycle System**

Other policy/programmatic considerations that the County may incorporate as part of TSP implementation are dependent on funding opportunities and potential agency partnerships. These types of considerations could include:

- Monitoring System – pending availability of resources, the County could establish a data monitoring or counting program that helps to identify and prioritize locations with higher levels of walking and cycling activity. In combination with safety reviews through TSAP and other ongoing regional efforts, this data monitoring program can help the prioritization of resources in the future.
- Continued Education and Outreach – implementation activities might include topics related to providing the Sheriff’s Department and other emergency services personnel with training regarding bicycle/pedestrian safety and enforcement issues; encouraging and supporting efforts by County schools or other organizations to develop and add a bicycle/pedestrian safety curriculum for students of all ages; identifying opportunities to install signage along roadways where bicycle touring or other significant bicycling activity is expected advising travelers of the “rules of the road” pertaining to motorists and non-motorized travelers, etc.
- Ongoing Maintenance Activities – further reviewing the budgets associated with maintenance activities along key cycling routes, including the periodic removal of debris including small branches and other roadside debris that could create safety hazards for a bicyclist or pedestrian.
- Additional Funding Partnerships - exploring opportunities for coordination and cooperation with state and federal agencies in examining innovative means of providing or funding pathways, trails, and equestrian facilities.

## TRANSIT SERVICES

In 2020, CET adopted its Master Plan to reflect the transit needs of the region through the year 2040. The CET Master Plan is adopted by reference into the Deschutes County TSP.

Per the adopted Master Plan, CET will continue to provide high-quality, available, and reliable transit service that fundamentally supports the environment, economic development, and equity for all travelers. Within the unincorporated and rural areas of the County, the CET Master Plan identifies the following:

- Increasing local circulation via local Dial-A-Ride and/or Community Connector vehicles;
- Providing service to Crooked River Ranch via shopper/medical shuttles;
- Potential service to Eagle Crest and/or providing a stop in Tumalo along Route 29;
- Changes to the bus stop for Deschutes River Woods (e.g., Riverwoods Country Store) or an alternative way to serve Deschutes River Woods via Route 30;
- Re-routing existing service lines to Sunriver;
- Adding service to the High Desert Museum and Lava Lands Visitor Center (potentially seasonally based); and,
- A new Route 31 and/or modification of Route 30 to connect La Pine and Sunriver.

Finally, the transit capital investments identified in the CET Plan include fleet replacement and expansion and transit stops enhancement and additions. The County and CET will continue to partner on transit projects that serve the community.

## RAIL SERVICE

Freight rail service will continue to be an important, energy efficient mode of transportation. The TSP supports the continued use of freight rail tracks and service provided in the County by the Burlington Northern Santa Fe (BNSF) Railway and Union Pacific (UP) Railroad. The TSP also supports the continued use of the City of Prineville’s short line freight railway that runs from Redmond to Prineville along OR 370.

The nearest passenger rail service is and will continue to be provided in Portland and in Chemult. No passenger rail service is anticipated within the County within the next 20 years.

## PIPELINES AND WATERWAYS

Today, there is one natural gas pipeline in the County that parallels US97. The TSP recommends continued coordination with the gas pipeline operator to provide continued services within the County. No additional pipeline facilities are anticipated within the next 20 years.

There are no navigable waterways located in Deschutes County but there are several waterways and lakes that are used recreationally. As local and regional destinations, access to these bodies of water facilitate tourism, economic development, and environmental conservation efforts. Major bodies of water include Paulina Lake, East Lake, Wickiup Reservoir, Crane Prairie Reservoir, Sparks Lake, the Crooked River, and the Deschutes River. The TSP recommends enhancements to the roadways accessing these recreational areas to improve safety for all users.

## AIR SERVICE

Within the County, the largest public use airport is the Roberts Field-Redmond Municipal Airport (RDM) located in southeast Redmond. The Bend Municipal Airport, Sunriver Airport, and Sisters Eagle Airport are also available for public use. The TSP supports the continued use of these airports for service within the County in the future.

The TSP adopts by reference the City of Redmond’s Airport Master Plan (as Updated in 2018) to reflect the needs of the Redmond Municipal Airport through the year 2040. This updated Master Plan includes a prioritized list of additional airside facilities, general aviation facilities, parking supply, passenger facilities, and non-aeronautical property development in the vicinity of the airport to support the anticipated 20-year growth at the Airport. The TSP supports continued coordination with the City of Redmond and ODOT to maintain safe and efficient connections to the airport for Deschutes County residents and visitors.

### **BRIDGES**

The County regularly reviews the structural ratings of its bridges and addresses changes to the bridges as funding and other opportunities arise. The need for changes to existing bridge locations within the County will be addressed throughout the 20-year period of the TSP and incorporated as part of County budgeting and partner agency funding discussions, as appropriate.

### **VEHICULAR PERFORMANCE STANDARDS**

The County uses motor vehicle Level of Service (LOS) standards to evaluate acceptable vehicular performance on its road system. LOS standards are presented as grades A (free flow traffic conditions) to F (congested traffic conditions). ODOT uses mobility targets based on volume to capacity (V/C) ratios as defined in the OHP for

planning evaluations of existing facilities and in the Highway Design Manual (HDM) for design of future facilities to evaluate acceptable vehicular performance on state facilities. As V/C ratios approach 1.0, traffic congestion increases.

In some cases, it may not be possible or desirable to meet the designated mobility target or LOS standards. In those cases, an alternative mix of strategies such as land use, transportation demand management, safety improvements or increased use of active modes may be applied.

The County roadways and intersections are subject to LOS "D" whereas ODOT highways and intersections are evaluated using the applicable mobility targets in the Oregon Highway Plan (OHP). Within the urban areas of the County, each city's standards apply to their streets and intersections.



# 05 | TRANSPORTATION INVESTMENT PRIORITIES

This Chapter presents a list of prioritized transportation investments intended to serve the County in the future. These investments were identified and prioritized based on feedback obtained from County residents, partner agency staff and by technical analyses of roadways, intersections, bike facilities, transit, walking routes, and transportation safety. Many of the identified projects help to support plans adopted by the local cities, the Oregon Department of Transportation (ODOT), other County planning efforts, the Transportation Safety Action Plan (TSAP) and/or local refinement and facility plans. For planning purposes and the County's future considerations related to the Capital Improvement Program (CIP), the prioritized investments have been categorized as high, medium or low. Each of the identified investments have associated cost estimates.

The transportation investments are organized into the following categories for implementation based on complexity, likely availability of funding, and assessment of need:

- Intersection changes;
- Roadway segments, including changes to functional classification;
- ODOT intersections and roadways;
- Pedestrian facilities;
- Bicycle facilities;
- Bridges;
- Federal Land Access Program (FLAP) roads;
- Transit; and,
- Safety.

Some projects may be accelerated and others postponed due to changing conditions, funding availability, public input, or more detailed study performed during programming and budgeting processes. Further, project design details may

change before construction commences as public input, available funding, and unique site conditions are taken into consideration. Projects identified herein may be funded through a variety of sources including federal, state, county or local transportation funds, system development charges (SDCs), through partnerships with private developers, or a combination of these sources.

In addition, as part of TSP implementation, the County will continue to coordinate with ODOT and the local communities regarding project prioritization, funding and construction.

## PROJECT COSTS

The estimated construction costs are provided in the subsequent tables. These costs are order-of-magnitude (e.g., planning-level) estimates that account for right-of-way, design engineering, and construction and generally include a 30 percent contingency factor. The costs were calculated for each project using the methodology and procedures recommended by the American Association of Cost Engineers (Class 5 estimates). All costs are rounded to the nearest \$100,000 and provided in 2021 dollars. The detailed costs include all estimation assumptions as well as any deviations related to unique topographic, right-of-way, or other constraints.

Where applicable, cost estimates include anticipated project funding that would provide bicycle or pedestrian facilities, including usable shoulder space.

Costs for individual transit corridors are not provided. The County and Cascades East Transit (CET) will continue to collaborate on capital improvements and strategic policies that can help implement more robust transit service throughout the County.

### INTERSECTION CHANGES

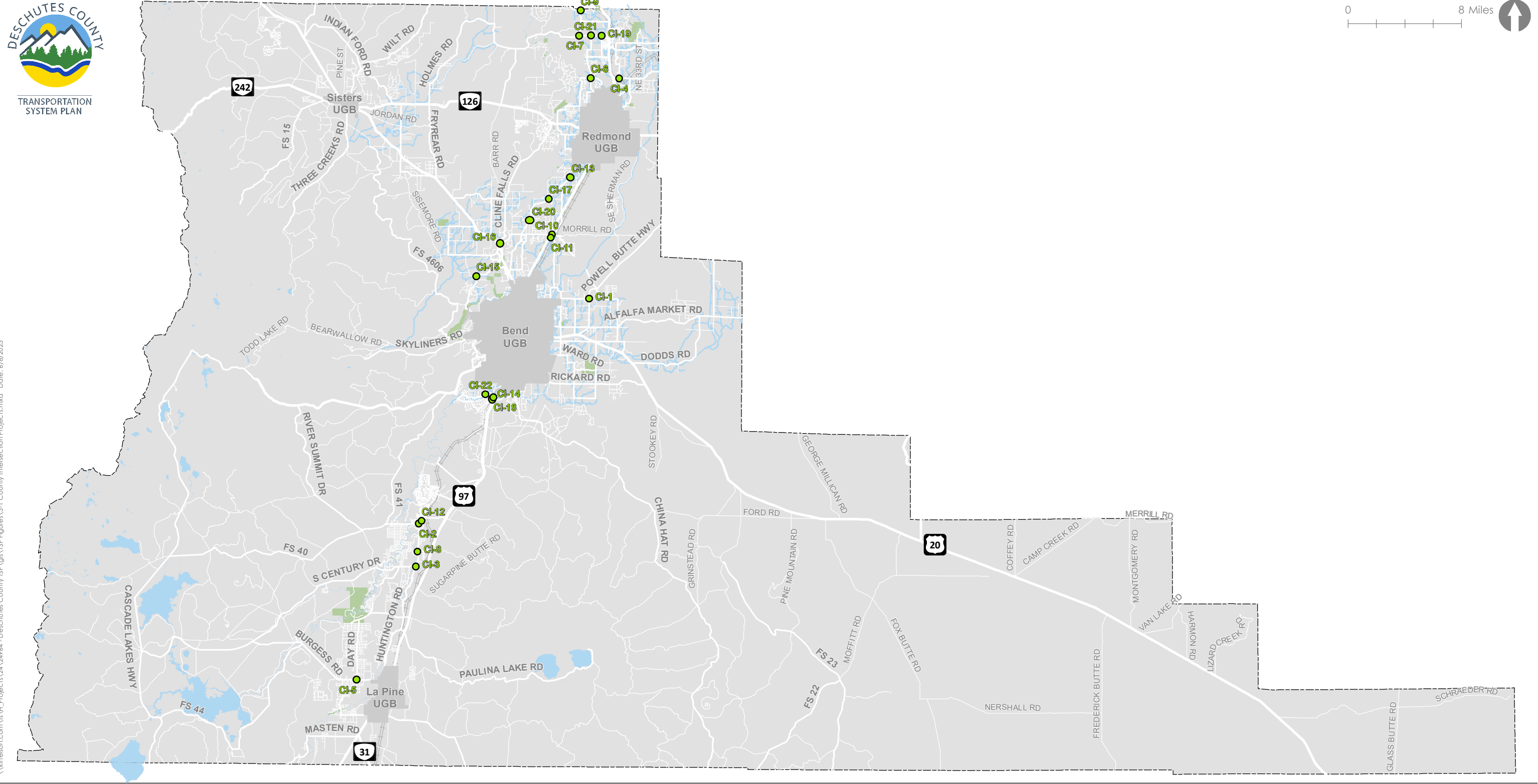
As discussed in Chapter 4, the needs assessment at intersections focused on both vehicular capacity as well as potential geometry changes identified by the Project Advisory Committee, public input, and those identified through the TSAP.

The TSP is not inclusive of all of the intersection projects that the County will pursue over the next 20 years. Rather, these have been identified

as projects that the County can pursue to strategically improve the operational efficiency of specific intersections and important roadways. These projects can enhance system operations and can be completed as opportunities arise. In all cases, the County will review the appropriate intersection control options at the time of project development and delivery. The projects are illustrated in **Figure 5-1** and in **Table 5-1**.



Figure 5-1 – Intersection Changes



- County Intersection Project
- Parks
- Water
- UGBs

Data Source: ODOT, Oregon State Parks, Deschutes County



**Table 5-1. Intersection Changes and Associated Cost Estimates**

ID	Road 1	Road 2	Project Description	Priority	Cost Estimate	Bike/Ped Component of Cost
CI-1	Powell Butte Hwy	Butler Market Rd	Roundabout	High	\$2,500,000	-
CI-2	S Century Dr	Spring River Rd	Roundabout	High	\$2,200,000	\$200,000
CI-3	Huntington Rd	South Century Dr	Roundabout	High	\$2,000,000	-
CI-4	NE 5th St	O'Neil Hwy	Realignment	High	\$130,000	-
CI-5	Burgess Rd	Day Rd	Signal	High	\$800,000	\$100,000
CI-6	Coyner Rd	Northwest Way	Left Turn Lanes (Northwest Way Only)	High	\$400,000	-
CI-7	NW Lower Bridge Way	NW 43rd St	Realignment/ Left Turn Lane or Roundabout	High	\$3,500,000	\$200,000
CI-8	S Century Dr	Vandervert Rd	Roundabout	Medium	\$2,100,000	-
CI-9	NW 43rd St	NW Chinook Dr/	Realignment, Left Turn Lane	Medium	\$700,000	-
CI-10	Graystone Ln	Pleasant Ridge Rd	Realignment, Left Turn Lane	Medium	\$2,700,000	-
CI-11	Deschutes Market Rd	Graystone Ln	Signal With Turn Lanes	Medium	\$2,300,000	-
CI-12	Venture Ln	S Century Dr	Roundabout Or Realignment	Medium	\$2,100,000	-
CI-13	S Canal Blvd	McVey Ave	Realignment	Medium	\$400,000	-
CI-14	Cinder Butte Rd	Cheyenne Rd	Realignment	Medium	\$200,000	-
CI-15	Johnson Rd	Tyler Rd	Realignment	Medium	\$600,000	-
CI-16	Cline Falls Hwy	Cook Ave/Tumalo Rd	Roundabout Or Realignment	Medium	\$1,800,000	\$200,000
CI-17	S Canal Blvd	SW Young Ave	Realignment	Medium	\$300,000	-
CI-18	Baker Rd	Cinder Butte Rd	Intersection Improvements	Medium	\$1,200,000	-
CI-19	NW Lower Bridge Way	NW 19th St	Turn Lanes/ Realignment	Medium	\$500,000	-
CI-20	Old Bend Redmond Hwy	Swalley Rd/Kiowa Dr	Realignment	Low	\$200,000	-
CI-21	NW Lower Bridge Way	NW 31st St	Turn Lanes	Low	\$500,000	-
CI-22	Baker Rd	Brookwood Blvd	Signal/Turn Lanes	Low	\$1,400,000	\$100,000

## ROADWAY CHANGES

As discussed in Chapter 4, the needs assessment identified strategic roadway corridors where vehicular capacity and/or changes to the roadway characteristics may be needed to help support future growth and economic development in the region as well as to enhance the safety of all users. The identified projects also can help to strength connections between areas of the County and to other areas in Central Oregon. These projects are illustrated in **Figure 5-2** and **Table 5-2**. The projects identified will be implemented over time to reflect changing needs for the various users of the transportation system and economic development opportunities.

