



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

9:00 AM, WEDNESDAY, MARCH 11, 2026

Barnes Sawyer Rooms - Deschutes Services Building - 1300 NW Wall Street – Bend
(541) 388-6570 | www.deschutes.org

REVISED 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 Board of Commissioners provides time during its public meetings for Citizen Input. Alternatively, comments may be submitted on any topic at any time by emailing 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.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

CITIZEN INPUT

The Board of Commissioners provides time during its public meetings for Citizen Input. This is an opportunity for citizens to communicate to the Commissioners. Citizen Input is not available for matters that have closed records, are presently scheduled for a quasi-judicial public hearing, or are anticipated or likely to come before the Commissioners as a future quasi-judicial public hearing. Time is limited to 3 minutes.

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

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

COMMISSIONER ANNOUNCEMENTS

CONSENT AGENDA

1. Approval of a Notice of Intent to Award a contract for the Supply and Delivery of Asphalt Oil for 2026 Chip Seal operations
2. Approval of a Notice of Intent to Award a contract for the paving of Horse Butte Road
3. Approval of Resolution No. 2026-008 adopting a supplemental budget and increasing and transferring appropriations within the Fiscal Year 2026 (FY 2026) Deschutes County budget
4. Solid Waste Advisory Committee (SWAC) Letters of Appointment and Reappointment
5. Consideration of Board Signature on letters reappointing Kelley Hamby, Will Groves, Sunny Simpkins, Bill Anthony and David Pilz for service on the Upper Deschutes Watershed Council
6. Approval of the minutes of the February 11, 2026 BOCC meeting

ACTION ITEMS

Added item [Proclamation Celebrating America's 250th Birthday](#)

7. **9:10 AM** Consideration of second reading of Ordinance 2026-005 – Cascades Academy Plan Amendment and Zone Change

8. **9:15 AM** Recategorization of ARPA funds to Revenue Replacement and a request to extend the timeline for a grant awarded to the Deschutes River Conservancy
9. **9:45 AM** Deschutes County Opioid Settlement Funds: FY27 Department Funding Requests
10. **10:10 AM** Authorization to apply for Community Project Funding appropriations for renovations to the South County Health Services Building
11. **10:20 AM** Review Draft Leadership Redmond Presentation

OTHER ITEMS

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

EXECUTIVE SESSIONS

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

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

12. Executive Sessions under ORS 192.660 (2) (e) Real Property Negotiations and ORS 192.660 (2) (d) Labor Negotiations

ADJOURN



Deschutes County encourages persons with disabilities to participate in all programs and activities. This meeting/event is accessible. Accommodations including sign and other language interpreter services, assistive listening devices, materials in alternate formats such as Braille, large print, electronic formats, or language translations are available upon advance request at no cost. Please make a request at least 24 hours in advance of the meeting/event by calling Brenda Fritsvold at (541) 388-6572 or send an email to brenda.fritsvold@deschutes.org.



El condado de Deschutes anima a las personas con discapacidad a participar en todos los programas y actividades. Esta reunión/evento es accesible. Hay disponibles servicios de intérprete de lengua de señas y de otros idiomas, dispositivos de escucha asistida, materiales en formatos alternativos como braille, letra grande, formatos electrónicos, traducciones o cualquier otra adaptación, con solicitud previa y sin ningún costo. Haga su solicitud al menos 24 horas antes de la reunión/el evento llamando a Brenda Fritsvold al (541) 388-6572 o envíe un correo electrónico a brenda.fritsvold@deschutes.org.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: March 11, 2026

SUBJECT: Approval of a Notice of Intent to Award a contract for the Supply and Delivery of Asphalt Oil for 2026 Chip Seal operations

RECOMMENDED MOTION:

Move approval of Document No. 2026-0082, a Notice of Intent to Award a Contract for the Supply and Delivery of Asphalt Oil for 2026 Chip Seal operations.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Road Department prepared bid solicitation documents for the Supply and Delivery of Chip Seal Oil 2026. The project scope of work includes the supply and delivery of asphalt oil for Calendar Year 2026 chip seal operations. The project was advertised in the Daily Journal of Commerce on February 11, 2026. The Department opened bids at 2:00 P.M. on February 25, 2026.

Two (2) bids were received for this project. The bid results are as follows:

<u>BIDDER</u>	<u>TOTAL BID AMOUNT</u>
ALBINA ASPHALT	\$ 1,099,000.00
WESTERN EMULSIONS	\$ 1,402,293.75
Engineer's Estimate	\$1,390,625.00

This action issues a Notice of Intent to Award the contract to the apparent low bidder, Albina Asphalt, 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:

Thirty-three percent (33%) of the total material cost is budgeted in the Road Department Operating Budget (Fund 325) for Fiscal Year 2026. The remaining sixty-seven percent (67%) will be budgeted for Fiscal Year 2027.

ATTENDANCE: Cody Smith, County Engineer/Assistant Road Department Director



BOARD OF COUNTY COMMISSIONERS

March 11, 2026

Posted on the Deschutes County Bidlocker Portal at <https://bidlocker.us/a/deschutescounty/BidLocker> prior to 5:00 PM on the date of this Notice.

Subject: **Notice of Intent to Award Contract**
Contract for Supply and Delivery of Asphalt Oil for Chip Seal 2026

To Whom It May Concern:

On March 11, 2026, the Board of County Commissioners of Deschutes County, Oregon considered proposals for the above-referenced project. The Board of County Commissioners determined that the successful bidder for the project was Albina Asphalt, with a bid of One Million Ninety-Nine Thousand and 00/100 Dollars (\$1,099,000.00).

This Notice of Intent to Award Contract is issued pursuant to Oregon Revised Statute (ORS) 279C.135. 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 March 18, 2026.**

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.

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

Sincerely,

Phil Chang, Chair



**ROAD
DEPARTMENT**

BID RESULTS

SUPPLY AND DELIVERY OF ASPHALT OIL
FOR CHIP SEAL 2026
DESCHUTES COUNTY, OREGON

BID OPENING : 2:00 PM 2/25/2026

				ENGINEER'S ESTIMATE		ALBINA ASPHALT		WESTERN EMULSIONS	
		UNITS	QNTY	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	HFRS-P2 EMULSIFIED ASPHALT	TON	900	\$600.00	\$540,000.00	\$480.00	\$432,000.00	\$625.00	\$562,500.00
2	DELIVERY OF HFRS-P2	TON	900	\$75.00	\$67,500.00	\$40.00	\$36,000.00	\$69.25	\$62,325.00
3	PMCRS-2H EMULSIFIED ASPHALT	TON	850	\$550.00	\$467,500.00	\$460.00	\$391,000.00	\$575.00	\$488,750.00
4	DELIVERY OF PMCRS-2H	TON	850	\$100.00	\$85,000.00	\$60.00	\$51,000.00	\$69.25	\$58,862.50
5	HFRS-P1 DILUTE 50/50 FOG SEAL	TON	300	\$375.00	\$112,500.00	\$320.00	\$96,000.00	\$375.00	\$112,500.00
6	DELIVERY OF HFRS-P1	TON	300	\$75.00	\$22,500.00	\$40.00	\$12,000.00	\$69.25	\$20,775.00
7	CSS-1H DILUTE 50/50 FOG SEAL	TON	225	\$350.00	\$78,750.00	\$300.00	\$67,500.00	\$360.00	\$81,000.00
8	DELIVERY OF CSS-1H	TON	225	\$75.00	\$16,875.00	\$60.00	\$13,500.00	\$69.25	\$15,581.25
				TOTAL	\$1,390,625.00	TOTAL	\$1,099,000.00	TOTAL	\$1,402,293.75



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: March 11, 2026

SUBJECT: Approval of a Notice of Intent to Award a contract for the paving of Horse Butte Road

RECOMMENDED MOTION:

Move approval of Document No. 2026-0097, a Notice of Intent to Award a contract for the paving of Horse Butte Road.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Road Department prepared bid solicitation documents for the Paving of Horse Butte Road project. The project scope of work includes construction of new asphalt concrete pavement, asphalt pavement repair, installation of guardrail and permanent pavement marking, and incidental work. The project was advertised in the Daily Journal of Commerce and The Bulletin on February 18, 2026. The Department opened bids at 2:00 P.M. on March 4, 2026.

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

<u>BIDDER</u>	<u>TOTAL BID AMOUNT</u>
GRANITE CONSTRUCTION CO	\$533,923.00
JAL CONSTRUCTION, INC	\$571,204.00
TRI COUNTY PAVING	\$596,454.00
KNIFE RIVER	\$609,644.75
KNL INDUSTRIES	\$611,883.25
Engineer's Estimate	\$576,485.61

This action issues a Notice of Intent to Award the contract to the apparent low bidder, Granite Construction Company, 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:

The project is budgeted in the Road CIP (465) Fund for Fiscal Year 2026.

ATTENDANCE:

Cody Smith, County Engineer/Assistant Road Department Director



BOARD OF COUNTY COMMISSIONERS

March 11, 2026

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 Paving of Horse Butte Road

To Whom It May Concern:

On March 11, 2026, the Board of County Commissioners of Deschutes County, Oregon considered proposals for the above-referenced project. The Board of County Commissioners determined that the successful bidder for the project was Granite Construction Company, with a bid of Five Hundred Thirty Three Thousand Nine Hundred Twenty Three and 00/100 Dollars (\$533,923.00).

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 March 18, 2026.**

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.

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

Sincerely,

Phil Chang, Chair

PAVING OF HORSE BUTTE RD
 DESCHUTES COUNTY, OREGON
 PROJECT # W66140

BID RESULTS

BID OPENING : 2:00 PM 3/4/2026

				ENGINEER'S ESTIMATE		Granite Construction Co 16821 SE McGillvrary Blvd. Suite 210B Vancouver, WA 98683		JAL Construction, Inc. POBOX 6269 Bend, OR 97702	
ITEM	UNIT	QTY	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	
1	Mobilization	LS	1	\$36,486.43	\$36,486.43	\$23,500.75	\$23,500.75	\$56,000.00	\$56,000.00
2	Temporary Protection And Direction Of Traffic	LS	1	\$53,513.43	\$53,513.43	\$23,000.00	\$23,000.00	\$7,000.00	\$7,000.00
3	Temporary Signs	SQFT	352	\$25.00	\$8,800.00	\$15.00	\$5,280.00	\$37.00	\$13,024.00
4	Flaggers	HOUR	644	\$82.00	\$52,808.00	\$75.00	\$48,300.00	\$90.00	\$57,960.00
5	Pilot Cars	HOUR	161	\$94.00	\$15,134.00	\$85.00	\$13,685.00	\$110.00	\$17,710.00
6	Clearing and Grubbing	LS	1	\$32,000.00	\$32,000.00	\$10,000.00	\$10,000.00	\$70,000.00	\$70,000.00
7	Adjusting Boxes	EACH	2	\$500.00	\$1,000.00	\$250.00	\$500.00	\$500.00	\$1,000.00
8	Cold Plane Pavement Removal, 0-3 Inches Deep	SQYD	100	\$15.00	\$1,500.00	\$30.00	\$3,000.00	\$25.00	\$2,500.00
9	Aggregate Shoulders	TON	470	\$46.00	\$21,620.00	\$55.00	\$25,850.00	\$30.00	\$14,100.00
10	Level 3, 3/8-Inch Dense ACP, PG 58-34ER	TON	2,500	\$97.65	\$244,125.00	\$132.00	\$330,000.00	\$92.25	\$230,625.00
11	Extra for Asphalt Approaches	EACH	4	\$1,000.00	\$4,000.00	\$3,000.00	\$12,000.00	\$500.00	\$2,000.00
12	11-Inch ACP Repair	SQYD	1,320	\$55.00	\$72,600.00	\$3.00	\$3,960.00	\$43.00	\$56,760.00
13	Guardrail, Type 2A	FOOT	33	\$31.50	\$1,023.75	\$67.22	\$2,184.65	\$300.00	\$9,750.00
14	Guardrail End Pieces, Type B	EACH	2	\$250.00	\$500.00	\$157.69	\$315.38	\$200.00	\$400.00
15	Extra for Hand Dug Guardrail Post Holes	EACH	3	\$300.00	\$900.00	\$303.24	\$909.72	\$300.00	\$900.00
16	Thermoplastic, Extruded or Sprayed, Surface, Non-Profiled	FOOT	17,000	\$1.65	\$28,050.00	\$1.70	\$28,900.00	\$1.70	\$28,900.00
17	Pavement Legend, Type AB: "STOP"	EACH	1	\$775.00	\$775.00	\$925.00	\$925.00	\$925.00	\$925.00
18	Pavement Legend, Type AB: "STOP AHEAD"	EACH	1	\$1,200.00	\$1,200.00	\$1,050.00	\$1,050.00	\$1,050.00	\$1,050.00
19	Pavement Bar, Type AB	SQFT	30	\$15.00	\$450.00	\$18.75	\$562.50	\$20.00	\$600.00
				TOTAL =	\$576,485.61	TOTAL =	\$533,923.00	TOTAL =	\$571,204.00

PAVING OF HORSE BUTTE RD
 DESCHUTES COUNTY, OREGON
 PROJECT # W66140

BID RESULTS

BID OPENING : 2:00 PM 3/4/2026

				ENGINEER'S ESTIMATE		Tri County Paving PO Box 1621 Redmond, OR 97756		Knife River Corporation - Northwest 64500 OB Riley Road Bend, OR 97703	
ITEM	UNIT	QTY	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	
1	Mobilization	LS	1	\$36,486.43	\$36,486.43	\$51,000.00	\$51,000.00	\$35,000.00	\$35,000.00
2	Temporary Protection And Direction Of Traffic	LS	1	\$53,513.43	\$53,513.43	\$22,500.00	\$22,500.00	\$20,000.00	\$20,000.00
3	Temporary Signs	SQFT	352	\$25.00	\$8,800.00	\$8.50	\$2,992.00	\$35.00	\$12,320.00
4	Flaggers	HOUR	644	\$82.00	\$52,808.00	\$95.50	\$61,502.00	\$94.00	\$60,536.00
5	Pilot Cars	HOUR	161	\$94.00	\$15,134.00	\$108.00	\$17,388.00	\$108.00	\$17,388.00
6	Clearing and Grubbing	LS	1	\$32,000.00	\$32,000.00	\$54,800.00	\$54,800.00	\$49,500.00	\$49,500.00
7	Adjusting Boxes	EACH	2	\$500.00	\$1,000.00	\$1,100.00	\$2,200.00	\$360.00	\$720.00
8	Cold Plane Pavement Removal, 0-3 Inches Deep	SQYD	100	\$15.00	\$1,500.00	\$50.00	\$5,000.00	\$30.00	\$3,000.00
9	Aggregate Shoulders	TON	470	\$46.00	\$21,620.00	\$52.30	\$24,581.00	\$47.00	\$22,090.00
10	Level 3, 3/8-Inch Dense ACP, PG 58-34ER	TON	2,500	\$97.65	\$244,125.00	\$94.00	\$235,000.00	\$112.00	\$280,000.00
11	Extra for Asphalt Approaches	EACH	4	\$1,000.00	\$4,000.00	\$900.00	\$3,600.00	\$750.00	\$3,000.00
12	11-Inch ACP Repair	SQYD	1,320	\$55.00	\$72,600.00	\$44.75	\$59,070.00	\$54.00	\$71,280.00
13	Guardrail, Type 2A	FOOT	33	\$31.50	\$1,023.75	\$264.00	\$8,580.00	\$66.50	\$2,161.25
14	Guardrail End Pieces, Type B	EACH	2	\$250.00	\$500.00	\$158.00	\$316.00	\$156.00	\$312.00
15	Extra for Hand Dug Guardrail Post Holes	EACH	3	\$300.00	\$900.00	\$185.00	\$555.00	\$300.00	\$900.00
16	Thermoplastic, Extruded or Sprayed, Surface, Non-Profiled	FOOT	17,000	\$1.65	\$28,050.00	\$2.65	\$45,050.00	\$1.70	\$28,900.00
17	Pavement Legend, Type AB: "STOP"	EACH	1	\$775.00	\$775.00	\$530.00	\$530.00	\$925.00	\$925.00
18	Pavement Legend, Type AB: "STOP AHEAD"	EACH	1	\$1,200.00	\$1,200.00	\$1,160.00	\$1,160.00	\$1,050.00	\$1,050.00
19	Pavement Bar, Type AB	SQFT	30	\$15.00	\$450.00	\$21.00	\$630.00	\$18.75	\$562.50
				TOTAL =	\$576,485.61	TOTAL =	\$596,454.00	TOTAL =	\$609,644.75

PAVING OF HORSE BUTTE RD
 DESCHUTES COUNTY, OREGON
 PROJECT # W66140

BID RESULTS

ENGINEER'S ESTIMATE

KNL Industries
 10672 S Macksburg Rd.
 Canby, OR 97013

BID OPENING : 2:00 PM 3/4/2026

ITEM	UNIT	QTY	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	
1	Mobilization	LS	1	\$36,486.43	\$36,486.43	\$55,625.75	\$55,625.75
2	Temporary Protection And Direction Of Traffic	LS	1	\$53,513.43	\$53,513.43	\$10,000.00	\$10,000.00
3	Temporary Signs	SQFT	352	\$25.00	\$8,800.00	\$20.00	\$7,040.00
4	Flaggers	HOUR	644	\$82.00	\$52,808.00	\$85.00	\$54,740.00
5	Pilot Cars	HOUR	161	\$94.00	\$15,134.00	\$125.00	\$20,125.00
6	Clearing and Grubbing	LS	1	\$32,000.00	\$32,000.00	\$5,000.00	\$5,000.00
7	Adjusting Boxes	EACH	2	\$500.00	\$1,000.00	\$500.00	\$1,000.00
8	Cold Plane Pavement Removal, 0-3 Inches Deep	SQYD	100	\$15.00	\$1,500.00	\$50.00	\$5,000.00
9	Aggregate Shoulders	TON	470	\$46.00	\$21,620.00	\$60.00	\$28,200.00
10	Level 3, 3/8-Inch Dense ACP, PG 58-34ER	TON	2,500	\$97.65	\$244,125.00	\$115.20	\$288,000.00
11	Extra for Asphalt Approaches	EACH	4	\$1,000.00	\$4,000.00	\$500.00	\$2,000.00
12	11-Inch ACP Repair	SQYD	1,320	\$55.00	\$72,600.00	\$68.00	\$89,760.00
13	Guardrail, Type 2A	FOOT	33	\$31.50	\$1,023.75	\$404.00	\$13,130.00
14	Guardrail End Pieces, Type B	EACH	2	\$250.00	\$500.00	\$150.00	\$300.00
15	Extra for Hand Dug Guardrail Post Holes	EACH	3	\$300.00	\$900.00	\$175.00	\$525.00
16	Thermoplastic, Extruded or Sprayed, Surface, Non-Profiled	FOOT	17,000	\$1.65	\$28,050.00	\$1.70	\$28,900.00
17	Pavement Legend, Type AB: "STOP"	EACH	1	\$775.00	\$775.00	\$925.00	\$925.00
18	Pavement Legend, Type AB: "STOP AHEAD"	EACH	1	\$1,200.00	\$1,200.00	\$1,050.00	\$1,050.00
19	Pavement Bar, Type AB	SQFT	30	\$15.00	\$450.00	\$18.75	\$562.50
				TOTAL =	\$576,485.61	TOTAL =	\$611,883.25



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: March 11, 2026

SUBJECT: Approval of Resolution No. 2026-008 adopting a supplemental budget and increasing and transferring appropriations within the Fiscal Year 2026 (FY 2026) Deschutes County budget

RECOMMENDED MOTION:

Move approval of Resolution No. 2026-008 increasing and transferring appropriations within the FY 2026 Deschutes County budget.