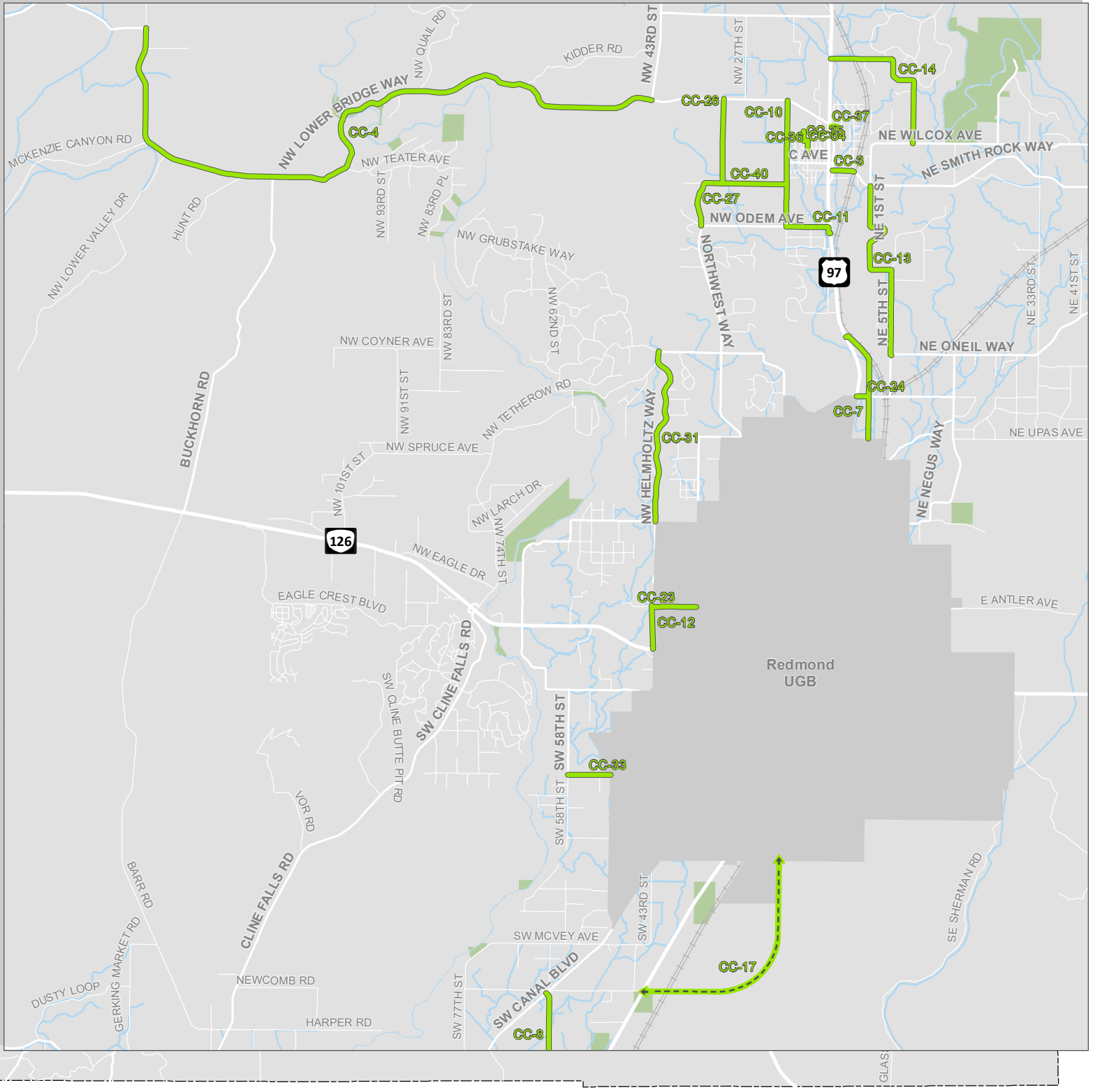
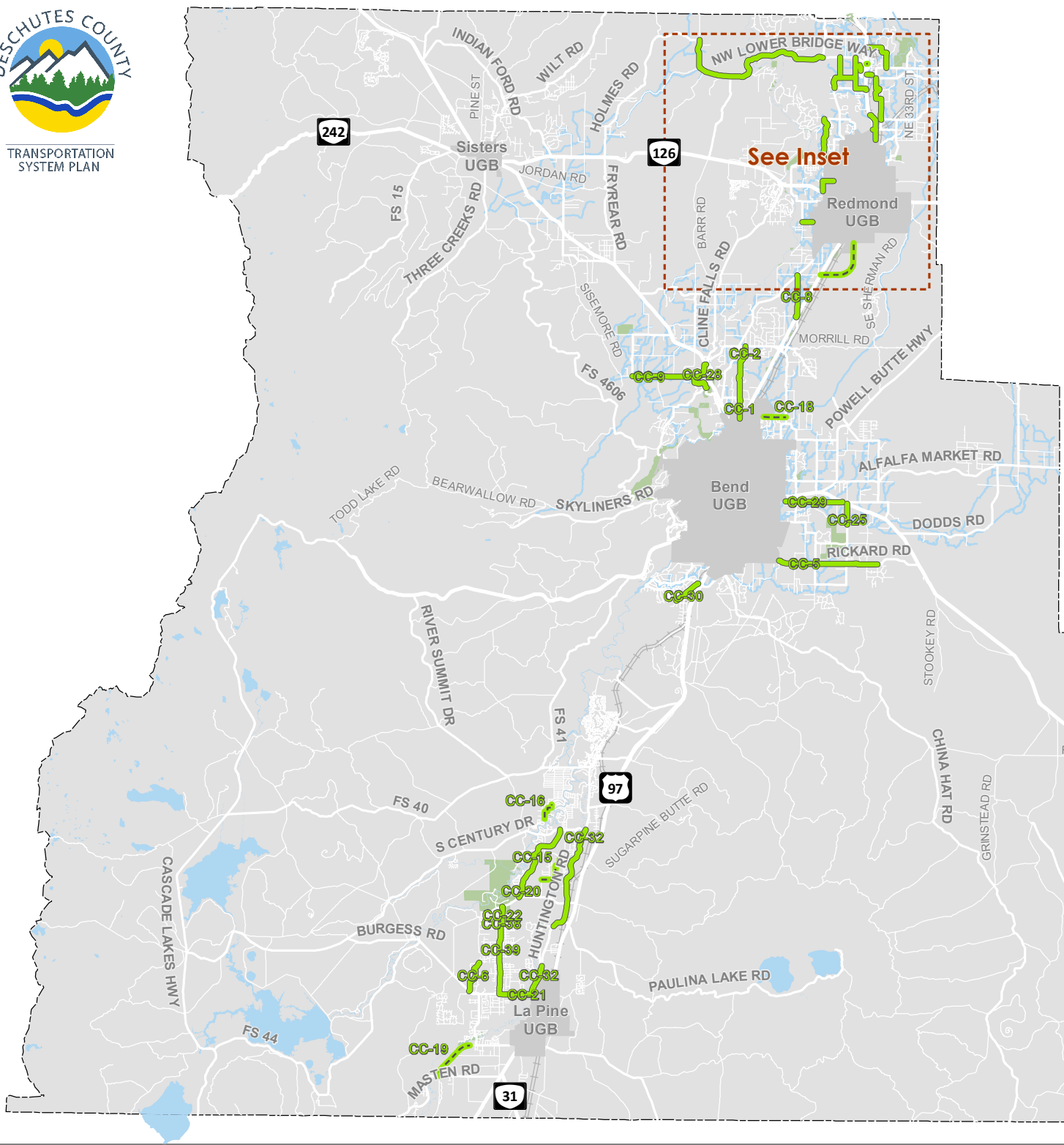
In reviewing the prioritized list, it is helpful to note that many existing roadways within the County area are not built to current County standards and that not all roadways within the County will be rebuilt to match these standards over the next 20 years. It is also important to note that changes to existing roadways (beyond those identified in the TSP) may be required as part of future land use approvals consistent with the roadway functional classification requirements.



Figure 5-2 – Roadway Changes



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- County Road Projects
- - - County Road Extension Projects
- + Parks
- + Water
- + UGBs

Data Source: ODOT, Oregon State Parks, Deschutes County

**Table 5-2. Roadway Changes and Associated Cost Estimates**

ID	Road	Begin	End	Project Description	Priority	Cost Estimate	Bike/Ped Component of Cost
CC-1	Hunnell Rd	Loco Rd	Rodgers Rd	New Road	High	\$1,600,000	\$500,000
CC-2	Hunnell Rd	Rodgers Rd	Tumalo Rd	Reconstruction/ Pave	High	\$3,900,000	\$1,200,000
CC-3	Smith Rock Way	Highway 97	Railroad Crossing/UGB Terrebonne	Widen & Overlay	High	\$600,000	\$200,000
CC-4	NW Lower Bridge Way	43rd St	Holmes Rd	Widen & Overlay	Medium	\$8,900,000	\$3,500,000
CC-5	Rickard Rd	Knott Rd/27th St	Bozeman Trail	Widening	Medium	\$2,300,000	\$700,000
CC-6	Sunrise Ln	300' North Of Shady Ln	Burgess Rd	County Standard Improvement	Medium	\$1,300,000	\$400,000
CC-7	N. Canal Blvd	Redmond City Limits	O'Neil Hwy	Widen & Overlay	Medium	\$700,000	\$200,000
CC-8	61st St	S. Canal Blvd	Hwy 97	Widen & Overlay	Medium	\$1,800,000	\$600,000
CC-9	Tumalo Reservoir Rd	OB Riley Rd	Collins Rd	Widen & Overlay	Medium	\$5,300,000	\$1,600,000
CC-10	NW 19th St	NW Lower Bridge Way	NW Odem Ave	County Standard Improvement	Medium	\$2,700,000	\$800,000
CC-11	NW Odem Ave	NW 19th St	Hwy 97	County Standard Improvement	Medium	\$1,100,000	\$300,000
CC-12	SW Helmholtz Way	OR 126	Antler Ave	Widen & Overlay	Medium	\$900,000	\$300,000
CC-13	NE 1st St, Ne Knickerbocker Ave, And Ne 5th St	O'Neil Hwy	Smith Rock Way	Widen & Overlay	Low	\$3,400,000	\$1,000,000
CC-14	NW Eby Ave, Ne 5th St, Ne Cayuse Ave, And Ne 9th St	US97	Ne Wilcox Rd	Widen & Overlay	Low	\$1,700,000	\$500,000
CC-15	Whittier Dr, Wolf St, And Shawnee Circle	Whittier Dr - End of County Maintenance	Lazy River Dr	County Standard Improvement	Low	\$2,600,000	\$800,000

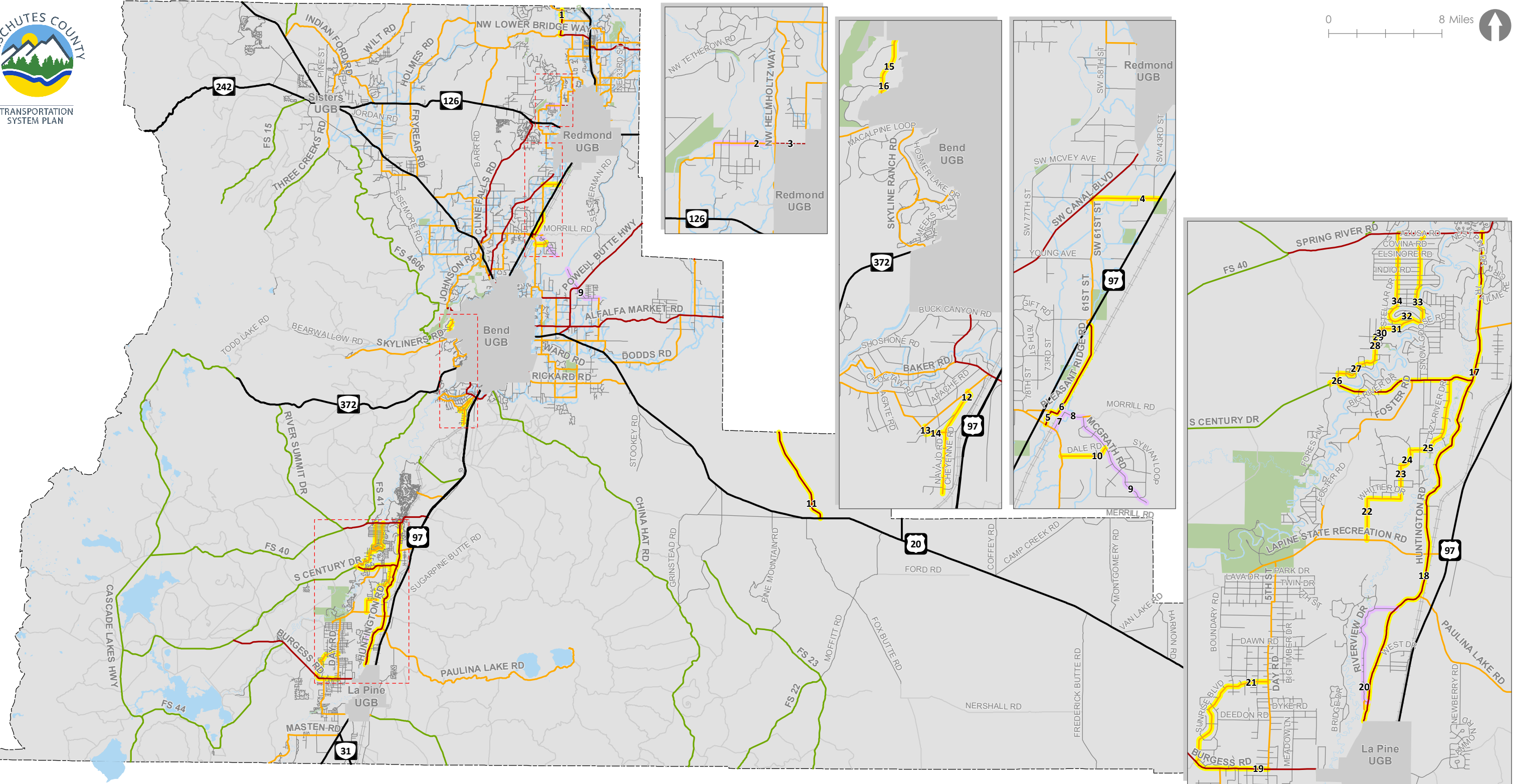
ID	Road	Begin	End	Project Description	Priority	Cost Estimate	Bike/Ped Component of Cost
CC-16	Stellar Dr, Upland Rd, Savage Dr, Winchester Dr, Browning Dr	Stellar Dr End of County Maintenance (@Milky Way)	Stage Stop Dr (@Browning Dr/Pitch Ct)	County Standard Improvement	Low	\$1,300,000	\$400,000
CC-17	SW 19th St	End Of Pavement – SW 19th St	US97 (In the Vicinity of SW Quarry Ave)	Illustrative Roadway Extension. May require statewide planning goals exceptions prior to implementation	To be determined	\$8,600,000	\$2,600,000
CC-18	Cooley Rd	Urban Growth Boundary	Deschutes Market Rd	Roadway Extension	Low	\$2,900,000	\$900,000
CC-19	6th St	Masten Rd	6th St - End Of County Maintenance	Roadway Extension	Low	\$3,800,000	\$1,100,000
CC-20	Foster Rd	South Century Dr	La Pine State Rec. Rd	County Standard Improvement/Widen & Overlay	Low	\$4,100,000	\$1,200,000
CC-21	Burgess Rd	Day Rd	Huntington Rd	Widen & Overlay	Low	\$1,900,000	\$600,000
CC-22	5th St (La Pine)	Amber Ln	La Pine State Rec. Rd	Widen & Overlay	Low	\$800,000	\$200,000
CC-23	W Antler Ave	NW 35th St	NW Helmholtz Way	Widen & Overlay	Low	\$400,000	\$100,000
CC-24	O'Neil Hwy	N Canal Blvd	Highway 97	Widen & Overlay	Low	\$1,100,000	\$300,000
CC-25	Gosney Rd	US 20	Canal, 1 Mile South of Us20	Widen & Overlay	Low	\$2,800,000	\$800,000
CC-26	31st St	NW Sedgewick	NW Lower Bridge Way	Widen & Overlay	Low	\$1,000,000	\$300,000
CC-27	NW Almeter Way	Northwest Way	NW Sedgewick Ave	Widen & Overlay	Low	\$500,000	\$200,000