BACKGROUND AND POLICY IMPLICATIONS:

This is a budget adjustment to account for changes that have occurred since budget adoption.

- 1. On January 28, 2026, the Board of County Commissioners approved Document No. 2026-0030, an amendment to an interlocal agreement with the Oregon Health Authority providing funding for Community and Residential Assistance. This agreement provides \$87,254 in revenue for services provided during the period July 1, 2025 through December 31, 2025.
2. On February 25, 2026, The Board of County Commissioners authorized the purchase of real property located at 2100 NE Wyatt Court, Bend from Getz Properties LLC for \$3,450,000. The purchase price and associated closing costs will be funded by Deschutes County Behavioral Health reserves.
3. On March 19, 2025, the Board of County Commissioners approved the acceptance of funding from the U.S. Forest Service Community Wildfire Defense Grant. The total award amount of \$3,439,362 is for the period of January 1, 2026, through December 31, 2030. The projected additional spending in FY 2026 is \$338,576. Additionally, a portion of the Natural Resources Department personnel costs are eligible expenses under this grant agreement. Those personnel costs are already included in the FY 2026 budget.

BUDGET IMPACTS:

- Within the Health Services Fund:
o Increase State Grant Revenue by \$87,254
o Increase Transfers In from the Capital Reserve Fund by \$3,465,000 and reduce Reserves by the same amount.

- Increase Program Expenditures Appropriations by \$3,552,254
- Within the Natural Resource Protection Fund:
 - Increase Federal Grant Revenue by \$338,576
 - Increase Program Expenditures Appropriations by \$318,041
 - Increase Contingency by \$20,535.

ATTENDANCE:

Cam Sparks – Budget & Financial Planning Manager

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,
OREGON

A Resolution Increasing and Transferring Appropriations Within the FY 2026 Deschutes County Budget * * * RESOLUTION NO. 2026-008

WHEREAS, since adopting the Fiscal Year 2026 (FY 2026) budget, unforeseen changes have occurred which necessitate increased appropriations, and

WHEREAS, ORS 294.471 allows a supplemental budget adjustment when authorized by resolution of the governing body, and

WHEREAS, ORS 294.338 allows increased appropriation of expenditures within a fund when authorized by resolution of the governing body for specific purpose grants, now, therefore,

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

Section 1. That the following revenue be recognized in the Fiscal Year 2026 (FY 2026) County Budget:

<u>Health Services Fund</u>	
State Grant	\$ 87,254
Transfer in – Capital Reserve	3,465,000
Health Services Fund Total	<u>\$ 3,552,254</u>

<u>Natural Resource Protection Fund</u>	
Federal Grant	\$ 338,576
Natural Resource Protection Fund Total	<u>\$ 338,576</u>

Section 2. That the following amounts be appropriated in the FY 2026 County Budget:

<u>Health Services Fund</u>	
Program Expense	\$ 3,552,254
Transfers Out – Health Services	3,465,000
Reserve for Future Expenditures	(3,465,000)
Health Services Fund Total	<u>\$ 3,552,254</u>

Natural Resource Protection Fund

Program Expense \$ 318,041

Contingency 20,535

Natural Resource Protection Fund Total **\$ 338,576**

Section 3. That the Chief Financial Officer make the appropriate entries in the Deschutes County Financial System to show the above appropriations.

DATED this _____ day of March 2026.

BOARD OF COUNTY COMMISSIONERS OF
DESCHUTES COUNTY, OREGON

PHIL CHANG, Chair

ATTEST:

ANTHONY DEBONE, Vice-Chair

Recording Secretary

PATTI ADAIR, Commissioner

Deschutes County
Supplemental Budget and Special Purpose Grants

REVENUE

Item	Project Code	Segment 2	Org	Object	Description	Current Budgeted Amount	To (From)	Revised Budget
1	HSBHGEN	HS1WYATT	2743152	391270	Transfer In - OHP Mental Health Reserve	\$ -	\$ 3,465,000	\$ 3,465,000
2	HSFORENSIC	HS21701G	2743152	335011	State Grant	292,443	87,254	379,697
3	FR040CWDG		3265050	331001	Federal Grant	-	338,576	338,576
TOTAL						\$ 292,443	\$ 3,890,830	\$ 718,273

APPROPRIATION

Item	Project Code	Segment 2	Org	Object	Category (Personnel, M&S, CapEx, Transfers, Contingency)	Description (Object, e.g. Time Mgmt, Temp Help, Computer Hardware)	Current Budgeted Amount	To (From)	Revised Budget
1			2703150	491274		Transfer Out - Health Services	\$ -	\$ 3,465,000	\$ 3,465,000
2			2703150	521874		Reserve for OHP Future Expend	12,784,000	(3,465,000)	9,319,000
3	HSBHGEN	HS1WYATT	2743152	490230	Capital	Building	-	3,465,000	3,465,000
4	HSFORENSIC	HS21701G	2743152	430312	M&S	Contracted Services	284,443	87,254	371,697
5	FR040CWDG		3265050	450920	M&S	Grants	-	153,278	153,278
6	FR040CWDG		3265050	490501	Capital Outlay	Machinery	-	164,763	164,763
7	FR040CWDG		3265050	501971	Contingency	Contingency	77,614	20,535	98,149
TOTAL						\$ 13,146,057	\$ 3,890,830	\$ 17,036,887	

Budget adjustment for the purchase and closing costs of Wyatt Building for Health Services. Budget adjustment to appropriate the OHA agreement for Community Residential Assistance; Document No. 2026-0030. For services provided from 7/1/2025 through 12/31/2025.

Budget adjustment to appropriate the La Pine Wildfire Mitigation Grant; #26-DG-11062752-031. This is a five year grant beginning 1/1/2026.

Fund:	Multiple
Dept:	Multiple
Requested by:	Cam Sparks
Date:	3.11.2026



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: March 11, 2026

SUBJECT: Solid Waste Advisory Committee (SWAC) Letters of Appointment and Reappointment

RECOMMENDED MOTION:

Move approval of Board Signature on SWAC letters of appointment and reappointment, under Consent Agenda. All terms are to expire on December 31, 2026.

Letter of Appointment:

John Heylin (Alternate, Republic Services)
Councilor Clifford Evelyn (Primary, City of Redmond)

Letters of Reappointment:

Cassie Lacy (Primary, City of Bend)
Chris Ogren (Alternate, City of Bend)
Jackson Dumanch (Primary, City of Sisters)
Paul Bertagna (Alternate, City of Sisters)
Erwin Swetnam (Primary, Cascade Disposal)
Michael Grove (Alternate, Cascade Disposal)
Erica Lindberg (Primary, Republic Services)
Timm Schimke (Citizen Member, Technical Profession)
Luke Dynes (Citizen Member, Financial Profession)
Neil Baungard (Primary, The Environmental Center)
Lindsey Hardy (Alternate, The Environmental Center)
Keith Kessarlis (Citizen Lay Member, At-Large)
Robin Vora (Citizen Lay Member, At-Large)

OREGON RESOLUTION CELEBRATING AMERICA'S 250TH BIRTHDAY BY RECOGNIZING THESE 15 HISTORIC AMERICAN ACHIEVEMENTS

WHEREAS, when our Founding Fathers signed the Declaration of Independence, a majority of colonists did not support it, as they were either loyal to the King or indifferent. This meant General George Washington had to fight one of the largest empires in world history with most of his country not fully behind him. His army was continually unpaid. He refused a salary as general and as president because he wanted to serve his country.

WHEREAS, the United States Constitution is cited as the world's longest-running constitution. National constitutions around the world only last around 20 years on average.

WHEREAS, George Washington broke with longstanding European military tradition, by awarding military badges to everyday front-line soldiers for their sacrifice, as opposed to only high-ranking officers. Washington elevated our country's appreciation of veterans, which remains to this day.

WHEREAS, James Madison's Bill of Rights was so advanced that most people living today do not have most of the constitutional rights we were granted in 1791.

WHEREAS, the Boston Tea Party and the creation of "No Taxation Without Representation" enshrined low taxes in our government. Lower taxes empowered everyday people and small businesses to great, never-before-seen heights, which made us the world's biggest economy in 1890, unseating our former rulers, Great Britain. Today, the average wage of America's poorest state is still greater than the average wage of most European nations.

WHEREAS, early abolitionists fought against both local public opinion and evil entrenched international slave institutions. Within Congress' first five years, they passed the first ban on slave ships. Western culture

did not invent slavery (which existed in every major culture for centuries), but America and Europe were among the first to end it — decades earlier than most nations in Asia, Africa, and the Middle East. America forced the Philippines to end slavery in 1902. Frederick Douglas, Harriet Tubman, and Sojourner Truth's achievements inspire us to fight human trafficking today.

WHEREAS, we are among the rare nations with a constitutional right to a trial by jury of peers for criminal cases and the only nation with juries for regular without-limit civil cases.

WHEREAS, America provided women the right to vote in Japan (as a condition of their WWII surrender) and helped restore the right to vote for women in Afghanistan in 2001.

WHEREAS, America created the world's first national park. 6,500 exist worldwide today.

WHEREAS, America has been ranked as the number one nation for personal generosity. Social scientists tie this phenomenon directly to the nation's robust Judeo-Christian heritage and population, which is why the Founding Fathers were so devoted to protecting Freedom of Religion in our Constitution.

WHEREAS, America built the Panama Canal, the internet, and the satellite GPS system for the rest of the world to use.