ID	Road	Begin	End	Project Description	Priority	Cost Estimate	Bike/Ped Component of Cost
CC-28	Bailey Rd	US 20	Tumalo Reservoir Rd	Widen & Overlay	Low	\$1,300,000	\$400,000
CC-29	Bear Creek Rd	City Limits	US 20	Widen & Overlay	Low	\$3,200,000	\$1,000,000
CC-30	Cinder Butte Rd	Baker Rd	Minnetonka Ln	Widen & Overlay	Low	\$1,300,000	\$400,000
CC-31	NW Helmholtz Way	Maple Ave	NW Coyner Ave	Widen & Overlay	Low	\$2,500,000	\$700,000
CC-32	Huntington Rd	South Century Dr	Burgess Rd	Widen & Overlay, Excluding Portion from Riverview Dr to Riverview Dr	Low	\$6,600,000	\$2,000,000
CC-33	SW Wickiup Ave	SW Helmholtz Way	SW 58th St	Widen & Overlay	Low	\$600,000	\$200,000
CC-34	4th St (Terrebonne)	Majestic Rock Dr	F Ave	County Standard Improvement	Low	\$200,000	\$100,000
CC-35	F Ave (Terrebonne)	4th St	5th St	County Standard Improvement	Low	\$100,000	-
CC-36	5th St (Terrebonne)	F Ave	Central Ave	County Standard Improvement	Low	\$300,000	\$100,000
CC-37	H Ave (Terrebonne)	11th St	12th St	County Standard Improvement	Low	\$200,000	\$100,000
CC-38	Amber Ln	5th St	Day Rd	Realignment	Low	\$300,000	\$100,000
CC-39	Day Rd	Amber Ln	Burgess Rd	Widen & Overlay	Low	\$3,000,000	\$900,000
CC-40	NW Sedgewick Ave	NW 19th Ave	NW Almeter Way	Widen & Overlay	Low	\$1,000,000	\$300,000

In addition to the roadway changes, the County is proposing changes to the existing functional classification system based on review by County staff, input from stakeholders, and coordination

with partner agencies. These changes will occur as part of TSP implementation. These recommended changes are shown in **Figure 5-3** and **Table 5-3**.

Figure 5-3 - Functional Classification Changes



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- Highway
- Arterial
- - - Future Arterial
- Collector
- Functional Class Upgrade
- Functional Class Downgrade
- ⊕ Parks
- ☪ Water

Data Source: Deschutes County

**Table 5-3. Changes to the Functional Classification Designations**

ID	Road	Begin	End	Functional Classification		Comments
				Current	Proposed	
1	43rd St	NW Lower Bridge Way	NW Chinook Ave	Collector	Arterial	One of the main roads NW of Terrebonne, main access to Crooked River Ranch, 1/2 access roads to CRR
2	NW Maple Ave	NW Helmholtz Way	NW 59th St	Arterial	Collector	Possible database error, updating to match county mapping
3	NW Maple Ave	NW 35th St	NW Helmholtz Way	N/A	Arterial	Future connection; called out in the city of Redmond tsp; from tsp- "proposed 3 lane arterial to improve connectivity between and within existing neighborhoods, employment, and commercial areas, to provide connections to newly developed or developing areas, and to provide alternative travel routes for all models to existing streets"
4	SW Quarry Ave	US97	S Canal Blvd	Local	Collector	Improve connection to canal which is an arterial road that runs parallel to US97, key road segment in connection to north Tumalo area from US97, 2 lane road with narrow gravel shoulders
5	Graystone Ln	Deschutes Market Rd	Pleasant Ridge Rd	Collector	Arterial	1275' segment that is key in the eastern parallel roads to US97, Connection for US97 Access from Tumalo Rd/ Deschutes market road
6	Pleasant Ridge Rd	Graystone Ln	US97	Collector	Arterial	600' segment that is key in connection for US97 Access from Tumalo Rd/Deschutes market road
7	19th St	Deschutes Market Rd	Morrill Rd	Collector	Local	1750' segment that connects to rural farmland area NE of Bend, no major traffic generators
8	Morrill Rd	19th St	McGrath Rd	Collector	Local	1675' segment that connects to rural farmland and hiking area NE of Bend, no major traffic generators, the rest of Morrill Rd is local



ID	Road	Begin	End	Functional Classification		Comments
				Current	Proposed	
9	McGrath Rd	Morrill Rd	End	Collector	Local	Road that connects to rural farmland area NE of Bend, no major traffic generators
10	Dale Rd	Deschutes Market Rd	McGrath Rd	Local	Collector	4,180' segment that connects rural land to Deschutes Market Rd
11	George Millican Rd	US 20	County Line	Local	Arterial	Possible database error, updating to match county mapping
12	Navajo Rd	Cinder Butte Rd	End	Local	Collector	Traffic from homes, driveways every 50-100', 1' paved shoulder, connects to cinder butte road which is a collector
13	Minnetonka Ln	Cinder Butte Rd	Cherokee Dr	Local	Collector	Traffic from homes, driveways every 50-100', no paved shoulder, connects to cinder butte road which is a collector
14	Cherokee Dr	Minnetonka Ln	Navajo Rd	Local	Collector	Traffic from homes, driveways every 50-100', 1' paved shoulder, connects to Minnetonka Lane and Navajo road that are being upgraded as well
15	McClain Dr	City Limits	Sage Steppe Dr	Local	Collector	Possible database error, updating to match county mapping
16	Sage Steppe Dr	McClain Dr	City Limits	Local	Collector	1580' segment in new developed area, continues McClain drive proposed upgrade of collector
17	S Century Dr	Spring River Rd	Deschutes River Xing	Collector	Arterial	Connection to the communities of Three Rivers, Caldera Springs, and Crosswater
18	Huntington Rd	S Century Dr	City Limits	Collector	Arterial	Connection between La Pine, Three Rivers, and Sunrise; gravel shoulder and paved shoulder 0'-2'
19	Burgess Rd	Day Rd	Sunrise Blvd	Collector	Arterial	Possible database error, updating to match county mapping
20	Riverview Dr	Huntington Rd	Huntington Rd	Collector	Local	Parallel to Huntington Road, rural connections to river and homes, curvy road

ID	Road	Begin	End	Functional Classification		Comments
				Current	Proposed	
21	Sunrise Blvd	Burgess Rd	Day Rd	Local	Collector	Connection to many homes, driveways every 50-300', gravel shoulders, paved shoulders 0-2'
22	Whittier Dr	La Pine State Rec. Rd	Wolf St	Local	Collector	Enhance connection route to La Pine state park from Three Rivers and other communities to the north; 1/2 is a gravel road, other half is paved with no striping
23	Wolf St	Whittier Dr	Shawnee Circle	Local	Collector	Enhance connection route to La Pine state park from Three Rivers and other communities to the north; gravel road
24	Shawnee Circle	Wolf St	Lazy River Dr	Local	Collector	Enhance connection route to La Pine state park from Three Rivers and other communities to the north; gravel road
25	Lazy River Dr	Shawnee Circle	S Century Dr	Local	Collector	Enhance connection route to La Pine state park from Three Rivers and other communities to the north
26	Bonanza Ln	S Century Dr	Stage Stop Dr	Local	Collector	Enhance connection route to west Three Rivers homes and big river group campground
27	Stage Stop Dr	Bonanza Ln	Browning Dr	Local	Collector	Enhance connection route to west Three Rivers homes
28	Browning Dr	Stage Stop Dr	Winchester Dr	Local	Collector	Enhance connection route to west Three Rivers homes
29	Winchester Dr	Browning Dr	Savage Dr	Local	Collector	Enhance connection route to west Three Rivers homes
30	Savage Dr	Winchester Dr	Upland Rd	Local	Collector	Enhance connection route to west Three Rivers homes
31	Upland Rd	Savage Dr	Milky Way	Local	Collector	Enhance connection route to west Three Rivers homes
32	Milky Way	Stellar Dr	Solar Dr	Local	Collector	Enhance connection route to west Three Rivers homes
33	Solar Dr	Milky Way	Spring River Rd	Local	Collector	Enhance connection route to west Three Rivers homes
34	Stellar Dr	Milky Way	Spring River Rd	Local	Collector	Enhance connection route to west Three Rivers homes

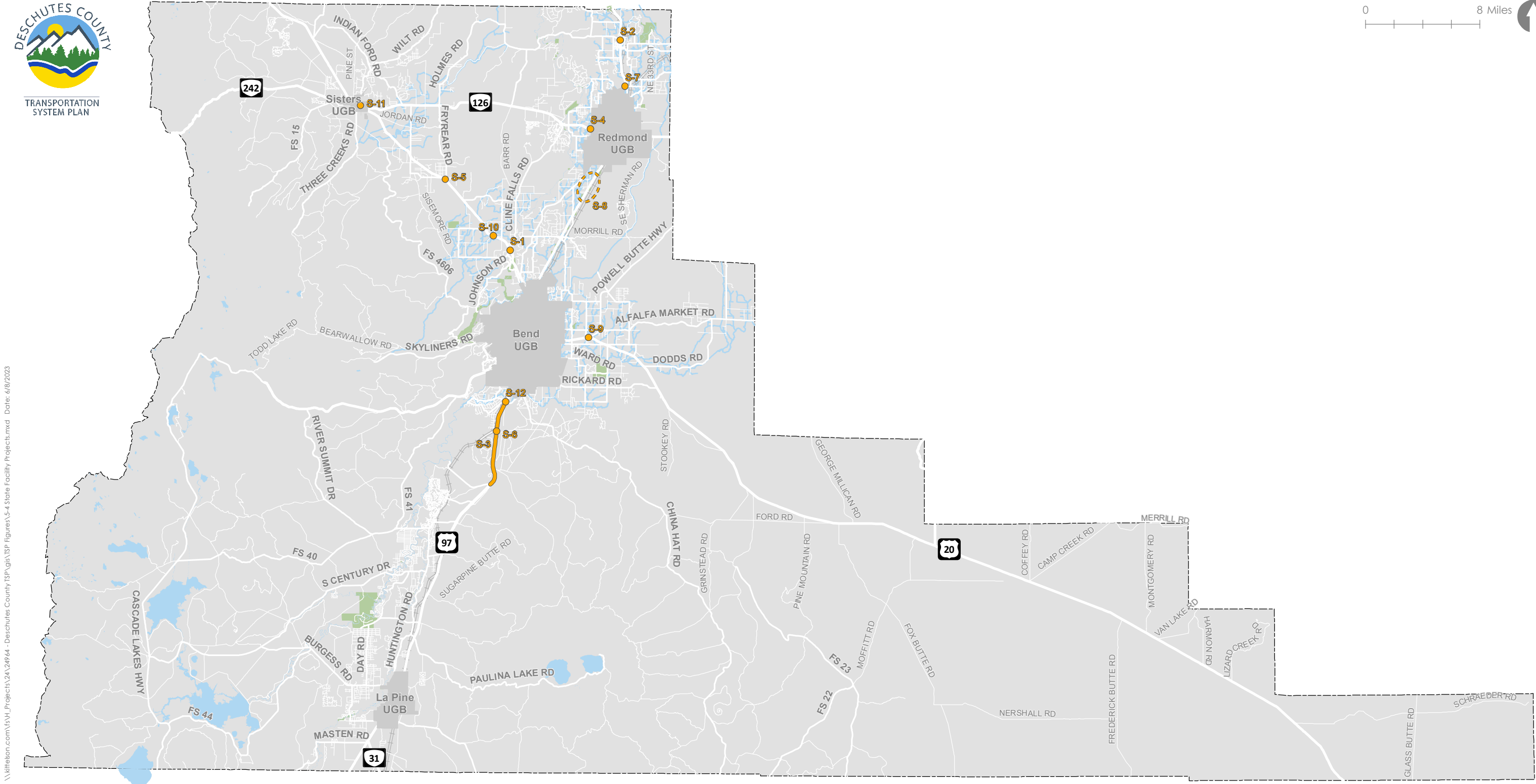
### ODOT Intersections and Roadways

Future changes to ODOT intersections and roadways within the County have been identified in previously adopted and/or acknowledged transportation plans. ODOT and County staff prioritized the list of changes for inclusion in the TSP. These are shown in **Figure 5-4** and **Table 5-4**. In addition to this list, the County will continue to partner with ODOT to monitor and identify future projects that help to address the needs of local, regional and statewide travel.

As the road authority for projects on the state highway system, the timing, need, and funding for projects will be directed by ODOT rules and regulations. In some cases, the County may partner with ODOT on implementation whereas in others, the projects will be planned, designed and constructed by ODOT.



Figure 5-4 – ODOT Facility Changes



- State Highway Projects
- Parks
- Water
- UGBs

Data Source: ODOT, Oregon State Parks, Deschutes County

**Table 5-4. ODOT Intersections Changes and Associated Cost Estimates**

ID	Road 1	Road 2	Desc.	Notes	Priority	Cost	County Contribution	Bike/Ped Component of County Contribution
S-1	US 20	Cook Ave/O.B. Riley Rd	Two-Lane Roundabout	ODOT project programmed for 2023	High	\$11,000,000	\$9,100,000	\$1,800,000
S-2	US97	Lower Bridge Way	Grade Separated Interchange From US97	Interchange project identified via US97: Terrebonne/Lower Bridge Way improvement project. ODOT project programmed for 2023.	High	\$30,200,000	\$10,000,000	\$700,000
S-3	US97	Baker Road To Lava Butte	Implementation Of Multiuse Path	ODOT project currently in design phase	High	\$3,000,000	-	-
S-4	OR 126	SW Helmholtz Way	Traffic Signal or Intersection Improvement	Coordinate with city of Redmond & ODOT on specific project. Also identified within Redmond tsp.	Medium	\$1,000,000	\$500,000	\$100,000
S-5	US 20	Fryrear Rd	Turn Lane on Highway, Realign	Intersection identified within Deschutes County TSAP	Medium	\$3,000,000	\$2,500,000	-
S-6	US97	Deschutes River Woods South Interchange Project	Interchange	This project will provide a grade separated interchange on US97 that will connect the Deschutes River Woods subdivision (west) and the High Desert Museum area (east). A future refinement process (interchange area management plan, or other) will determine the connection point to the DRW. A grade separation of the BNSF Railroad will also be required.	Low	\$42,900,000	\$10,000,000	-