WHEREAS, in World War II, Imperial Japan had invaded 22 countries and killed 20 million people, and Nazi Germany had invaded 24 countries and killed 26 million people. The only way to end these unstoppable historic death machines was for America to send an entire generation of young men to fight and die on the front lines. America immediately helped rebuild both nations and became close friends and essential allies.

WHEREAS, Dr. Martin Luther King Jr. did something radically different when he drew inspiration from Mahatma Gandhi and Jesus Christ for a daring campaign of non-violent protest that was unique, risky, and opposed by his own supporters. Dr. King's peaceful protest under brutal persecution shocked the conscience of the nation, quickly moved people's hearts, and brought sweeping civil rights in just nine years. It inspired Poland's Solidarity movement (during the Cold War), Nelson Mandela, and civil rights movements in Britain, India, Brazil, and Zambia. Dr. King was the man the world needed.

WHEREAS, we led and won the Cold War, liberating 70 million people from communism, where they lived with no freedom of speech, press, assembly, travel, or religion.

WHEREAS, our full embrace of capitalism made us outperform all other economies for most of the past 100 years. With only 4% of the world's population, we make up over 20% of the world's income. It has spurred inventions such as polio vaccines, MRIs, electricity, airplanes, air conditioners, moon landings, cell phones, colas, and cultural contributions like jazz, blues, rock n' roll, country music, baseball, basketball, and football.

BE IT RESOLVED that we should use our individual gifts to celebrate America. Those who write should write like BENJAMIN FRANKLIN, who used wit and humor to rally America. Those who write poetry should write poetry like the African American teenage girl PHILLIS WHEATLEY, who in 1773, under threats of treason, penned patriotic poems for the revolution and became an internationally recognized poet. Those who pray should consider GEORGE WASHINGTON, who fasted and prayed for peace, providence, and national unity.

SIGNERS OF SUPPORT

- **Jason Williams**, Founder, Taxpayers Association of Oregon
- **Alek Skarlatos**, State Representative, Paris train attack hero
- **Greg "Boss" Wooldridge**, Blue Angels lead pilot
- **Tony Giardina**, President, Oregon Veterans Association
- **Patti Adair**, Vice Chair, Deschutes County
- **Lars Larson**, Radio Host, KXL northwest and national shows

For more information, visit Oregon250.com

Mail petitions to Taxpayers Association of Oregon, PO Box 23573, Tigard, OR 97281

PETITION ON REVERSE



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: March 11, 2026

SUBJECT: Consideration of second reading of Ordinance 2026-005 – Cascades Academy Plan Amendment and Zone Change

RECOMMENDED MOTIONS:

- 1. Move approval of second reading of Ordinance 2026-005, by title only.
2. Move adoption of Ordinance 2026-005.

BACKGROUND AND POLICY IMPLICATIONS:

The applicant, Cascades Academy, requests approval to change the Comprehensive Plan designation (land use file no. 247-24-000392-PA) of the subject property from Agriculture and Surface Mining to Rural Residential Exception Area, and approval to change the zone (land use file no. 247-24-000393-ZC) of the subject properties from Exclusive Farm Use and Surface Mine to Multiple Use Agricultural.

The subject property is approximately 22.5 acres in size and is located immediately south of the Tumalo Rural Community and west of State Highway 20. The Board held a public hearing on June 18, 2025, and deliberated on this application on August 27, 2025, voting 2-1 to approve the application. The first reading of the ordinance was conducted on February 25, 2026.

The entirety of the record can be viewed from the project website at:

https://bit.ly/CascadesAcademy

BUDGET IMPACTS:

None.

ATTENDANCE:

Nicole Mardell, Principal Planner
Will Groves, Planning Manager



MEMORANDUM

TO: Deschutes County Board of Commissioners (Board)

FROM: Nicole Mardell, AICP, Principal Planner

DATE: March 11, 2026

SUBJECT: Consideration of Second Reading of Ordinance 2026-005 – Cascades Academy Plan Amendment and Zone Change

The Board of County Commissioners (Board) will consider a second reading of Ordinance 2026-005 on March 11, 2026, for a Plan Amendment and Zone Change (File nos. 247-24-000392-PA, 393-ZC).

The record is available for inspection at the following link: <https://bit.ly/CascadesAcademy>

I. BACKGROUND

The subject property is comprised of seven (7) tax lots with a total area of 22.5 acres, including 4.03 acres zoned Surface Mine and 18.47 acres zoned EFU-Tumalo/Redmond/Bend Subzone. Four (4) tax lots are partially within the Landscape Management Combining Zone associated with State Highway 20 and the Deschutes River. The EFU properties are also within the Surface Mining Impact Area Combining Zone associated with Mining Site No. 370. The property is irregular in shape and is located immediately south of the Tumalo Rural Community and west of State Highway 20.

Cascades Academy, the applicant and property owners, request a change to the Comprehensive Plan designation of the subject property from Agricultural (AG) and Surface Mining (SM) to Rural Residential Exception Area (RREA) and a corresponding Zone Change from Exclusive Farm Use – Tumalo/ Redmond/ Bend subzone (EFU-TRB) & Surface Mining (SM) to Multiple Use Agricultural (MUA-10). The applicant intends to rezone the property to allow for expansion of the existing school on an adjacent parcel, although they are not requesting approval for the school or other specific development as part of this application.

A public hearing was conducted by a Hearings Officer on November 14, 2024. On February 26, 2025, the Hearings Officer issued a recommendation of denial for the proposed Plan Amendment and Zone Change, citing a lack of evidence demonstrating compliance with Statewide Planning Goal 5 pertaining to wetland, scenic road, and scenic water resources associated with the subject property.

Following the recommendation, the applicant provided additional materials into the record, including an Economic, Social, Environmental, and Energy (ESEE) analysis.

On June 18, 2025, the Board held a public hearing to hear additional testimony on the applications, and the open record period closed on July 16, 2025. On August 27, 2025, the Board deliberated and voted 2-1 to approve the applications.

The Board conducted the first reading of Ordinance 2026-005 by title only on February 25, 2026.

ATTACHMENTS:

- 1. Draft Ordinance 2026-005 and Exhibits
 - Exhibit A: Legal Descriptions
 - Exhibit B: Proposed Plan Amendment Map
 - Exhibit C: Proposed Zone Change Map
 - Exhibit D: Comprehensive Plan Section 23.01.010, Introduction
 - Exhibit E: Comprehensive Plan Section 5.12, Legislative History
 - Exhibit F: Board Decision
 - Exhibit G: Hearings Officer Recommendation

REVIEWED _____
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County *
Code Title 23, the Deschutes County *
Comprehensive Plan, to Change the *
Comprehensive Plan Map Designation for *
Certain Property From Agriculture and Surface *
Mining to Rural Residential Exception Area, *
and Amending Deschutes County Code Title *
18, the Deschutes County Zoning Map, to *
Change the Zone Designation for Certain *
Property From Exclusive Farm Use and Surface *
Mine to Multiple Use Agricultural.

ORDINANCE NO. 2026-005

WHEREAS, Cascades Academy, LLC (“Applicant”), applied for changes to both the Deschutes County Comprehensive Plan Map (247-24-000392-PA) and the Deschutes County Zoning Map (247-24-000393-ZC), to change the Comprehensive Plan designation of the subject property from Agricultural (AG) and Surface Mining (SM) to Rural Residential Exception Area (RREA), and a corresponding Zone Change from Exclusive Farm Use (EFU) and Surface Mine (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 14, 2024, before the Deschutes County Hearings Officer and, on February 26, 2025, the Hearings Officer recommended denial of the Comprehensive Plan Amendment and Zone Change;

WHEREAS, pursuant to DCC 22.28.030(C), on June 18, 2025, the Board of County Commissioners (“Board”) heard *de novo* the applications to change the Comprehensive Plan designation of the subject property from Agricultural (AG) and Surface Mining (SM) to Rural Residential Exception Area (RREA), and a corresponding Zone Change from Exclusive Farm Use (EFU) and Surface Mine (SM) to Multiple Use Agricultural (MUA-10); now, therefore,

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

Section 1. AMENDMENT. DCC Title 23, Deschutes County Comprehensive Plan Map, is amended to change the plan designation for certain property described in Exhibit "A" and depicted on the map set forth as Exhibit "B" from AG and SM to RREA, with both exhibits attached and incorporated by reference herein.

Section 2. AMENDMENT. DCC Title 18, Zoning Map, is amended to change the zone designation from EFU and SM to 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 Board of County Commissioners as set forth in Exhibit "F" and incorporated by reference herein. The Board also incorporates in its findings in support of this decision, the Recommendation of the Hearings Officer, attached as Exhibit "G".

Section 6. EFFECTIVE DATE. This Ordinance takes effect on the 90th day after the date of adoption.

Dated this _____ of _____, 2026

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

PHIL CHANG, Chair

ANTHONY DEBONE, Vice Chair

ATTEST:

Recording Secretary

PATTI ADAIR, Commissioner

Date of 1st Reading: ____ day of _____, 20 .

Date of 2nd Reading: ____ day of _____, 20 .

Record of Adoption Vote

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

Effective date: ____ day of _____, 20 .

ATTEST

Recording Secretary

EXHIBIT A to Ordinance 2026-005

Legal Description

Parcel 1

The North 500 feet of that portion of the Northwest quarter of the Northeast quarter of Section 6, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon lying West of Old Hwy #20. Except that portion deeded in dedication deed recorded November 08, 2001, in Volume 2001, Page 55232.

Parcel 2

All of Blocks 67 and 68 of LAIDLAW, Deschutes County, Oregon, Together with those portions of vacated Fifteenth Street, Bruce Avenue and alleyways inuring thereto.

Parcel 3

All of Block 69 of LAIDLAW, Deschutes County, Oregon, Together with those portions of vacated Fifteenth Street, Bruce Avenue and alleyways inuring thereto.