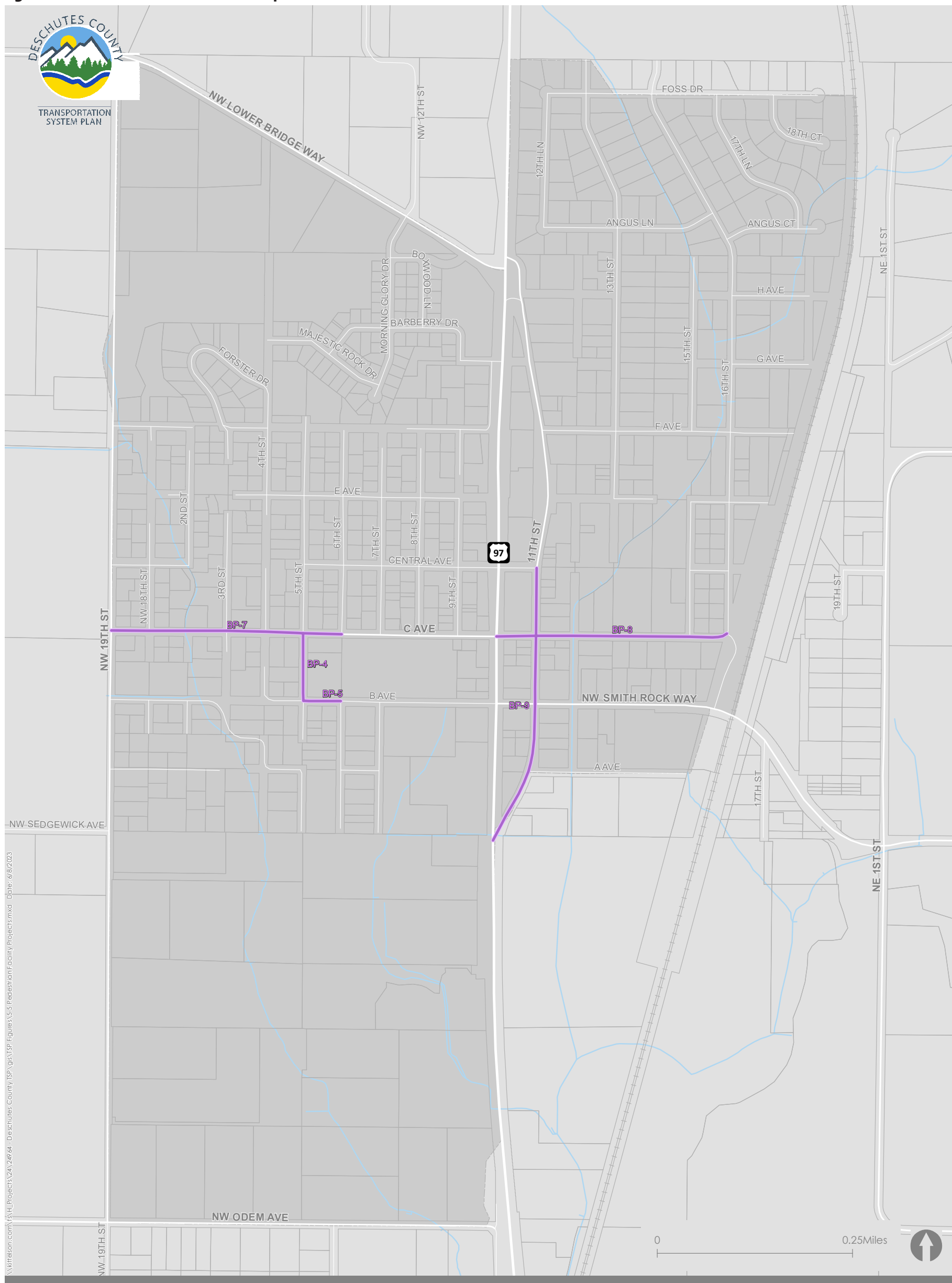
ID	Road 1	Road 2	Desc.	Notes	Priority	Cost	County Contribution	Bike/Ped Component of County Contribution
S-7	US97	Pershall-O'Neil Hwy	Implement Components of the Interchange Area Management Plan (IAMP) Adopted for This Area.	The county will coordinate with ODOT and the city of Redmond on the appropriate county involvement to implement IAMP projects.	Low	Multiple Projects	-	-
S-8	US97	Quarry Rd	Grade Separated Interchange From US97	Illustrative Project. Timing and need to be further refined. May require statewide planning goals exceptions prior to implementation. Need for project likely driven by economic development within Redmond industrial lands	To be determined	\$50,000,000	\$5,000,000	-
S-9	US 20	Powell Butte Hwy	Roundabout	Project timing and need to be further refined.	Low	\$5,000,000	\$500,000	-
S-10	US 20	Pinehurst Rd	Turn Lane on Highway, Realign	Project timing and need to be further refined.	Low	\$3,000,000	\$2,500,000	-
S-11	US 20	Locust St	Roundabout	County contribution to ODOT/ city of Sisters project	Low	\$6,000,000	\$1,000,000	-
S-12	US97	Baker Road	Implement Components of The Interchange Area Management Plan (IAMP) For This Area.	The county will coordinate with ODOT and the city of Bend on the appropriate county involvement to implement IAMP projects.	Low	Multiple Projects	-	-

## PEDESTRIAN FACILITIES

**Figure 5-5** and **Table 5-5** reflect priorities for changes to the pedestrian system within Terrebonne and Tumalo. In general, the sidewalks identified in the TSP reflect providing sidewalks between the residential areas and schools as well as to provide connections to neighborhood commercial areas in the two communities.

Other changes to the pedestrian system as well as pedestrian crossing improvements may be provided in the future based on project development and design as well as funding opportunities. The County may require sidewalk construction as part of future land use actions as well, consistent with the Development Code requirements.

Figure 5-5A – Pedestrian Facilities Improvements



- Pedestrian Projects
- + Parks
- Water
- Unincorporated Cities

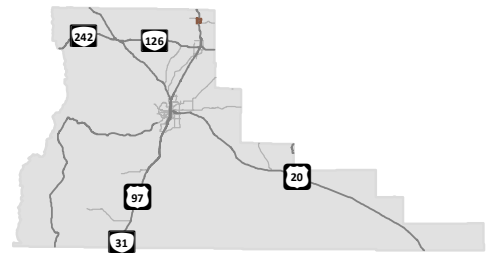


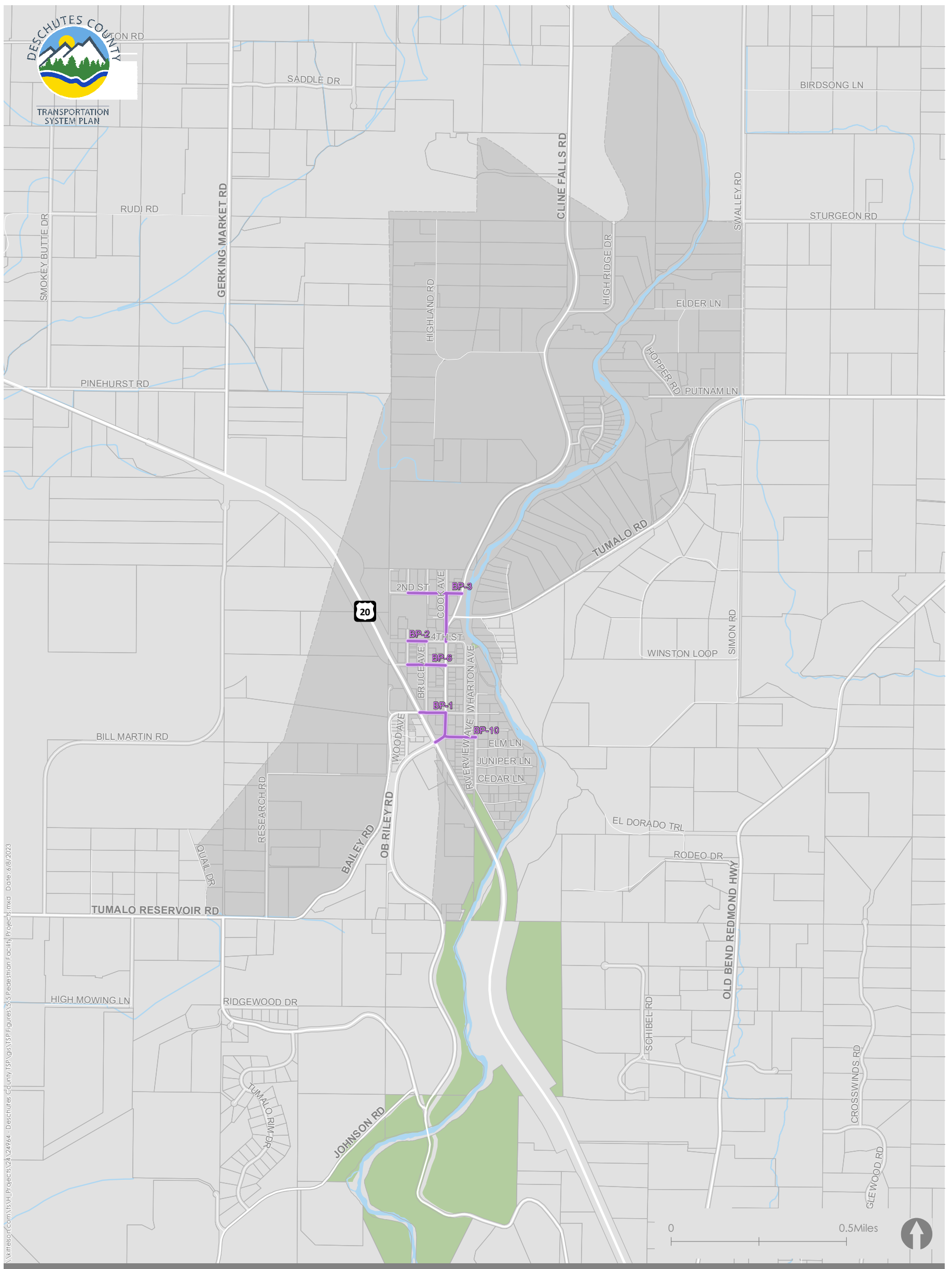
Figure 5-5B

**Pedestrian Facility Projects  
Terrebonne , Oregon**

Data Source: Deschutes County



Figure 5-5B – Pedestrian Facilities Improvements



- Pedestrian Projects
- + Parks
- Water
- + Unincorporated Cities

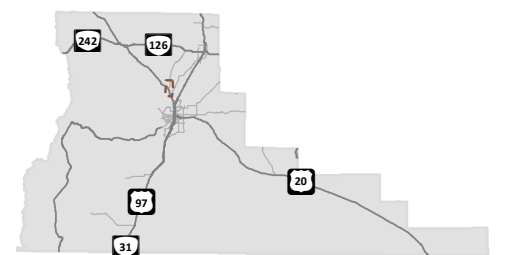


Figure 5-5A

**Table 5-5. Pedestrian Facilities and Associated Cost Estimates**

ID	Road	Begin	End	Description	Priority	Cost
BP-1	7th St (Tumalo)	US 20	Cook Ave	5' Sidewalk On Both Sides	High	\$300,000
BP-2	4th St (Tumalo)	Wood Ave	Bruce Ave	5' Sidewalks On Both Sides	High	\$300,000
BP-3	2nd St/Cook Ave Sidewalks (SRTS-Tumalo)	Tumalo School	Cline Falls/4th Street	5' Sidewalks In Areas Without	Medium	\$1,700,000
BP-4	5th St (Terrebonne)	B Ave	C Ave	5' Sidewalk On East Side Only	Medium	\$200,000
BP-5	B Ave (Terrebonne)	5th St	6th St	5' Sidewalk, North Side Only	Medium	\$200,000
BP-6	5th St (Tumalo)	Wood Ave	Cook Ave	5' Sidewalks On Both Sides	Medium	\$500,000
BP-7	C Ave (Terrebonne)	6th St	NW 19th St	5' Sidewalks On Both Sides	Medium	\$1,000,000
BP-8	C Ave (Terrebonne)	US97	16th St	5' Sidewalk On South Side Only	Low	\$600,000
BP-9	11th St (Terrebonne)	Central Ave	US97	5' Sidewalks On Both Sides	Low	\$1,100,000
BP-10	8th St (Tumalo)	Cook Ave	Riverview Ave	5' Sidewalks On Both Sides	Low	\$400,000

**BICYCLE FACILITIES**

Deschutes County provides and maintains useable shoulders along roadways for use by people riding bikes though not all roadways are currently improved to include such facilities. The County has an aspirational bicycle route system, referred to as County Bikeways, where useable shoulders will be provided, as practical, as part of ongoing maintenance and roadway improvements projects. Facilities designated as County Bikeways are shown in **Figure 5-6**.

Crossing improvements, though not specifically identified in the TSP, may be provided when bicycle facilities are constructed that cross major roads. The need for and type of crossing treatments as well as other facility changes will be evaluated at the time of project development and design. The County may provide such facilities as standalone projects or in conjunction

with scheduled maintenance activities. At the time the TSP was written, the County was evaluating potential changes to the Development Code requirements (as included in the County Code Title 22 requirements) related to bicycle facility requirements as part of land use actions. Future changes to Title 22 will be considered as part of TSP implementation.

In addition, as part of implementation of the TSP, changes to the bicycle network will continue to be informed as part of the County’s Bicycle and Pedestrian Committee (BPAC) activities. BPAC’s mission is “to promote and encourage safe bicycling and walking as a significant means of transportation in Deschutes County” and focuses on both changes to the system as well as public education and awareness and a review of safety and funding needs as part of implementation of potential projects.

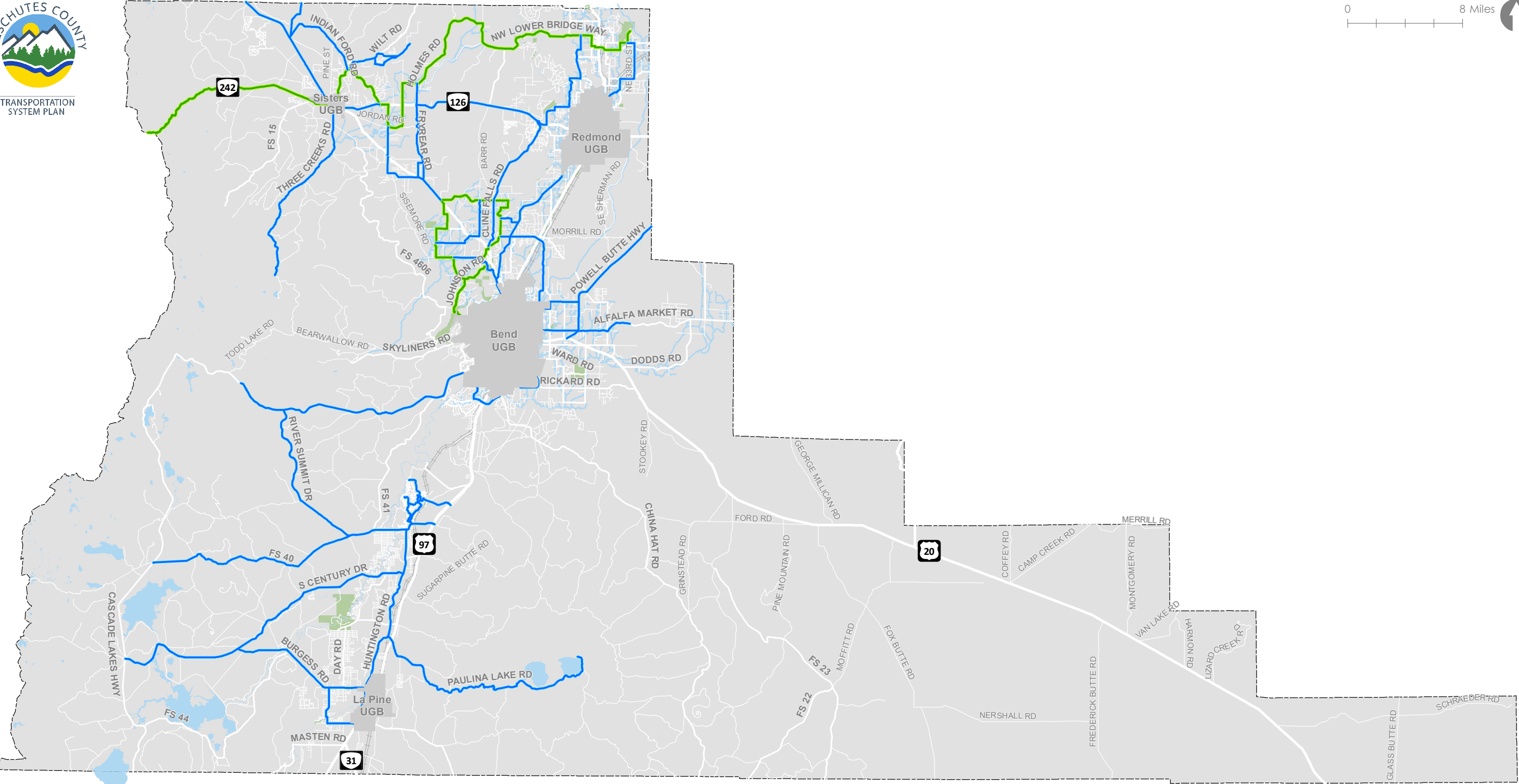
As part of that coordination, **Table 5-6** and **Table 5-7** identify regional bicycle connections that have been developed and prioritized with input from BPAC. Table 5-6 identifies routes that would connect communities and serve broad transportation functions, such as commuting, recreation, or daily services. Table 5-7 identifies routes that primarily provide connections to recreational opportunities, which could also serve to improve transportation mode choices available to County residents and visitors.