Excepting therefrom that portion dedicated to the public by instrument recorded November 8, 2001 in Volume 2001, Page 55232.

Also excepting therefrom a parcel of land located in the Southwest quarter of the Southeast quarter of Section 31, Township 16 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the Northeast corner of Block 69 of Townsite of Laidlaw being on the West right-of-way of Cook Avenue; thence North along said West right-of-way 30 feet to the centerline of vacated Fifteenth Street; thence West along said centerline to the Easterly right-of way of Cook Avenue realignment as re-aligned by Deschutes County Road Department; thence along said Easterly right-of-way, Southeasterly to the East line of said Block 69; thence North along the East line of said Block 69 to the point of beginning.

Parcel 4

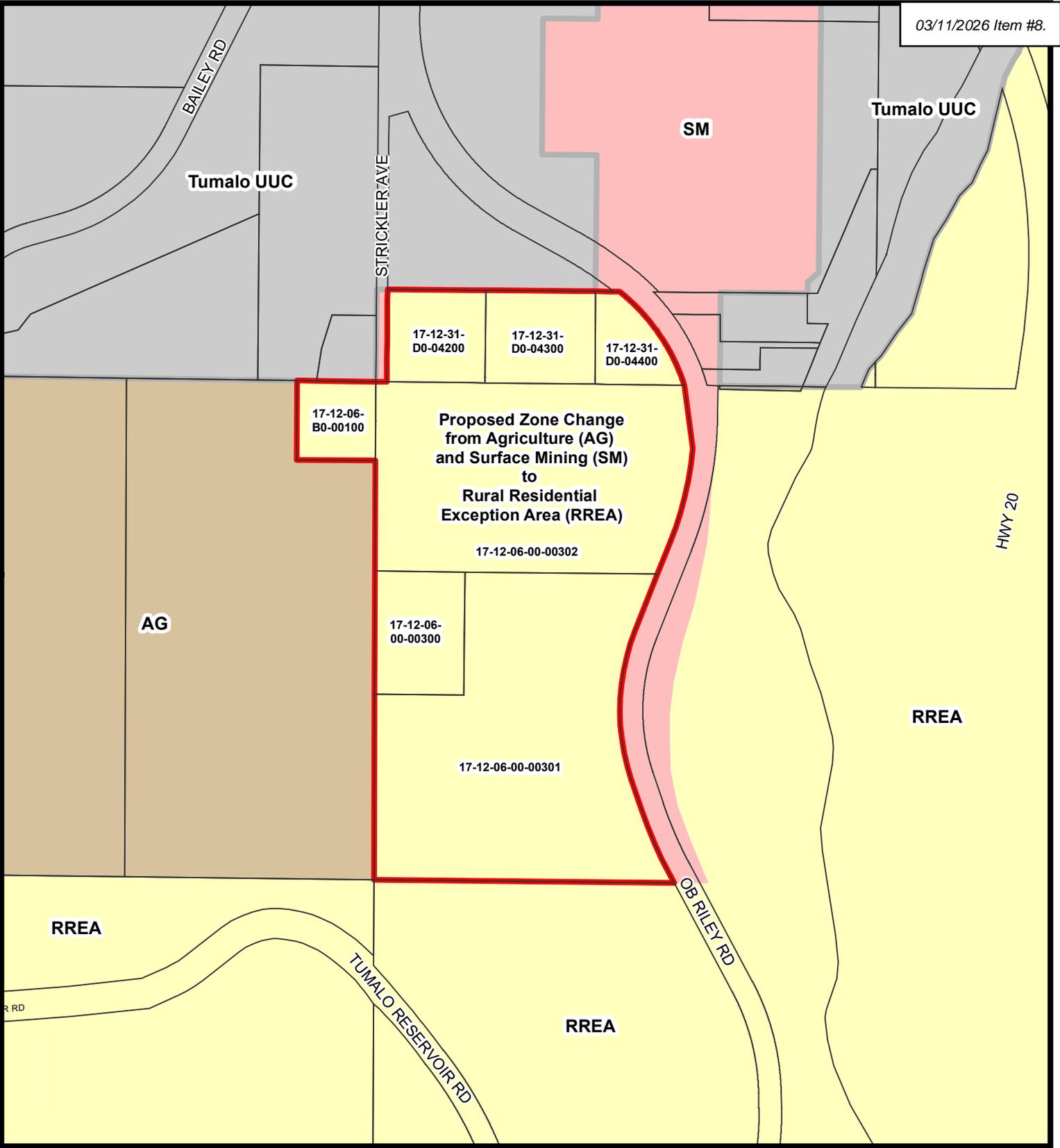
A Tract of land located in the East half of the Northeast quarter of the Northwest quarter of Section 6, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

All that certain tract of land described in Volume 1999, Page 23794, Deschutes County Deed Records, more particularly described as follows:

One acre of land, 208 feet square, in the Northeast corner of the East one-half of the Northeast Quarter of the Northwest Quarter (E1/2 NE1/4 NW1/4) of Section Six (6), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon.

Parcel 5

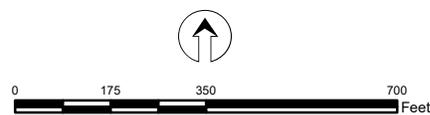
The Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 6, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, lying west of the Old Highway #20, EXCEPT the North 500 feet thereof.



- Zone Change Boundary
 - Tumalo Unincorporated Community (UUC)
- Zoning**
- AG - Agriculture
 - RREA - Rural Residential Exception Area
 - SM - Surface Mining

PROPOSED COMPREHENSIVE PLAN

Exhibit "B"
to Ordinance 2026-005



BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

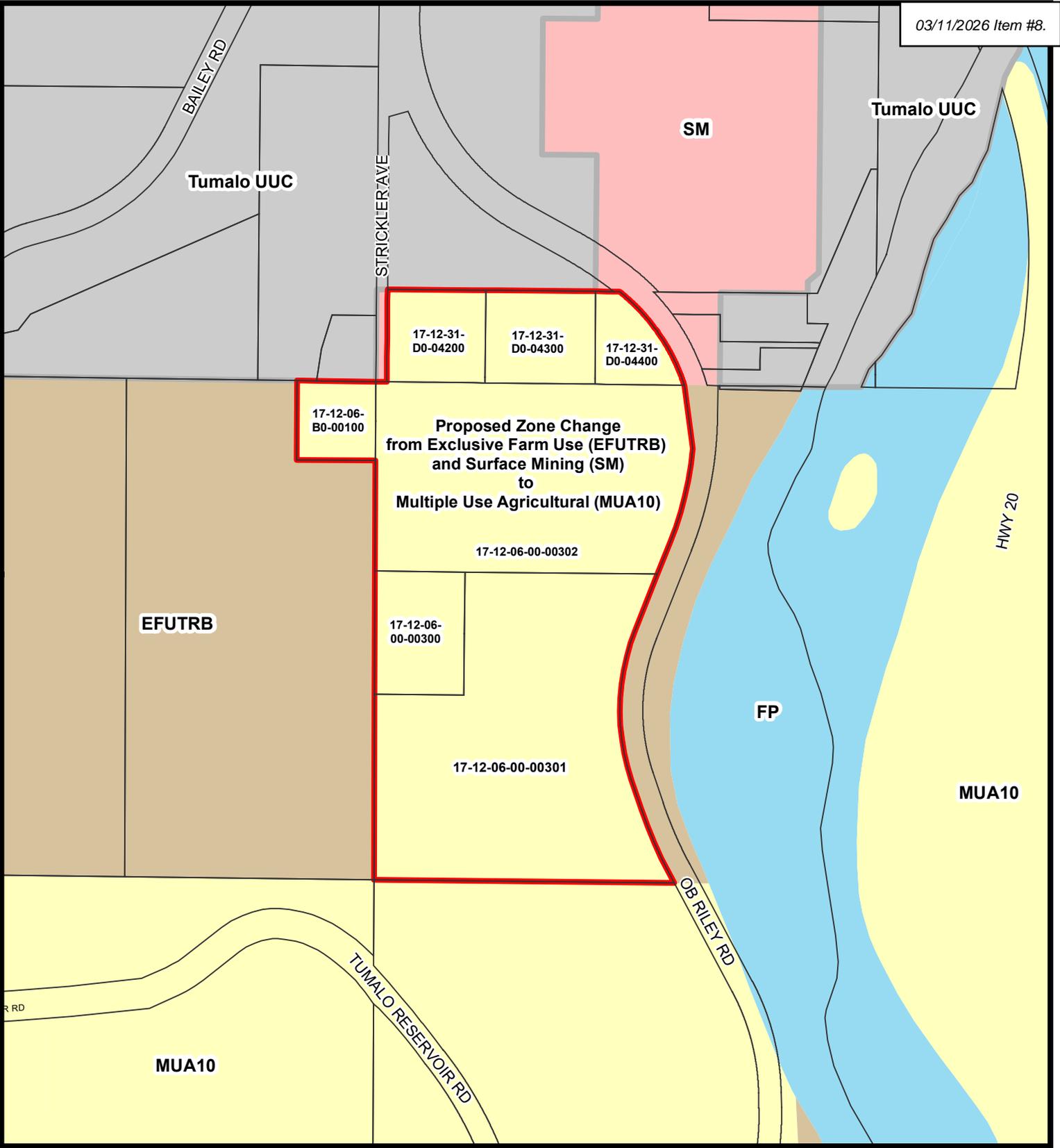
Phil Chang, Chair

Anthony DeBone, Vice Chair

Patti Adair, Commissioner

ATTEST: Recording Secretary

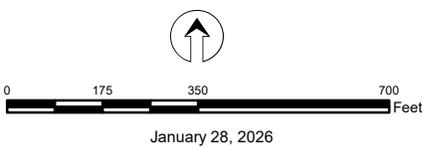
Dated this _____ day of _____, 2026
Effective Date: _____, 2026



- Zone Change Boundary
 - Tumalo Unincorporated Community (UUC)
- Zoning**
- EFUTRB - Exclusive Farm Use
 - FP - Flood Plain
 - MUA10 - Multiple Use Agricultural
 - SM - Surface Mining

PROPOSED ZONING

Exhibit "C"
to Ordinance 2026-005



BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Phil Chang, Chair

Anthony DeBone, Vice Chair

Patti Adair, Commissioner

ATTEST: Recording Secretary

Dated this ____ day of ____, 2026
Effective Date: ____, 2026

Exhibit "D" to Ordinance 2026-004

TITLE 23 COMPREHENSIVE PLAN

CHAPTER 23.01 COMPREHENSIVE PLAN

- A. The Deschutes County Comprehensive Plan, adopted by the Board in Ordinance 2011-003 and found on the Deschutes County Community Development Department website, is incorporated by reference herein.
- B. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2011-027, are incorporated by reference herein.
- C. [Repealed by Ordinance 2013-001, §1]
- D. [Repealed by Ordinance 2023-017]
- E. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-012, are incorporated by reference herein.
- F. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-016, are incorporated by reference herein.
- G. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-002, are incorporated by reference herein.
- H. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-009, are incorporated by reference herein.
- I. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-012, are incorporated by reference herein.
- J. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-007, are incorporated by reference herein.
- K. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-005, are incorporated by reference herein.
- L. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-006, are incorporated by reference herein.
- M. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-012, are incorporated by reference herein.
- N. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-021, are incorporated by reference herein.
- O. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-027, are incorporated by reference herein.
- P. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-021, are incorporated by reference herein.

- Q. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-029, are incorporated by reference herein.
- R. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-018, are incorporated by reference herein.
- S. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-010, are incorporated by reference herein.
- T. [Repealed by Ordinance 2016-027 §1]
- U. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-022, are incorporated by reference herein.
- V. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-005, are incorporated by reference herein.
- W. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-027, are incorporated by reference herein.
- X. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-029, are incorporated by reference herein.
- Y. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2017-007, are incorporated by reference herein.
- Z. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-002, are incorporated by reference herein.
- AA. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-006, are incorporated by reference herein.
- AB. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-011, are incorporated by reference herein.
- AC. [repealed by Ord. 2019-010 §1, 2019]
- AD. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-008, are incorporated by reference herein.
- AE. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-002, are incorporated by reference herein.
- AF. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-001, are incorporated by reference herein.
- AG. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-003, are incorporated by reference herein.
- AH. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-004, are incorporated by reference herein.

AI. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-011, are incorporated by reference herein.

AJ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-006, are incorporated by reference herein.

AK. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-019, are incorporated by reference herein.

AL. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-016, are incorporated by reference herein.

AM. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-001, are incorporated by reference herein.

AN. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-002, are incorporated by reference herein.

AO. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-003, are incorporated by reference herein.

AP. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-008, are incorporated by reference herein.

AQ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-007, are incorporated by reference herein.

AR. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-006, are incorporated by reference herein.

AS. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-009, are incorporated by reference herein.

AT. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-013, are incorporated by reference herein.

AU. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2021-002, are incorporated by reference herein.

AV. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2021-005, are incorporated by reference herein.

AW. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2021-008, are incorporated by reference herein.

AX. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-001, are incorporated by reference herein.

AY. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-003, are incorporated by reference herein.

- AZ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-006, are incorporated by reference herein.
- BA. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-010, are incorporated by reference herein.
- BB. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-011, are incorporated by reference herein. (superseded by Ord. 2023-015)
- BC. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-013, are incorporated by reference herein. (supplemented and controlled by Ord. 2024-010)
- BD. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-001, are incorporated by reference herein.
- BE. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-007, are incorporated by reference herein.
- BF. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-010 are incorporated by reference herein.
- BG. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-018, are incorporated by reference herein.
- BH. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-015, are incorporated by reference herein.
- BI. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-025, are incorporated by reference herein.
- BJ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-001, are incorporated by reference herein.
- BK. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-003, are incorporated by reference herein.
- BL. The Deschutes County Comprehensive Plan, adopted by the Board in Ordinance 2024-007 and found on the Deschutes County Community Development Department website, is incorporated by reference herein (superseded by Ord. 2025-007).
- BM. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-010, are incorporated by reference herein.
- BN. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-017, are incorporated by reference herein.
- BO. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-016, are incorporated by reference herein.

BP. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-011, are incorporated by reference herein.

BQ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-012, are incorporated by reference herein.

BR. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2025-001, are incorporated by reference herein.

BS. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2025-003, are incorporated by reference herein.

BT. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2025-010, are incorporated by reference herein.

BU. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2025-007, are incorporated by reference herein.

BV. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2025-014, are incorporated by reference herein.

BW. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2026-004, are incorporated by reference herein.

[BW. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2026-005, are incorporated by reference herein.](#)

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

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 DLCDC's 2014 Model Flood Ordinance and Establishing a purpose statement for the Flood Plain Zone.
2019-019	12-11-19/12-11-19	23.01.01, 2.5	Comprehensive Plan and Text amendments to provide procedures related to the division of certain split zoned properties containing Flood Plain zoning and involving a former or piped irrigation canal.
2020-001	12-11-19/12-11-19	23.01.01, 2.5	Comprehensive Plan and Text amendments to provide procedures related to the division of certain split zoned properties containing Flood Plain zoning and involving a former or piped irrigation canal.

2020-002	2-26-20/5-26-20	23.01.01, 4.2, 5.2	Comprehensive Plan Map Amendment to adjust the Redmond Urban Growth Boundary through an equal exchange of land to/from the Redmond UGB. The exchange property is being offered to better achieve land needs that were detailed in the 2012 SB 1544 by providing more development ready land within the Redmond UGB. The ordinance also amends the Comprehensive Plan designation of Urban Area Reserve for those lands leaving the UGB.
2020-003	02-26-20/05-26-20	23.01.01, 5.10	Comprehensive Plan Amendment with exception to Statewide Planning Goal 11 (Public Facilities and Services) to allow sewer on rural lands to serve the City of Bend Outback Water Facility.
2020-008	06-24-20/09-22-20	23.01.010, Appendix C	Comprehensive Plan Transportation System Plan Amendment to add roundabouts at US 20/Cook-O.B. Riley and US 20/Old Bend-Redmond Hwy intersections; amend Tables 5.3.T1 and 5.3.T2 and amend TSP text.
2020-007	07-29-20/10-27-20	23.01.010, 2.6	Housekeeping Amendments correcting references to two Sage Grouse ordinances.

2020-006	08-12-20/11-10-20	23.01.01, 2.11, 5.9	Comprehensive Plan and Text amendments to update the County's Resource List and Historic Preservation Ordinance to comply with the State Historic Preservation Rule.
2020-009	08-19-20/11-17-20	23.01.010, Appendix C	Comprehensive Plan Transportation System Plan Amendment to add reference to J turns on US 97 raised median between Bend and Redmond; delete language about disconnecting Vandevent Road from US 97.
2020-013	08-26-20/11/24/20	23.01.01, 5.8	Comprehensive Plan Text And Map Designation for Certain Properties from Surface Mine (SM) and Agriculture (AG) To Rural Residential Exception Area (RREA) and Remove Surface Mining Site 461 from the County's Goal 5 Inventory of Significant Mineral and Aggregate Resource Sites.
2021-002	01-27-21/04-27-21	23.01.01	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) To Rural Industrial (RI)
2021-005	06-16-21/06-16-21	23.01.01, 4.2	Comprehensive Plan Map Amendment Designation for Certain Property from Agriculture (AG) To Redmond Urban Growth Area (RUGA) and text amendment
2021-008	06-30-21/09-28-21	23.01.01	Comprehensive Plan Map Amendment Designation for Certain Property Adding Redmond Urban Growth Area (RUGA) and Fixing Scrivener's Error in Ord. 2020-022

2022-001	04-13-22/07-12-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2022-003	04-20-22/07-19-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2022-006	06-22-22/08-19-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area (RREA) to Bend Urban Growth Area
2022-011	07-27-22/10-25-22 (superseded by Ord. 2023-015)	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) To Rural Industrial (RI)
2022-013	12-14-22/03-14-23 (supplemented and controlled by Ord. 2024-010)	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-001	03-01-23/05-30-23	23.01.010, 5.9	Housekeeping Amendments correcting the location for the Lynch and Roberts Store Advertisement, a designated Cultural and Historic Resource
2023-007	04-26-23/6-25-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)

2023-010	06-21-23/9-17-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-018	08-30-23/11-28-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-015	9-13-23/12-12-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Industrial (RI)
2023-025	11-29-23/2-27-24	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area (RREA) to Bend Urban Growth Area
2024-001	1-31-24/4-30-24	23.01.010	Comprehensive Plan Map Amendment for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-016	5-8-24/8-6-24	23.01(BM) (added), 4.7 (amended), Appendix B (replaced)	Updated Tumalo Community Plan
2023-017	3-20-24/6-20-24	23.01(D) (repealed), 23.01(BJ) (added), 3.7 (amended), Appendix C (replaced)	Updated Transportation System Plan

2024-003	2-21-24/5-21-24	23.01.010, 5.8	Comprehensive Plan Map Amendment, changing designation of certain property from Surface Mining (SM) to Rural Residential Exception Area (RREA); Modifying Goal 5 Mineral and Aggregate Inventory
2024-007	10-02-24/12-31-24 (superseded by Ord. 2025-007)	23.01(A)(repealed) 23.01(BK) (added)	Repeal and Replacement of 2030 Comprehensive Plan with 2040 Comprehensive Plan
2024-010	10-16-24/01-14-25	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2024-011	11-18-24/02-17-25	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Redmond Urban Growth Area (RUGA)
2024-012	1-8-25/4-8-25	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2025-001	2-5-25/2-5-25	23.01.010	Comprehensive Plan and Zoning Map Amendment updating the Greater Sage-Grouse Area Combining Zone boundary.
2025-003	4-2-25/7-1-25	23.01.010	Comprehensive Plan Designation for Certain Property from Agriculture (AG) to Rural Industrial (RI)