Over time, strengthening the identified connections will help to expand the overall

bicycle infrastructure within the County. Specific routes, including roadways and projects needed to support or develop these routes, have not yet been identified nor has the funding to construct and maintain these facilities. In the future, these costs may be funded by the County and/or a variety of agency partners, pending the actual alignment and project elements identified. The County will work with BPAC and agency partners, including ODOT and local jurisdictions, to advance development and implementation of preferred routes as resources allow.



Figure 5-6 – County Bikeways



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- County Bikeway
- Oregon Scenic Bikeways
- Parks
- Water
- UGBs

Data Source: ODOT, Oregon State Parks, Deschutes County

Finally, the County, by reference, will adopt the Map 11 of the Bend Parks and Recreation District's (BPRD's) Comprehensive Plan (2018) identifying future trail connections to parks within the County but outside the Bend (UGB) as well as those within the Deschutes National Forest. As noted in the BPRD plan, the trails have been prioritized for implementation but the actual alignments in the map are approximate and subject to future easement/user agreements to enable trail construction, availability of funding, and securing agreements from affected property owners for trailheads and parking areas.

As part of TSP implementation, the County will coordinate with BPRD on the planning for and timing of new trails. It is important to note that not all County roadways are currently or will be designed to provide roadside parking for trailhead users. The County will work with BPRD to identify appropriate locations in the future to provide safe access for trail users as well as to roadway users not accessing the parks/trails.

**Table 5-6. Bicycle Route Community Connections**

Community Connection	Description	Priority
Bend To Redmond	Various routes possible. Preferred route alignment has not been identified.	High
Bend To Sunriver	Route currently in design as a multi-use path along US97 (project s-3). Would connect bend, lava lands, and Sunriver.	High
Bend To Sisters	<p>Could include Bend to Tumalo and/or Bend to Tumalo state park connection, which is also a priority route, and would likely include county and ODOT facilities. Future coordination will be required.</p> <p>Additional Sisters to Tumalo connection may be necessary if Bend to Sisters route does not include the Tumalo community.</p>	High
Redmond To Sisters	Route could occur adjacent to or within ODOT right-of-way (or 126)	High
Redmond To Terrebonne	Route would likely occur adjacent to or within ODOT right-of-way (US97)	High
Redmond To Tumalo	Route may overlap with other route development, such as Bend to Sisters or possible Redmond to Sisters.	High
Sisters To Terrebonne & Smith Rock State Park	Route is currently part of a scenic bikeway. Improvements to the existing route, including improved crossings, are needed.	High

Community Connection	Description	Priority
Sisters To Black Butte Ranch	Significant prior planning which assumed a multi-use path parallel to US 20.	High
Deschutes River Woods to East Side of Bend	Route would connect area south of Bend to new development areas and recreational opportunities within or near southeast bend. Route could benefit from trail construction within future SE Bend developments.	Medium
Sunriver To La Pine	ODOT is currently in the planning stages to identify preferred route location.	Medium
Bend To Prineville	Route could utilize state highways and/or county roads. Coordination with ODOT and crook county will be required.	Low
Redmond To Powell Butte & Prineville	Route could utilize state highways and/or county roads. Coordination with ODOT and crook county will be required.	Low
Black Butte Ranch to Camp Sherman	Route would require coordination with Forest Service.	Low

**Table 5-7. Bicycle Route Recreation Connections**

Community Connection	Description	Priority
Bend To Redmond	Various routes possible. Preferred route alignment has not been identified.	High
Bend To Sunriver	Route currently in design as a multi-use path along US97 (project s-3). Would connect Bend, Lava Lands, and Sunriver.	High
Bend To Sisters	Could include Bend to Tumalo and/or Bend to Tumalo state park connection, which is also a priority route, and would likely include county and ODOT facilities. Future coordination will be required.  Additional Sisters to Tumalo connection may be necessary if Bend to Sisters route does not include the Tumalo community.	High
Redmond To Sisters	Route could occur adjacent to or within ODOT right-of-way (or 126)	High
Redmond To Terrebonne	Route would likely occur adjacent to or within ODOT right-of-way (US97)	High
Redmond To Tumalo	Route may overlap with other route development, such as Bend to Sisters or possible Redmond to Sisters.	High
Sisters To Terrebonne & Smith Rock State Park	Route is currently part of a scenic bikeway. Improvements to the existing route, including improved crossings, are needed.	High

Community Connection	Description	Priority
Sisters To Black Butte Ranch	Significant prior planning which assumed a multi-use path parallel to US 20.	High
Deschutes River Woods to East Side of Bend	Route would connect area south of Bend to new development areas and recreational opportunities within or near southeast bend. Route could benefit from trail construction within future SE Bend developments.	Medium
Sunriver To La Pine	ODOT is currently in the planning stages to identify preferred route location.	Medium
Bend To Prineville	Route could utilize state highways and/or county roads. Coordination with ODOT and crook county will be required.	Low
Redmond To Powell Butte & Prineville	Route could utilize state highways and/or county roads. Coordination with ODOT and crook county will be required.	Low
Black Butte Ranch to Camp Sherman	Route would require coordination with Forest Service.	Low

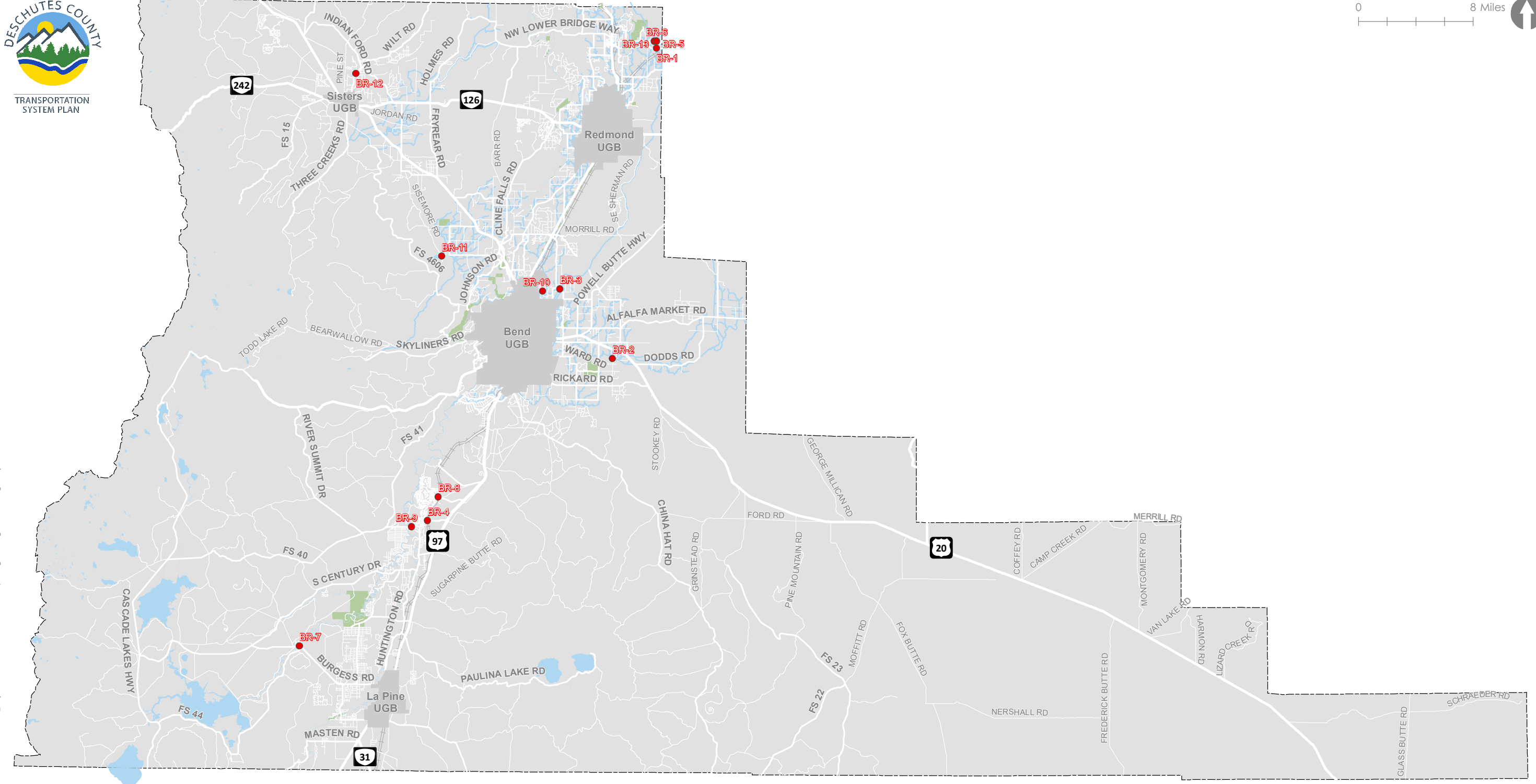
**BRIDGES**

In 2020, the majority of the County’s bridges were rated as being structurally sufficient. The County regularly reviews the structural ratings of its bridges and makes changes as funding and

other opportunities arise. Projects to address county bridge priorities are shown in **Figure 5-7** and **Table 5-8**. These projects represent the County’s current priorities but do not encapsulate all the bridges that may be modified over time.



Figure 5-7 Bridge Projects



- Bridge Projects
- + Parks
- + Water
- + UGBs

Data Source: ODOT, Oregon State Parks, Deschutes County

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**Table 5-8. Bridge Projects and Associated Cost Estimates**

ID	Road	Location	Description	Priority	Cost
BR-1	Smith Rock Way	North Unit Canal	Replacement	High	\$1,000,000
BR-2	Gribbling Rd	Central Oregon Canal	Replacement	High	\$900,000
BR-3	Hamehook Rd	-	Replacement	High	\$1,100,000
BR-4	S Century Dr	BNSF RR	Rehabilitation	High	\$2,700,000
BR-5	Wilcox Ave	-	Removal	Medium	\$200,000
BR-6	Wilcox Ave	-	Removal	Medium	\$100,000
BR-7	Burgess Rd	-	Replacement	Medium	\$2,100,000
BR-8	Cottonwood Dr	BNSF RR	Replacement	Low	\$3,800,000
BR-9	Spring River Rd	Deschutes River	Rehabilitation	Low	\$400,000
BR-10	Old Deschutes Rd	Pilot Butte Canal	Replacement	Low	\$400,000
BR-11	Sisemore Rd	-	Replacement	Low	\$600,000
BR-12	Camp Polk Rd	-	Replacement	Low	\$1,400,000
BR-13	Wilcox Ave	-	New Bridge	Low	\$1,300,000

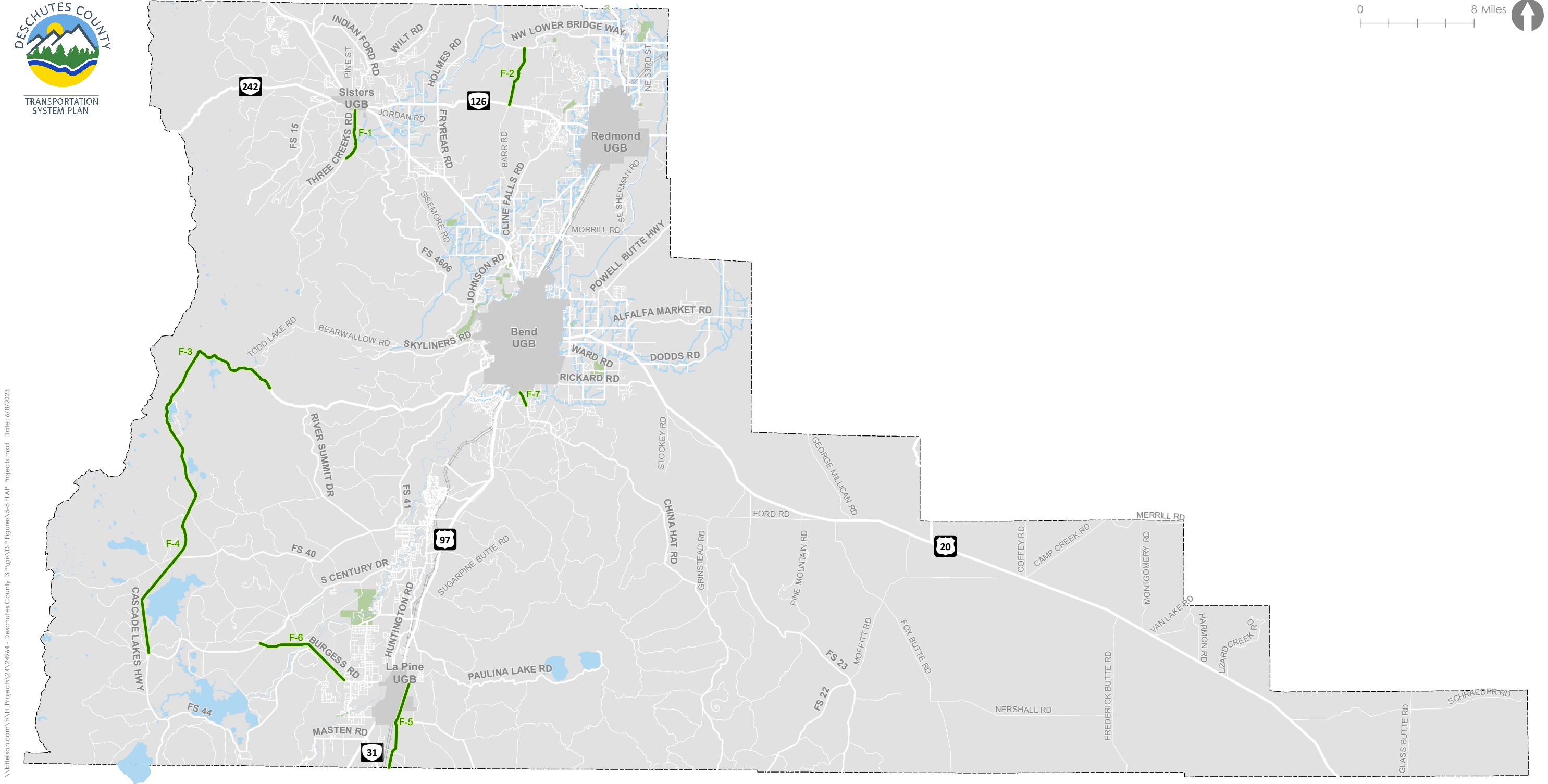
**FEDERAL LANDS ACCESS PROGRAM ROADWAYS**

The Federal Lands Access Program (FLAP) was established to “improve transportation facilities that provide access to, are adjacent to, or are located within Federal lands.” This program is intended to provide supplemental funding to be used in combination with State and County funds for public roads, transit, and other transportation facilities. In particular, FLAP helps prioritize funding for “high-use recreation sites and economic generators.” FLAP is funded through the Federal Highway Trust Fund and its allocation is based on road mileage, bridges, land area and number of visits to the lands.