2025-010	6-25-25/9-23-25	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2025-007	08-27-25/11-25-25	23.01(BU)	Amendments to Comprehensive Plan resulting from Deschutes County 2040 Update process.
2025-014	10-6-25/10-6-25	23.01.010	Comprehensive Plan Map Designation for Certain Property from Forest (F) to Rural Residential Exception Area (RREA)
2026-004	01-28-26/04-28-26	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
<u>2026-005</u>	<u>TBD</u>	<u>23.01.010</u>	<u>Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) and Surface Mine (SM) to Rural Residential Exception Area (RREA)</u>

Exhibit "F" to Ordinance 2026-005

**BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,
OREGON FINDINGS OF FACT AND CONCLUSIONS OF LAW**

FILE NUMBERS: 247-24-000392-PA / 247-24-000393-ZC

**APPLICANT/
SUBJECT
PROPERTY**

OWNER: Cascades Academy of Central Oregon

REQUEST: Comprehensive Plan Amendment from Surface Mine and Agricultural to Rural Residential Exemption Area and Zone Change from Surface Mine ("SM") and Exclusive Farm Use ("EFU") to Multiuse Agricultural ("MUA-1").

I. SUMMARY OF DECISION

In this decision, the Board of County Commissioners ("Board") considers whether to approve the proposed Comprehensive Plan Amendment and Zone Change. Hearings Officer Brooks found the Applicant met all applicable approval criteria except those implementing Statewide Planning Goal 5 related to the Goal 5 scenic resources. Hearings Officer Brooks therefore recommended denial in his February 21, 2025, recommendation ("Recommendation"), after a Public Hearing held on November 14, 2024. In the Board's *de novo* consideration of the applications, the Applicant introduced evidence addressing the requirements of Statewide Planning Goal 5. The Board considered the applications *de novo*, incorporating the Record below, and a public hearing before the Board was held on June 18, 2025.

On August 27, 2025, following deliberation, the Board voted 2-1 finding the applicant had met their burden of proof, and approved the Comprehensive Plan Amendment and Zone Change applications on the subject property.

The Hearings Officer Recommendation is hereby incorporated as part of this Decision, including any and all Hearings Officer interpretations of the County Code, and modified as follows. In the event of conflict, the findings in this Decision control.

II. BASIC FINDINGS OF FACT:

The Board adopts and incorporates by reference the code interpretations, findings of fact, and conclusions of law in the Recommendation as set forth in Section I, Applicable Criteria, and Section II, Basic Findings. The Recommendation is attached as Exhibit F to Ordinance 2026-005. The Board adds the following to the basic findings in the Recommendation.

A. PROCEDURAL HISTORY: A public hearing was held before a Hearings Officer on November 14, 2024, and the Recommendation was issued on February 21, 2025. Following the Hearings Officer Recommendation of denial based on a determination the applicant had not demonstrated consistency with Goal 5, the Applicant submitted an Environmental, Social, Economic and Energy (“ESEE”) Analysis prepared by DOWL Engineering and Planning to address the Goal 5 issues and related administrative rules and criteria related to scenic resources along Highway 20 and the Deschutes River. The Board conducted a *de novo* hearing on June 18, 2025, and left the written record open post-hearing to allow submission of additional evidence and argument.

The Board rendered its oral decision after deliberation on August 27, 2025, approving the proposed Comprehensive Plan Amendment and Zone Change and modifying the Recommendation findings as described herein. This written Decision memorializes that oral decision.

B. PROCEDURAL OBJECTION: The Board closed the oral portion of the public hearing on June 18, 2025, and established an open record period of fourteen (14) days for new evidence, seven (7) days for rebuttal and seven (7) days for the Applicant’s final legal argument.

In its final legal argument, the Applicant objected to the Rebuttal submission by Central Oregon LandWatch (“COLW”) on the basis it contained new evidence, not rebuttal, in violation of the Board’s order regarding the post-hearing record. At its August 27, 2025, deliberations, the Board agreed not to consider the rebuttal testimony submitted by Central Oregon Landwatch, as it constituted new evidence, and proceeded with deliberations.

III. FINDINGS

This Board adopts the Hearings Officer Recommendation except as supplemented and/or modified by this Decision as set forth below.

A. Can the Zoning be changed for the subject properties under DCC 18.52.200(A)?

FINDING: Central Oregon LandWatch reasserts the position it argued before the Hearings Officer that the rezoning request for Tax Lots 300, 301, and 302 violates DCC 18.52.200(A) because they were previously zoned SM and were changed to EFU in 2001. According to COLW, the rezoning would be a collateral attack on the prior decision. A majority of the Board disagrees. The present request is a separate, subsequent land use application filed almost 25 years after the prior rezone and is fully supported by the evidence in the present record. There is nothing in the SM zone criteria or elsewhere that the Board can find to prevent a rezone request based on COLW arguments. The cited criteria apply to lands zoned SM, not lands formerly zoned SM.

B. Is the property in violation of previous land use approval and subject to DCC 22.20.015(A)(2)?

FINDING: COLW asserts conditions of approval in SP-93-59 associated with a previous reclamation on the subject property are unmet and therefore the County cannot make any further land use decisions concerning the subject property until those conditions are met. The Hearings Officer disagreed, finding the subject property was rezoned in 2001 and past conditions related to the surface mining activity are no longer applicable. A majority of the Board agrees with the Hearings Officer that the property is not in violation of a

previous land use approval, DCC 22.20.015(A)(2) is not applicable, and the 2001 rezoning Decision concerning the surface mining is valid and binding.

C. Subject Property as "Agricultural Land" with respect to Soils

Statewide Planning Goal 3, OAR 660-033-0020(1)(a)(A)

FINDING: A majority of the Board adopts the Hearings Officer Recommendation, finding that the Subject Property is predominantly NRCS Class VII and VIII soils, and consequently is not Agricultural Land.

D. Subject Property as "Suitable" for Farm Use with respect to Factors

Statewide Planning Goal 3, OAR 660-033-0020(1)(a)(B)

FINDING: A majority of the Board adopts the Hearings Officer Recommendation, finding that the Subject Property is not suitable for farm Use and is not Agricultural Land when considering factors established by the Goal, the Administrative Rules, Oregon Revised Statutes, and relevant common law.

A review of the substantial evidence submitted by the Applicant addressing the seven suitability factors of OAR 660-033-0020(1)(a)(B) shows that the property alone or in conjunction with adjacent or nearby lands is not suitable for farm use nor for construction and maintenance uses that serve farm uses occurring elsewhere based on the seven suitability factors including soil fertility, suitability for grazing, climatic conditions, water availability, existing land pattern and technological and energy impacts.

E. Subject Property necessary to permit Farm Practices on Adjacent or Nearby Agricultural Lands

Statewide Planning Goal 3, OAR 660-033-0020(1)(a)(C)

FINDING: COLW argues the application has not demonstrated compliance with OAR 660-033-0020(1)(a)(C) with respect to Tax Lot 300 because there is

4

existing farm use which will be impacted. The Applicant submitted evidence from the owners of adjacent and nearby properties, including historic owners of Tax Lot 300 refuting the alleged farm use and supporting the applicant’s request. A majority of the Board agrees with the Hearings Officer and the Applicant that the subject property is not necessary to permit farm practices adjacent or nearby Agricultural lands.

F. Goal 14 – Will the zone change results in urbanization such that an exception to Goal 14 is required.

FINDING: The Applicant addressed the *Curry* factors by providing a site-specific analysis to demonstrate the use is rural in nature, with rural lot sizes, a rural density and the proposed MUA-10 zone places size and operational limits on what could be considered “magnet” uses that would draw UGB residents to rural properties. The Applicant submitted evidence showing the property will be served by on-site sewer and wells and not by urban services. A majority of the Board finds the substantial evidence in the record demonstrates the proposal is rural in nature and does not require an exception to Goal 14.

G. Goal 5 and Conflicting Uses

Statewide Planning Goal 5, OAR 660-23-0250(3)

FINDING: As noted previously, Hearings Officer Brooks found that the applicant did not adequately address Goal 5 and recommended denial on that basis. Hearings Officer Brooks noted that the Applicant may be able to show that the County's prior Goal 5 analysis considered the proposed development allowed by the MUA-10 zone on the subject property or demonstrate that the new uses allowed on the subject property do not significantly affect a Goal 5 resource.

In response to the Hearings Officer Recommendation of denial, the applicant submitted the 1992 ESEE analysis associated with the Highway 20 and Deschutes River scenic corridors, as well as a current, site-specific ESEE prepared by DOWL Engineering and Planning to demonstrate the uses allowed under the MUA-10 zone will not introduce new uses which conflict with the Highway 20 and Deschutes River scenic corridors. Based on the ESEE

prepared by DOWL, the Board agrees with the conclusions within that report that the uses allowed in the MUA-10 zone will not conflict with the Highway 20 and Deschutes River scenic corridors.

The evidence shows there is significant development in and around the subject property which is visually more prominent in both the highway and river corridors than any uses which could occur on the subject property, including the aggregate storage and processing site and the nearby mini-storage development. The subject property is well screened from the highway and river corridors by distance, intervening vegetation and topography. The provisions of the LM zone will continue to apply to future development of the subject property. For these reasons, a majority of the Board finds Goal 5 is satisfied and any new uses allowed under the MUA-10 zone will not conflict with the Goal 5 scenic resources.