FLAP provides funding opportunities to help the County deliver capital projects to increase access to Federal Lands. In addition, FLAP is a funding tool to help the County fund maintenance of existing roads that provide access to Federal Lands, such as those designated as Forest Highways and other roads that provide similar access.

**Figure 5-8** and **Table 5-9** identify the County’s current priorities for future FLAP-funded projects. As part of TSP implementation, the County will continue to coordinate with all of the federal agencies, BPRD, Cascades East Transit, and ODOT on the request for future FLAP-funded projects.

Figure 5-8 – FLAP Projects



- Federal Land Access Projets
- + Parks
- + Water
- + UGBs

Data Source: ODOT, Oregon State Parks, Deschutes County

**Table 5-9. FLAP Roadways and Associated Cost Estimates**

<b>Id</b>	<b>Road</b>	<b>Begin</b>	<b>End</b>	<b>Description</b>	<b>Priority</b>	<b>Cost</b>	<b>County Contribution</b>	<b>Bike/Ped Component of County Contribution</b>
F-1	Three Creeks Rd	Sisters City Limits	Forest Service Boundary	3.7-mile-long segment scoped for widening, pavement rehabilitation, safety improvements, and removal of BR #16060	High	\$2,900,000	\$600,000	\$200,000
F-2	Buckhorn Rd	Lower Bridge Way	OR126	Reconstruction/ pave	Medium	\$6,500,000	\$1,300,000	\$400,000
F-3	Cascade Lakes Hwy	Milepost 21.98	Elk Lake	Widen & overlay; improve side slopes; increase horizontal sight distance; install guardrail; install centerline rumble strips, post-mounted delineators and high-type pavement markings; install shoulder rumble strips or edge line rumble strips; possible structure adjustments and culvert extensions or replacements; install left-turn and right-turn lanes at major destinations	Medium	\$12,200,000	\$2,400,000	\$700,000
F-4	Cascade Lakes Hwy	Elk Lake	S Century Dr	Widen & overlay; improve side slopes; increase horizontal sight distance; install guardrail; install centerline rumble strips, post-mounted delineators and high-type pavement markings; install shoulder rumble strips or edge line rumble strips; possible structure adjustments and culvert extensions or replacements; install left-turn and right-turn lanes at major destinations	Low	\$9,000,000	\$1,800,000	\$500,000
F-5	Darlene Way	Rosland Rd	County Line	County standard improvement of full-length Darlene Way; assumed no row acquisition on existing alignment across BLM land	Low	\$6,800,000	\$1,400,000	\$400,000
F-6	Burgess Rd	Sunrise Ct	South Century Dr	Widen & overlay	Low	\$5,300,000	\$1,100,000	\$300,000
F-7	China Hat Rd	Knott Rd	One Mile South of Knott Rd at The Deschutes National Forest Boundary	Widen & overlay	Low	\$900,000	\$200,000	\$100,000

**TRANSIT**

By reference, the County will adopt the Cascade East Transit (CET) Master Plan. This Master Plan has a number of projects that can help increase service to the unincorporated areas of the County as well as to the High Desert Museum and Lava Lands Visitor Center. As part of TSP implementation, the County will continue to partner with CET to identify collaborative funding sources and future service enhancements.

**TRANSPORTATION SAFETY ACTION PLAN PROJECTS**

The County’s 2019 Transportation Safety Action Plan (TSAP) provides a range of projects, policies, and programs to address identified safety needs

within the unincorporated areas of the County. The County will adopt the TSAP, by reference, as part of the updated TSP.

The top sites for safety improvements in unincorporated Deschutes County identified through the TSAP are shown in **Table 5-10**. This table also includes projects that have been identified to address these needs and relevant status. As part of TSP implementation, the County will continue to identify future project refinements, as needed, monitor the timing of intersection changes at these locations, and seek funding opportunities and/or the potential to combine safety-related projects with other project development within the County.

**Table 5-10. TSAP Priority Locations & Status**

Intersection	Project Identified?	Status
US 20/Ward Rd/Hamby Rd	Roundabout	Project Complete
US97/Vandevent Rd	Intersection Improvement	Project Complete
US 20/Fryrear Rd	Turn Lane on Highway, Realign Fryrear Road (Project SI-5)	County to Coordinate with ODOT on Future Project Refinement.
Burgess Rd/Day Rd/Pine Forest Dr	Turn-Lanes	Project Complete
Bear Creek Rd/Ward Rd	None	County to Conduct Future Project Refinement.
Alfalfa Market Rd/Dodds Rd	None	County to Conduct Future Project Refinement.
US 20/Old Bend Redmond Hwy	Roundabout	ODOT Project Programmed for 2023
US 20/OB Riley Rd/Cook Ave	Roundabout	ODOT Project Programmed for 2023
US97/61st St	Improved as Part of ODOT US97 Bend to Redmond Project	Project Complete
US97/11th St/Lower Bridge Way	Part Of US97: Terrebonne/Lower Bridge Way Improvements	ODOT Project Programmed for 2023
61st St/Quarry Ave/Canal Blvd	Improved as Part of ODOT US97 Bend to Redmond Project	Project Complete
Northwest Way/Coyner Ave	Add Turn Lanes	Project Identified in Deschutes County TSP.
Alfalfa Market Rd/Walker Rd	None	County to Conduct Future Project Refinement.

Intersection	Project Identified?	Status
US97/Smith Rock Way/B Ave	Part Of US97: Terrebonne/Lower Bridge Way Improvements	ODOT Project Programmed for 2024
Deschutes Market Rd/Hamehook Rd	Roundabout	County Project Programed for 2023
US97/Burgess Rd	Traffic Signal	Project Identified in Wickiup Junction Refinement Plan. County to Coordinate with City of La Pine and ODOT on Future Project Refinement and Implementation.
US 20/Hawks Beard (Black Butte Ranch)	None	County to Coordinate with ODOT on Future Project Refinement.
El Camino Lane/Helmholtz Way	None	County to Conduct Future Project Refinement.
S Canal Blvd/Helmholtz Way	Add Turn Lanes	Project Complete
Dickey Rd/Nelson Rd	None	County to Conduct Future Project Refinement.
US97/Galloway Ave	None	County to Coordinate with ODOT on Future Project Refinement.
Butler Market Rd/Powell Butte Hwy	Roundabout	Programmed For 2023 Construction
Butler Market Rd/Hamby Rd	None	County to Conduct Future Project Refinement.
Butler Market Rd/Hamehook Rd	None	Intersection Now Under City of Bend Jurisdiction
Baker Rd/Cinder Butte Rd	Intersection Improvement	Project Identified in Deschutes County TSP.
S Century Dr/Huntington Rd	Roundabout	Project Identified in Deschutes County TSP.
Cline Falls Rd/Coopers Hawk Dr/ Falcon Crest Dr	None	County to Conduct Future Project Refinement.
Lower Bridge Way/19th St	Turn Lanes/Realignment (Project C-18)	Project Identified in Deschutes County TSP.
Lower Bridge Way/31st St	Turn Lanes (Project C-20)	Project Identified in Deschutes County TSP.
Lower Bridge Way/43rd St	Included in Future Roadway Improvement Project (Project CC-4)	Project Identified in Deschutes County TSP.

# 06 | FUNDING

Deschutes County receives transportation funding via a variety of state, federal, and local sources. Resources are initially budgeted to meet maintenance and operation standards; resources exceeding these needs are directed to the Road Department’s Capital Fund to fund Capital Improvement Plan (CIP) projects.

This Chapter provides a description of funding sources and a projection of capital resources available to fund CIP projects.

## FUNDING SOURCES

### State Highway Fund

The State Highway Fund (SHF) is managed by the State (ODOT) and contains revenue generated from taxes on motor fuels (gas and diesel), taxes on heavy trucks (including weight-mile tax and truck registrations), and driver/vehicle fees (license, title and registration).

Counties receive approximately 30% of SHF net revenue (whereas ODOT receives 50% and cities, 20%). Revenue increases to the SHF occur at irregular intervals at the discretion of the Oregon Legislature.

Within the 20-year horizon of the TSP/CIP, the State Highway Fund model will most likely transition to a user-based fee structure to replace the traditional fuel tax.

### Federal Secure Rural Schools (SRS) and Payment in Lieu of Taxes (PILT) Program Funding

The federal Secure Rural Schools and Community Self Preservation Act (SRS) provides a federal payment to counties and school districts to offset the loss in timber revenue from federal land that is no longer received by counties due to environmental restrictions. Per federal code, a specific portion of SRS is dedicated to county road funding. In March 2023, the Deschutes County Road Agency (DCRA) was formed as an Intergovernmental Entity (per ORS 190) to receive SRS funding from the State via the federal

government. Funds received by the DCRA will be internally transferred to the Road Department for expenditure.

Payment in Lieu of Taxes (PILT) is a federal payment to counties with significant federal land holdings to partially offset the loss in tax revenue. PILT funding is to be used for government purposes and its allocation occurs at the discretion of the Board of County Commissioners. Historically, the Board has provided the Road Department with a portion of PILT in recognition of the significant reduction in SRS funding (prior timber revenue) received by the Road Department.

### Federal Surface Transportation Block Grant (STBG) Funding

The Surface Transportation Block Grant program is a federal program which provides formulaic allocations to states to invest in federal-aid highways. The federal-aid system includes roads classified as collector and above, which includes county roads. A memorandum of understanding between the Oregon Department of Transportation, the League of Oregon Cities and the Association of Oregon Counties establishes a methodology for allocation of Oregon’s portion of the federal funding. Historically, ODOT has operated a fund exchange program for local government in which federal funding is exchanged (90%) for state dollars to enable local governments to deliver projects outside of the federal process.

### Federal Lands Access Program (FLAP)

The Federal Lands Access Program is a federal program administered by the Federal Highway Administration for the purpose of improving transportation facilities that provide access to, are adjacent to, or are located within federal lands. Given the significant amount of federal land within Deschutes County, the Road Department has historically fared well in this competitive program for projects ranging from chip seal, bridge replacement, overlay and reconstruction efforts.

**System Development Charges (SDC)**

System Development Charges are fees assessed to new development (or redevelopment) to fund capacity adding improvements necessary to accommodate new growth within the County’s transportation system.

- Local Fuel Tax;
- Local Registration Fee; and,
- Sales Tax.

Deschutes County does not have a local funding source for transportation.

**Routine State Grant Programs**

The State of Oregon, via ODOT, provides grant programs to fund various aspects of local transportation systems. Primary State programs include:

- Safe Routes to Schools
- Local Bridge Program
- All Roads Transportation Safety (ARTS)

**FUNDING PROJECTIONS – 20 YEAR ESTIMATE**

With transportation funding almost exclusively derived from state and federal funding sources, the nature of transportation funding can be very cyclical in Oregon. The legislature has approved fuel tax increases only four times since 1993. The federal fuel tax has not increased since 1993.

**Federal Grant Programs**

The Federal government funds various grant programs through occasional federal transportation bills, most recently the Bipartisan Infrastructure Law (BIL). Primary federal programs include:

- Safe Streets and Roads for All (SS4A);
- Highway Safety Improvement Program (HSIP);
- Rebuilding American Infrastructure Sustainably and Equitably (RAISE);
- Infrastructure for Rebuilding American (INFRA); and,
- Other programs.

The current state of transportation funding in Deschutes County is stable due to the passage of a phased-in 10-cent per gallon fuel tax approved via HB 2017 in 2017. The last remaining phase of the fuel tax will occur January 1, 2024 (2-cents per gallon).

Counties in Oregon receive approximately 30% of the SHF; individual county distribution is determined based upon the proportion of registered vehicles in each county. In 2023, Deschutes County received approximately 5.5% of the portion of the SHF allocated to counties in the state.

**Local Funding**

- Due to statutory limitations and other restrictions, it is difficult for counties to generate transportation funding via local sources. Noted restrictions include:
- Prohibition in franchise fees from utility companies located in the public right-of-way; and,
- Restriction in use of general fund tax dollars for road purposes.

**Prioritization of Expenditures**

Based on the Road Department’s hierarchy of investment, funding for capital construction is a function of the total resources available, less the annual amount required to maintain and operate the system based on existing maintenance standards and operational levels-of-service. Maintenance standards and operation levels-of-service are derived from a combination of studies (example, annual pavement maintenance and budget options report), and operational policy (example, snow and ice plan).

Notable funding sources, which require voter approval, include:

**Figure 6-1** represents the prioritization of expenditures for maintenance, operation and capital expenditures as annually presented to the County’s Budget Committee.

Figure 6-1: Hierarchy of Expenditures and Investment



**Capital Funding Estimate Assumptions**

A projection of transportation funding resources available for capital investment has been prepared for the 20-year investment period of the TSP and Capital Improvement Plan based on the following assumptions:

1. Current maintenance and operational standards remain in place.
2. The County’s existing Road Moratorium (Resolution 2009-118), which limits acceptance of new road miles into the County maintenance system, remains in place.
3. Existing funding levels remain in place and are occasionally adjusted legislatively to a level that will roughly match inflation.
4. No significant additional local funding mechanisms are developed or implemented.
5. State and Federal grant programs are available at approximately the same historical intervals and funding levels.

**CAPITAL FUNDING ESTIMATE**

A projection of transportation system revenues and expenditures for a 20-year horizon has been prepared with consideration to the noted assumptions and prioritization (hierarchy of expenditures and investment). For comparative and project placement purposes, the estimated available Capital Improvement Project revenue has been calculated in 2023 value and estimated across the High (0 to 5 years), Medium (6 to 10 years) and Low (11-20 years) priority timeframe.



**Table 6-1: Capital Project Revenue Estimate (Present Value)**

High Priority	Medium Priority	Low Priority	Total
0 to 5 Years	6 to 10 Years	11 to 20 Years	20-year CIP Funding
\$44,000,000	\$53,000,000	\$60,200,000	\$157,200,000

The proposed Capital Improvement Program will need to account for project funding availability within the approximate amounts as noted in **Table 6-1**. The estimated total capital project revenue of \$157M is approximately \$32M less than the \$189M project list per **Table 1-1** (Total Cost of Prioritized TSP Investments). The estimated funding gap can be addressed via additional and aggressive pursuit of state and federal grant funding opportunities for select projects throughout the 20-year horizon period.

**ROAD MORATORIUM EVALUATION**

In 2006, facing an unknown future regarding transportation funding, the Board of County Commissioners passed a Road Moratorium (Resolution 2006-049) which suspended the establishment of new County roads. The resolution was modified and replaced in 2009 (via Resolution 2009-118) to allow for the addition of collector and arterial road miles to the County’s system. A County road is a road that has been dedicated for public use, improved to County road standards, and accepted by the County for maintenance via Board action (ORS 368.001(1)). A road that has been dedicated for public use but has not been accepted for County maintenance is defined as a Local Access Road (per ORS 368.001(3)).

While the transportation funding environment has improved since 2006, many of the concerns which gave rise to the creation of the moratorium remain, such as:

1. High reliance on infrequent legislative adjustment to the state fuel tax, weight-mile tax, and DMV fees.
2. Funding mechanisms, such as the fuel tax, which have no inflation hedge and are therefore eroded or outpaced by inflation.

3. High reliance on fuel tax revenue which is negatively impacted by increasing fuel efficiency in vehicles, as well as an increasing number of hybrid and electric vehicles.
4. Reliance on federal programs, such as SRS and PILT, which require frequent reauthorization and are subject to reduction.
5. Legislative restrictions on the ability for counties to generate local revenue, such as a prohibition on establishment of franchise fees, and other mechanisms.

The Road Moratorium has allowed the County to invest new revenue in a Capital Improvement Plan program and has also focused long-term maintenance investment in the preservation of the County’s collector and arterial road network.

**IMPACTS OF LIFTING THE ROAD MORATORIUM**

Upon establishment of the Road Moratorium in 2006, the County ceased to accept new road infrastructure. Prior to 2006 road miles were added to the County system via new development as well as improvement of existing road miles via the Local Improvement District (LID) process.

New development which has occurred since 2006 has been required to establish private road maintenance funding arrangements which have typically occurred via a homeowners association or other road maintenance agreements. Approximately 30 miles of new local road infrastructure have been constructed in the post-moratorium era; these road miles could be immediately eligible for County acceptance and maintenance if the Road Moratorium were to be lifted. Additionally, approximately 380 miles of Local Access Road exist in Deschutes County, of

which over 120 miles exist within the 19 Special Road Districts within the County.

The Road Moratorium limited the ability to form LIDs – which are districts formed under rules within County Code and State Statute in which the County contracts for the design and improvement of County roads within the district and is reimbursed for the expense via assessments applied to properties within the district. Lifting of the Road Moratorium would allow Local Access Roads to become eligible for the LID process.

Lifting the Road Moratorium would result in increased costs associated with road maintenance for new local road miles added to the County system and the addition of staff to administer the LID program. An estimate of costs associated with the addition of new local road

infrastructure has been prepared based on the following assumptions:

1. Estimated annual cost of local road maintenance (paved) and operation: \$15,000/mi/year.
2. 30 miles of local road (previously constructed to County standard, post moratorium) will be added to the system in Year 1.
3. Twenty-five percent of Local Access Road mileage will be improved via the LID process in the 20-year horizon period (approximately 5 miles added per year).
4. Administration of the LID program will require 2.0 FTE (1-engineer and 1-administrative support personnel).

**Table 6-2: Estimated Costs of Lifting the Road Moratorium (Present Value)**

Item	Year 1 Cost	Year 2-20 Cumulative Cost	Total Cost for 20-year TSP/CIP Horizon Period
Acceptance of 30 miles of improved	\$450,000	\$8,550,000	\$9,000,000
Acceptance of 5 miles per year of new local road infrastructure (starting year 3)	\$0	\$12,825,000	\$12,825,000
Personnel costs associated with administration of the LID program	\$250,000	\$4,750,000	\$5,000,000
<b>TOTAL</b>	<b>\$700,000</b>	<b>\$26,125,000</b>	<b>\$26,825,000</b>

Lifting the moratorium would reduce funding available for capital projects by approximately \$27,000,000 across the 20-year horizon period.

**Recommendation**

Given the financial impact of lifting the Road Moratorium and concerns related to long-term transportation system funding in Oregon, it is

recommended that the Road Moratorium remain in place to extend Deschutes County’s ability to maintain its existing infrastructure and sustain a viable Capital Improvement Program into the future.

# LOCAL ACCESS ROAD TOOLS AND FAQs

To assist with explanation and provide information to customers seeking to improve or establish maintenance on non-county maintained Local Access Roads (LARs), the Road Department provides the following information and explanation to customers:

## How are Local Access Roads maintained?

LARs are typically maintained by adjacent property owners and road users. This usually occurs in one of three ways:

- 1. Informally: In which neighbors work together to hire a contractor or self-perform maintenance and "pass-the-hat" to share in the cost.
- 2. Formally: Through homeowners associations (HOAs) or other formal agreements to share in the cost of maintenance.
- 3. Special Road Districts: In which area residents vote to establish a district which levies a property tax to fund maintenance. Deschutes County has 19 Special Road Districts – which is the highest number of road districts within any county in the state.

By observation, all three methods work well in some areas and not very well in other areas depending upon a variety of factors.

## Frequently Asked Questions and Explanations:

*1. I pay taxes and receive no service from Deschutes County.*

Deschutes County does not utilize property tax to fund transportation maintenance improvements as that practice is restricted by State law. Regarding gas tax, the State currently charges 38-cents per gallon (and various DMV fees) to fund the transportation system. The State distributes the gas tax revenue in a 50-30-20 proportion in which the State keeps 50% to fund the state system, the counties receive 30% to fund the county systems, and cities receive 20% to fund the city systems.

When customers pay the gas tax, they don't individually fund the transportation jurisdiction in which they live, they fund the entire system of state highways, county roads and city streets. Everyone pays the same rate, whether or not they live in a city or the unincorporated areas. If you are paying a gas tax, chances are you are driving on the system that is being maintained with gas tax funds.

*2. Why can't the County maintain my gravel road (LAR)?*

Due to the fiscal burden that would be placed on county road departments to maintain significant mileage of sub-standard road construction, state law restricts the ability of counties to spend road funds (fuel tax and DMV fee revenue) on LARs. If we add gravel, grade, or plow one mile we would be obligated to provide that same service to all of the other LARs in the County.

*3. How come the County maintains some gravel roads but not others?*

The County maintains approximately 125 miles of gravel road that have been lawfully established as County roads and accepted for maintenance. Most of these miles were gravel when Deschutes County was established in 1916 and had previously been accepted for maintenance, with gravel surfacing, when Deschutes County was a part of Crook County. Current LARs have never been accepted by Deschutes County for maintenance.

*4. Not everyone contributes to help maintain my Local Access Road.*

This is the biggest downside of living on a LAR. Some neighbors have different opinions on levels of road maintenance and some choose not to pay for other reasons. This is where good neighborhood relations and communication pay dividends. There are many examples of where this is taking place in Deschutes County.

*5. We have public traffic on our LAR that accesses public land.*

Living next to public land has positive and negative impacts to quality of life. The attraction of the public to public land is one of the negative consequences. Use of public roads, like LARs, to access public land is a logical and predictable occurrence and therefore something that property owners should factor into their decision to purchase property when conducting due diligence. Similarly, road maintenance costs associated with unmaintained LARs should also

factor into the decision to purchase property. Most LARs have been in existence for many decades as have the public lands they may serve.

BOARD OF COUNTY COMMISSIONERS DECISION MATRIX

TRANSPORTATION SYSTEM PLAN 2020-2040 UPDATE  
Land use File No. 247-23-000507-PA, 508-TA

	Issue Area	Applicable Plan Provision	Support / Opposition	PC Recommendation	Staff Comment	Board Decision Points
1	Should the Board include a County-wide prohibition on multi-use pathways in the updated TSP based on proximity to farm and forest resource-zoned lands and wildlife habitat fragmentation?	<ul style="list-style-type: none"> <li>TSP Goal 5: Equity and Accessibility, Policy 5.6 (pg. 15)</li> <li>TSP Section 5 (Transportation Investment Priorities - Bicycle Facilities pg. 51-56)</li> <li>TSP Goal 2: Safety, Policy 2.8 (pg. 12)</li> </ul>	<ul style="list-style-type: none"> <li><b>Support:</b> Citizen Comment</li> <li><b>Opposition:</b> BPAC, COTA, Bend Bikes, DTC, ODOT, BPRD, Citizen Comment, Bend MPO, City of Bend</li> </ul>	The PC deliberated on this issue area and ultimately decided not to prohibit multi-use pathways in Deschutes County.	Staff notes that, while there are clearly anticipated impacts related to multi-use pathways adjacent to farm and forest uses/properties and wildlife habitat, the benefits of an active and integrated transportation system in the County that offers a variety of transportation modes and options (including multi-use pathways) are significant. Staff includes a briefing of LUBA’s <i>Van Dyke</i> case law in the attached memo, providing further legal context for this issue area.	<p>Should the Board include a County-wide prohibition on multi-use pathways in the updated TSP when bordering or within farm and forest resource-zoned lands or wildlife habitat areas?</p> <ul style="list-style-type: none"> <li>If yes, the Board may add language prohibiting multi-use pathways in the updated TSP document and move on to the next issue area.</li> <li>If no, the Board may retain the existing language in the updated TSP document related to multi-use pathways and move on to the next issue area.</li> </ul>
2	Should the Board include a conceptual Community Connection multi-use pathway in the updated TSP between the City of Sisters and the Black Butte Ranch Resort Community?	<ul style="list-style-type: none"> <li>TSP Goal 5: Equity and Accessibility, Policy 5.6 (pg. 15)</li> <li>TSP Section 5 (Transportation Investment Priorities - Bicycle Facilities pg. 51-56)</li> <li>TSP Table 5-6 Bicycle Route Community Connections (pg. 54-56)</li> </ul>	<ul style="list-style-type: none"> <li><b>Support:</b> Citizen Comment, BPAC</li> <li><b>Opposition:</b> Citizen Comment</li> </ul>	The PC deliberated on this issue area and ultimately made a recommendation to amend the draft TSP by removing the “Sisters to Black Butte Ranch” Community Connection from the list of Bicycle Route Community Connections on pages 53-56 of the draft TSP.	This decision point is at the discretion of the Board, but staff notes that there are no specific design or alignment proposals associated with this conceptual connection at this time. The conceptual connections are reflective of public input related to a desire for connectivity between certain locations. Public input from certain residents of Black Butte Ranch expresses concern around potential trespassing, traffic congestion, and degradation of infrastructure from overuse related to this proposed connection.	<p>Should the Board include a conceptual Community Connection multi-use pathway in the updated TSP between the City of Sisters and the Black Butte Ranch Resort Community?</p> <ul style="list-style-type: none"> <li>If yes, the Board may retain the existing language in the updated TSP document related to a conceptual multi-use pathway Community Connection between the City of Sisters and the Black Butte Ranch Resort Community and move on to the next issue area.</li> <li>If no, the Board may remove the conceptual multi-use pathway Community Connection between the City of Sisters and the Black Butte Ranch Resort Community from the draft TSP and/or add language prohibiting such a Community Connection and move on to the next issue area.</li> </ul>

## TRANSPORTATION SYSTEM PLAN 2020-2040 UPDATE

### Land use File No. 247-23-000507-PA, 508-TA

	Issue Area	Applicable Plan Provision	Support / Opposition	PC Recommendation	Staff Comment	Board Decision Points
3	Should the Board include a conceptual Community Connection multi-use pathway in the updated TSP between Baker Road and Lava Butte?	<ul style="list-style-type: none"> <li>TSP Goal 5: Equity and Accessibility, Policy 5.6 (pg. 15)</li> <li>TSP Section 5 (Transportation Investment Priorities - Bicycle Facilities pg. 51-56)</li> </ul>	<ul style="list-style-type: none"> <li><b>Support:</b> BPAC, COTA, DTC, Bend Bikes, ODOT</li> <li><b>Opposition:</b> Citizen Comment</li> </ul>	The PC deliberated on this issue area and ultimately made a recommendation to amend the draft TSP by changing the location of the proposed Baker Road-Lava Butte multi-use pathway to the west side of Highway 97 rather than the east side.	This decision point is at the discretion of the Board, but staff notes that representatives of ODOT have indicated that the proposed Baker Road-Lava Butte multi-use pathway Community Connection has gone through some preliminary planning phases undertaken by ODOT. The conceptual connections are reflective of public input related to a desire for connectivity between certain locations. Public input from property owners adjoining ODOT's project area have expressed concerns with the pathway's impacts to forest and farm uses as well as wildlife habitat. Other supportive comments highlight the benefits of active transportation networks and the need for connectivity between Baker Road and Lava Butte.	<p>Should the Board include a conceptual Community Connection multi-use pathway in the updated TSP between Baker Road and Lava Butte on the <u>west side of Highway 97</u>, as recommended by the PC?</p> <ul style="list-style-type: none"> <li>If yes, the Board may incorporate the PC's recommendation to locate the proposed pathway on the west side of Highway 97 rather than the east side.</li> <li>If the Board disagrees with the PC's recommendation, the Board may retain the existing language in the updated TSP document related to a conceptual multi-use pathway Community Connection between Baker Road and Lava Butte and move on to the next issue area.</li> <li>If the Board disagrees with the PC's recommendation <u>and</u> the existing language in the updated TSP document, the Board may remove the conceptual multi-use pathway Community Connection between Baker Road and Lava Butte from the draft TSP and move on to the next issue area.</li> </ul>
4	Should the Board support inclusion by reference of the BPRD Master Plan within the updated TSP, including a bridge connecting the Deschutes River Woods neighborhood to the west side of the Deschutes River?	<ul style="list-style-type: none"> <li>TSP Goal 5: Equity and Accessibility, Policy 5.8 (pg. 15)</li> <li>TSP Section 5 (Transportation Investment Priorities - Bicycle Facilities pg. 51-56)</li> <li>TSP Section 5 (Transportation Investment Priorities – Bridges pg. 56-58)</li> </ul>	<ul style="list-style-type: none"> <li><b>Support:</b> Citizen Comment</li> <li><b>Opposition:</b> Citizen Comment</li> </ul>	The PC did not deliberate on this issue area and made no recommendation to the Board concerning the inclusion of a bridge in the draft TSP document.	This decision point is at the discretion of the Board, but staff notes that there has been no contemplation by the County Road Department of adding this project to the County Capital Improvement Plan (CIP).	<p>Should the Board support inclusion by reference of the BPRD master plan within the updated TSP, including a bridge connecting the Deschutes River Woods neighborhood to the west side of the Deschutes River?</p> <ul style="list-style-type: none"> <li>If yes, the Board may utilize the existing language in the updated TSP document referencing the BPRD Master Plan which includes a bridge connection between the Deschutes River Woods neighborhood and the west side of the Deschutes River and move on to the next issue area.</li> <li>If no, the Board may remove BPRD Master Plan references from the updated TSP document and move on to the next issue area.</li> </ul>

# TRANSPORTATION SYSTEM PLAN 2020-2040 UPDATE

## Land use File No. 247-23-000507-PA, 508-TA

Issue Area	Applicable Plan Provision	Support / Opposition	PC Recommendation	Staff Comment	Board Decision Points	
5	Should the Board include language in the updated TSP responsive to concerns regarding Local Access Roads (LARs) in Special Road District #1, including replacement of a canal crossing on Island Loop Way?	<ul style="list-style-type: none"> <li>TSP Local Access Road Tools and FAQs “How are Local Access Roads maintained?” (pg. 68)</li> </ul>	<ul style="list-style-type: none"> <li><b>Support:</b> Citizen Comment</li> <li><b>Opposition:</b> The County Road Department opposes this request and has provided citizen commenters with clarification on Special Road District #1’s responsibility for improvement and maintenance projects on Island Loop Way and the surrounding area.</li> </ul>	The PC did not deliberate on this issue area and made no recommendation to the Board concerning in the inclusion of a bridge in the draft TSP document.	<p>The County Road Department has provided citizen commenters with clarification on Special Road District #1’s responsibility for improvement and maintenance projects on Island Loop Way and the surrounding area. Per state statute ORS 368.031, Deschutes County is not liable for failure to improve or repair a LAR and is legally restricted from expending funds on LARs unless there are emergency circumstances. No emergency circumstances have been identified in association with Island Loop Way or other infrastructure within the Special Road District #1 boundaries.</p>	<p>Should the Board include language in the updated TSP responsive to concerns regarding Local Access Roads (LARs) in Special Road District #1, including replacement of a canal crossing on Island Loop Way?</p> <ul style="list-style-type: none"> <li>If yes, the Board may add language related to Island Loop Way and Special Road District #1 and move onto the next issue area, though staff reiterates the County is legally restricted from maintaining infrastructure within Special Road District #1’s boundaries or expending funds on such improvements.</li> <li>If no, the Board may retain the existing language in the updated TSP document and move on to the next issue area.</li> </ul>
6	Should the Board eliminate the column labeled “Priority” from Table 5-6 of the drafted TSP document related to Bicycle Route Community Connections?	<ul style="list-style-type: none"> <li>TSP Figure 5-6, Table 5-6 Bicycle Route Community Connections (pg. 53-56)</li> </ul>	<ul style="list-style-type: none"> <li><b>Support:</b> N/A</li> <li><b>Opposition:</b> N/A</li> </ul>	The PC did not deliberate on this issue area and made no recommendation to the Board concerning priority status for the Bicycle Route Community Connections outlined in Figure 5-6 and Table 5-6 of the drafted TSP document.	<p>This decision point is at the discretion of the Board, but staff notes that the effect of eliminating the priority status from the various projects outlined in Figure 5-6 and Table 5-6 of the drafted TSP document may have the effect of assigning an equal priority to all projects outlined in Figure 5-6 and Table 5-6.</p>	<p>Should the Board eliminate the column labeled “Priority” from Table 5-6 of the drafted TSP document related to Bicycle Route Community Connections?</p> <ul style="list-style-type: none"> <li>If yes, the Board may remove the “Priority” column included in Table 5-6 of the drafted TSP document and move on to the next issue area.</li> <li>If no, the Board may retain the existing “Priority” column in Table 5-6 of the drafted TSP document and move on to the next issue area.</li> </ul>

## TRANSPORTATION SYSTEM PLAN 2020-2040 UPDATE

### Land use File No. 247-23-000507-PA, 508-TA

Issue Area	Applicable Plan Provision	Support / Opposition	PC Recommendation	Staff Comment	Board Decision Points	
7	Should the Board adopt ODOT’s proposed language related to ODOT Intersection Changes outlined in <u>S-9 and S-11</u> ?	<ul style="list-style-type: none"> <li>TSP Section 5 - Transportation Investment Priorities – Table 5.4 ODOT Intersection Changes and Associated Cost Estimates – ID S-9, S-11 (pg. 47)</li> </ul>	<ul style="list-style-type: none"> <li><b>Support:</b> ODOT</li> <li><b>Opposition:</b> N/A</li> </ul>	The PC deliberated on this issue area and ultimately decided to recommend adoption of ODOT’s proposed language related to priority status for ODOT Intersection Changes included in Table 5-4, project ID S-9 (US20: Powell Butte Hwy) and S-11 (US20: Locust St, within the City of Sisters) and additional language included for project ID S-11.	<p>This decision point is at the discretion of the Board, but staff notes that the effect of increasing a priority status for a given project or action item may place those projects before or after other identified projects with relatively similar scope and impacts. Staff finds no issues with the additional language ODOT has proposed for project ID S-11.</p>	<p>ODOT recommends the following changes to the updated TSP document:</p> <ol style="list-style-type: none"> <li>S-9: Recommend changing the priority level from Low to High</li> <li>S-11: Recommend changing the priority level from Low to High and noting that the project, with contributions from Deschutes County, City of Sisters, and ODOT, is funded for construction in 2024.</li> </ol> <p>Should the Board adopt ODOT’s proposed language related to <u>ODOT Intersection Changes outlined in S-9 (US 20 / Powell Butte Highway Roundabout) and S-11 (US 20 / Locust St Roundabout)</u>?</p> <ul style="list-style-type: none"> <li>If yes, the Board may adopt ODOT’s proposed language related to ODOT Intersection Changes outlined in S-9 and S-11 and move on to the next issue area.</li> <li>If no, the Board may retain the existing language included in the updated TSP document and move on to the next issue area.</li> </ul>
8	Should the Board adopt the citizen comment’s recommendation to include a High priority category associated with <u>Table 5.5 Project ID BP-3</u> related to <u>2<sup>nd</sup> Street / Cook Ave</u> sidewalks in Tumalo?	<ul style="list-style-type: none"> <li>TSP Section 5 - Transportation Investment Priorities – Table 5.5 Pedestrian Facilities and Associated Cost Estimates – ID BP-3 (pg. 51)</li> </ul>	<ul style="list-style-type: none"> <li><b>Support:</b> Citizen Comment</li> <li><b>Opposition:</b> N/A</li> </ul>	The PC deliberated on this issue area and ultimately decided to recommend adoption of the proposed priority changes for Pedestrian Facilities and Associated Cost Estimates included in Table 5-5, project ID BP-3.	<p>This decision point is at the discretion of the Board, but staff notes that the effect of increasing a priority status for a given project or action item may place those projects before or after other identified projects with relatively similar scope and impacts.</p>	<p>One public comment includes a recommendation to change the priority from Medium to High associated with <u>Table 5.5 ID BP-3</u> related to <u>2<sup>nd</sup> Street / Cook Ave</u> sidewalks in <u>Tumalo</u>.</p> <p>Should the Board adopt the citizen comment’s recommendation to include a High priority category associated with Table 5.5 ID BP-3?</p> <ul style="list-style-type: none"> <li>If yes, the Board may change the BP-3 priority from Medium to High and move on to the next issue area.</li> <li>If no, the Board may retain the existing language included in the updated TSP document and move on to the next issue area.</li> </ul>





BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 7, 2024

SUBJECT: Discussion and Possible Action on County ARPA Funds for CHRO RFP Process

RECOMMENDED MOTION: Provide staff direction as appropriate.

BACKGROUND AND POLICY IMPLICATIONS: At the Board's annual retreat on January 30, 2024, the Board discussed \$2 million in ARPA (American Rescue Plan Act) funds set aside to address unsheltered homelessness. Attached is a staff summary sheet handed out during the Board retreat.

At the retreat, the discussion centered around if/how the Board wanted County ARPA funds to be incorporated into the Coordinated Houseless Response Office (CHRO) RFP process to address unsheltered homelessness and unsanctioned encampments. Commissioners Adair and DeBone spoke in favor of allocating \$1.5 million of the \$2 million for the CHRO RFP process. Commissioner Chang supported allocating \$2 million.

Staff would like to continue this discussion and receive Board direction on the following:

- 1. Does the Board want to review the complied list of publicly owned property?
a. If yes, does the Board want to pre-approve or remove any of the properties that could be eligible for County funding?
2. Does the Board want to include the County ARPA funds in the CHRO RFP process without parameters (other than the Board would need to ultimately approve any project that uses County funds and/or County land)?
3. If the Board would like to include parameters on use of the County ARPA funds in the CHRO RFP process, what are these parameters?

A few notes on the use of ARPA funds:

- 1. Projects would need to be verified to be ARPA eligible.

2. Organizations accepting ARPA funds would need to follow ARPA spending and reporting requirements.
3. The ARPA funds would need to be contracted (obligated) by December 31, 2024 and spent by December 31, 2026. The County may want to identify a date earlier than December 31, 2026 for the funds to be expended to allow for reprogramming of any unspent funds.

**BUDGET IMPACTS:**

\$2 million in County ARPA funds are available.

**ATTENDANCE:**

Erik Kropp, Deputy County Administrator

**2024 BOCC Retreat Discussion Topic: ARPA Funds Set Aside to Address Homelessness**

**Background:** Executive Orders were signed in 2023 to help address the crisis of homelessness in Oregon. Central Oregon received nearly \$15 million in State funding in 2023 to address homelessness. Central Oregon Intergovernmental Council (COIC) convened the Multi-Agency Council (MAC) group required by the order to coordinate the distribution of funds, with the task of meeting three goals:

- Preventing 354 households from becoming homeless
- Creating 111 new shelter beds
- Rehousing 161 unsheltered individuals

The Coordinated Houseless Response Office (CHRO) worked in close partnership with COIC on the facilitation and implementation of the historic Executive Order funding, and helped the region meet the goals.

However, more progress is needed to address gaps in the Homeless Response System. For example, per the January 2023 Point in Time (PIT) Count, there were 1,467 individuals living unhoused in Deschutes County, the vast majority (73%) of whom live unsheltered. The CHRO Board set the goal of expanding immediate sheltering options to accommodate 30% of Deschutes County’s unsheltered population.

Public agencies met as a sub-workgroup (Public Partners Roundtable – PPR) of the Emergency Executive Council to identify properties that could be utilized to develop a shelter site or sites, a process for supporting the development of those sites and an RFP intended to provide additional resources and support to increase the number of places available to those living unhoused in Central Oregon.

**Budget:** The investment partners (cities, county, state, etc.) have goals and expectations for what their contributions to this process achieve. COIC estimates approximately up to \$4m in dedicated, one-time funding to support the work and is soliciting proposals from qualified organizations to design, develop, and operate temporary shelter sites for Central Oregonians living unsheltered.

**Proposed Timeline:**

- February 5, 2024 Issuance of RFP Documents
- February 12, 2024 RFP Open House
- February 20, 2024 Deadline for Proposal Submission (Phase 1)
- March 15, 2024 Deadline for Proposal Submission (Phase 2)
- March 22, 2024 Notice of Intent to Award(s)

**Need:** Those designing the RFP need clarity on resources that will be committed to funding approved projects from each entity.

- The CHRO Governing Board agreed to support a County-wide RFP to address unsheltered homelessness and unsanctioned encampments.

- The CHRO Board agreed to include resources from different entities in the RFP.
- The County has ~\$2 Mil in ARPA funds set aside to support efforts to address homelessness.
- It is unclear how much if any of that amount will be committed to the pool of dollars to be awarded through the CHRO RFP.

**Request: Can Commissioners consider the following options and provide guidance to help this work move forward as soon as possible?**

1. Commit the entire amount, no strings attached beyond the specific parameters of the RFP which are in line with the CHRO Values and Strategic Plan and the goal of the PPR Workgroup – add up to 300 additional beds for unsheltered homeless in the community.
2. Commit a portion of the amount, no strings attached as above.
3. Commit the entire amount only for projects that specifically address development of locations that would help alleviate the individuals living on land implicated in the DSL Land exchange.
4. Commit the entire amount with a carve out amount that must be specifically spent for projects that specifically address development of locations that would help alleviate the individuals living on land implicated in the DSL Land exchange.

**Considerations:**

- It is critical that providers have a sense of the total dollar amount available, the maximum amount for awards and the number of awards in order to make the decision to apply.
- We do not want providers to apply and then experience a lack of support b/c a need/requirement was not explicitly identified during the process.
- Combining resources into a pool with limited restrictions, will increase overall resources as well as the likely creativity and flexibility of projects.
- Projects that significantly increase beds may help to address the concerns about asking people to leave the DSL Land exchange area even without tying directly to that effort.
- Conversely, having a large or small project tied directly to that area, may help ease the difficulties of requiring people to leave.
- Remember, that even if a project is directly linked to the land swap area, there is no way to require people to leave one location and go to another specific location.
- Last, and in my view important, a combined RFP with combined resources embodies the CHRO value of not leaving partners alone and addressing some of the difficulties of siting in communities.



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** February 7, 2024

**SUBJECT:** Review Draft Presentation for Annual State of South Deschutes County Breakfast

**BACKGROUND AND POLICY IMPLICATIONS:**

The Commissioners have been invited to present to the Annual State of South Deschutes County Breakfast on February 27, 2024, from 7 – 9 a.m. Staff will review the draft presentation with the BOCC and make edits per the BOCC's direction.

**BUDGET IMPACTS:**

No anticipated budget impacts.

**ATTENDANCE:**

Jen Patterson, Strategic Initiatives Manager

# Board of County Commissioners

## Annual La Pine / Sunriver Combined Chambers Breakfast

How Deschutes County supports local business



Patti Adair



Tony DeBone



Phil Chang



FEBRUARY 16, 2023

# Planning for the Future



**Transportation System Plan Updates**

**Landfill Siting**



# Housing and Land Investments



## Housing Projects

In 2023:

- 3.27 acres Drafter Road - Foundation Affordable Housing
- 5.02 acres Habitat for Humanity
- 3.44 acres Housing Works & RootedHomes

## Land Donations

Continued commitment to affordable housing





# Economic Development

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## Economic Development of Central Oregon (EDCO)

- Annual funding to support communities, EDCO regional office, and venture catalyst program

## Economic Development Loan program

- Helping create new jobs in Deschutes County

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**For decades, Deschutes County has been a key partner in the work of economic development both through its own operations and through contracting with EDCO for business development services and efforts to enhance and support the local business climate.**

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# Legislative Priorities

Legislative Priorities for  
Deschutes County



**Housing/Homelessness**

**Ballot Measure 110 Reform**

**Community Corrections**

**Behavioral Health/Mental Health**

**Groundwater Issues**



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# Thank you





## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** February 7, 2024

**SUBJECT:** Consideration of Declaration of a Local State of Emergency: Fentanyl Public Health and Safety Crisis

**BACKGROUND AND POLICY IMPLICATIONS:**

On January 30<sup>th</sup>, the State of Oregon, Multnomah County and the City of Portland jointly declared a state of emergency to address the effects of the fentanyl crisis in the City of Portland.

As the dramatic negative impacts of fentanyl distribution and use exist across the State, the Board of County Commissioners will consider declaring a Local State of Emergency regarding the significant public health and safety crisis arising from the presence and effects of fentanyl in Deschutes County.

**BUDGET IMPACTS:**

None identified.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Declaring a Local State of Emergency

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\*

ORDER NO. 2024-007

WHEREAS, ORS 401.305 provides authority for Deschutes County to act as an emergency management agency, including authority to establish policies and protocols for defining and directing responsibilities during time of emergency; and

WHEREAS, ORS 401.309, DCC 2.04, and the Deschutes County Emergency Operations Plan (EOP) authorize the county governing body to declare a state of emergency within the county or within a designated portion of the county and to establish procedures to prepare for and carry out activities which are necessary to prevent, minimize, respond to, or recover from an emergency; and

WHEREAS, the following conditions have resulted in the need for a local state of emergency: (a) the continuing presence of fentanyl in Deschutes County; (b) increased fatal and nonfatal overdoses in Deschutes County; and (c) emergency orders (January 30, 2024) from the Governor and representatives of Multnomah County and the City of Portland calling for cross-jurisdiction collaboration and the allocation and focusing of resources to combat fentanyl use and impacts; and

WHEREAS, the presence of fentanyl within Deschutes County constitutes a high threat to public health, to wit, addiction, death, and associated unlawful behaviors; and

WHEREAS, the Centers for Disease Control and Prevention provides that fentanyl (a synthetic opioid) is up to 50 times stronger than heroin and 100 times stronger than morphine, is a major contributor to fatal and nonfatal overdoses in the United States and is often added to other drugs resulting in drugs that are cheaper to purchase, more powerful, more addictive, and more dangerous; now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, hereby ORDERS as follows:

Section 1. Pursuant to ORS 401.309, DCC 2.04 and the Deschutes County EOP, the Board of Commissioners for Deschutes County formally declares a state of emergency for Deschutes County, effective on this 7<sup>th</sup> day of February, 2024 and continuing for ninety (90) days from the date of this Order, unless extended or terminated earlier by the Board of Commissioners.

Section 2. Upon this declaration of a state of emergency the Board of Commissioners shall be authorized to take and/or direct such actions and issue such orders as are determined to be necessary to protect the public and to efficiently conduct activities that minimize or mitigate the effect of this declared public health emergency as authorized by ORS, DCC and the Deschutes County EOP.

Section 3. The County Administrator, Local Public Health Administrator and Emergency Manager shall take all necessary steps authorized by law to coordinate response to this emergency including where available and feasible, but not limited to, coordinating with the State of Oregon and the federal government in order to qualify Deschutes County for all available state and federal emergency assistance, not limited to use of shared resources, assistance from state and federal agencies, and financial assistance and reimbursements.

Section 4. Emergency procurements of goods and services are authorized pursuant to ORS 279B.080, ORS 279C.335(6), ORS 279.380(4), and Deschutes County contracting rules.

Section 5. With regard to county employees, the Board of Commissioners may authorize modification(s) to relevant personnel leave, payroll processes, and workplace requirements/designations as deemed necessary by the Board of Commissioners to address impacts associated with this declared public health emergency.

Section 6. This Order is effective upon signing.

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2024

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

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

ATTEST:

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

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