IV. DECISION:

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board of County Commissioners hereby **APPROVES** the Applicant's application for a Deschutes Comprehensive Plan Amendment and Zone Change for the Subject Property.

**RECOMMENDATION AND FINDINGS OF
THE DESCHUTES COUNTY HEARINGS OFFICER**

FILE NUMBERS: 247-24-000392-PA, 393-ZC

HEARING DATE: November 14, 2025, 1:00 p.m.

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

APPLICANT: Cascades Academy of Central Oregon

SUBJECT PROPERTY:

- 64325 O.B. Riley Rd; Assessor map 17-12-06, tax lot 301
- 64345 O.B. Riley Rd; Assessor map 17-12-06, tax lot 300
- 64375 O.B. Riley Rd; Assessor map 17-12-06, tax lot 302
- 64385 O.B. Riley Rd; Assessor map 17-12-06B, tax lot 100
- No address; Assessor map 16-12-31D, tax lot 4200
- No address; Assessor map 16-12-31D, tax lot 4300
- 64411 O.B. Riley Rd; Assessor map 16-12-31D, tax lot 4400

REQUEST: Applicant requests approval of a Comprehensive Plan Amendment to change the designation of the Subject Property. If approved, Tax Lots 4200, 4300, and 4400 would change from the Surface Mine (SM) designation to Rural Residential Exception Area (RREA), and Tax Lots 100, 300, 301, and 302 would change from Agriculture (AG) to Rural Residential Exception Area (RREA). Applicant also requests a corresponding Zone Change to rezone all Tax Lots on the Subject Property from either Surface Mining (SM) or Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA-10).

HEARINGS OFFICER: Tommy A. Brooks

SUMMARY OF RECOMMENDATION: The Hearings Officer finds that the record is not sufficient to support the requested Comprehensive Plan Amendment and Zone Change, specifically with respect to the requirements of Statewide Planning Goal 5. The Hearings Officer therefore recommends the Deschutes County Board of Commissioners DENY the Application unless the Applicant demonstrates the requested Comprehensive Plan Amendment and Zone Change are consistent with Statewide Planning Goal 5.

///

I. STANDARDS AND CRITERIA

Title 18 of the Deschutes County Code, the County Zoning Ordinance:
Chapter 18.04, Title, Purpose, and Definitions
Chapter 18.16, Exclusive Farm Use Zones (EFU)
Chapter 18.32, Multiple Use Agricultural (MUA-10)
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
Division 33, Agricultural Land

Oregon Revised Statutes (ORS)
Chapter 215.010, Definitions
Chapter 215.211, Agricultural Land, Detailed Soils Assessment

II. BACKGROUND AND PROCEDURAL FINDINGS

A. Nature of Proceeding

The Subject Property consists of seven Tax Lots. Tax Lots 4200, 4300, and 4400 currently carry the Surface Mine (SM) Comprehensive Plan designation and are zoned Surface Mining (SM). Tax Lots 100, 300, 301, and 302 currently carry the Agriculture (AG) Comprehensive Plan designation and are zoned Exclusive Farm Use-Tumalo/Redmond/Bend subzone (EFU). 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) and Agriculture (AG) 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 to Multiple Use Agricultural (MUA-10).

The primary bases of the request in the Application are the Applicants’ assertions that: (1) the Subject Property does not contain a significant Goal 5 resource; (2) the Subject Property is not part of the

remaining surface mining operation; and (3) 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 (“Goal”) 3 for the Plan Amendment or Zone Change. Although the Applicant intends to use the Subject Property for the expansion of an existing school on an adjacent parcel, the Applicant is not requesting the approval of the school or of any other specific development as part of the Application.

B. Notices and Hearing

The Application is dated June 24, 2024. On July 16, 2024, 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 (“DLCDC”) on September 27, 2024.

The County mailed a Notice of Public Hearing on September 30, 2024 (“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 14, 2024, opening the Hearing at 1:00 p.m. The Hearing was held via videoconference, with Staff, representatives of the Applicant, and other participants in the hearing room. The Hearings Officer appeared remotely. The Hearing concluded at 2:06 p.m.

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, the Applicant requested and 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 December 5, 2024, for any participant to provide additional evidence (“Open Record Period”); (2) until December 19, 2024, for any participant to provide rebuttal evidence to evidence submitted during the Open Record Period; and (3) until January 2, 2025, for the Applicant only to provide a final legal argument, without additional evidence.

C. Review Period

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.¹ 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.

¹ ORS 215.427(7).

III. SUBSTANTIVE FINDINGS AND CONCLUSIONS

A. Staff Report

Prior to the Hearing, on November 4, 2024, 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”).

The Staff Report concludes that the Applicant has met the burden of proof necessary to justify the Plan Amendment and Zone Change, and it makes several findings with respect to the approval standards. Because some 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. This Recommendation addresses each of those criteria, as set forth below, in addition to other issues raised by the participants.

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 is the owner of the Subject Property and submitted the Application and the necessary Application form. The Applicant has requested a quasi-judicial Plan Amendment and filed the Application for that purpose, together with the request for the 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 and the Staff Report, the County’s application of this Code provision does not necessarily 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.² Among those goals and policies are those set forth in: (1) Section 2.2 of Chapter 2, relating to Agricultural Land Policies; (2) Section 2.4 of Chapter 2, relating to Goal 5; (3) Section 2.10 of Chapter 2, relating to surface mining; (4) Section 2.7 of Chapter 2, relating to Open Spaces, Scenic Views and Sites; (5) Section 3.2 of Chapter 3, relating to Rural Development; (6) Section 3.3 of Chapter 3, relating to rural housing; and (7) Section 3.7 of Chapter 3, relating to transportation. The Application explains how the Plan Amendment and Zone Change is consistent with these goals and policies.

No participant asserts that the Application does not comply with DCC 18.136.020(A), disputes the Applicant’s characterization of the Plan’s goals and policies presented in the Application, or identifies other Plan goals and policies requiring consideration. Central Oregon LandWatch (“COLW”) does raise issues related to some of these policies – e.g., whether the Subject Property constitutes agricultural land and the Applicant’s compliance with transportation rules – but does so in the context of whether the Application satisfies various state administrative rules, and COLW does not go as far to say that the Application is inconsistent with these Comprehensive Plan policies. COLW’s specific arguments are addressed below in separate findings responding to the specific issues COLW raises.

Based on the foregoing, I find that this Code provision is satisfied.

B. That the change in classification for the subject property is consistent with the purpose and intent of the proposed zone classification.

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.

The Applicant’s Burden of Proof asserts that “[a]pproval of the application is consistent with the purpose of the MUA-10 zoning district,” and quotes the purpose set forth above. The Applicant supports that assertion by stating that the Subject Property is not suited to full-time commercial farming, and that the

² See page 8-16 of the Applicant’s Burden of Proof Statement submitted with the Application (“Application Narrative”).

zone change will allow the expansion of a school, which the Applicant asserts is a low-density development that conserves open spaces and protects natural and scenic resources. The Staff Report repeats the Applicant’s assertions and agrees that the requested Zone Change is consistent with the purpose of the proposed zoning.

COLW disputes the Applicant’s assertion that the Subject Property is not suitable for farming, but it does not dispute the Applicant’s other assertions that the requested zone change is consistent with the purpose of the zone. Nor does COLW assert that this Code provision is not satisfied. Although COLW argues that the zone change is not “necessary” to allow the contemplated school expansion (because some schools are allowed on EFU land), that argument does not describe why the requested zone change would be inconsistent with the purpose of the MUA-10 designation. Nor does this Code provision require a showing that the Zone Change is “necessary.” COLW’s arguments relating to the suitability of the Subject Property for farming are addressed in other findings below.

Based on the foregoing, and in the absence of persuasive countervailing evidence or argument, I find that the requested zone change is consistent with the purpose of the MUA-10 zone and 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, including electric power and water
- 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 potential trips generated from the Subject Property
- The Subject Property receives police services from the Deschutes County Sheriff and fire service from Rural Fire Protection District # 2
- There are no known deficiencies in public services or facilities that would negatively impact public health, safety, or welfare

The Staff Report 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 additional assurances of adequate public services and facilities will also be verified.

No participant in this proceeding disputed the Applicant’s or Staff’s characterization of this Code provision or the Applicant’s evidence presented to show compliance with this Code provision.

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:

The MUA-10 zoning is consistent with the specific goals and policies in the comprehensive plan discussed above. The MUA-10 zoning allows rural uses consistent with the uses of many other properties in the area of the subject property.

The zone change will not impose new impacts on the EFU-zoned land adjacent to or nearby the subject property because many of those properties are residential properties, hobby farms, already developed with dwellings, not engaged in commercial farm use, are idle, or are otherwise not suited for farm use due to soil conditions, topography, or ability to make a profit farming.

As discussed below, the subject property is not agricultural land, is comprised of predominantly Class 7 and 8 soils, and as described by the soil scientist, Mr. Kitzrow, the nonproductive soils on the subject property make it not suitable for commercial farming or livestock grazing. The subject property is not land that historically has been or could be used in conjunction with the adjacent irrigated property for any viable agricultural use and any future development of the subject property would be subject to building setbacks.

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. COLW disputes the Applicant’s assertion that the Subject Property is not suitable for agriculture, or that it is predominantly composed of Class 7 and Class 8 soils, but COLW does not assert that any potential impacts are inconsistent with Plan goals and policies. Nor does COLW dispute the Applicant’s characterization of the applicable goals and policies. COLW’s arguments relating to farming suitability and soil classifications are addressed below.

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

- 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.*

The Applicant’s Burden of Proof addresses this Code provision, in part, with an explanation that purports to describe a mistake in the zoning of the property. However, that explanation simply describes the history

of EFU zoning in the state and the fact that resource zoning was originally applied “using a broad brush.” But this portion of the Burden of Proof also acknowledges that “[t]he EFU zoning designation was likely based on the best soils data that was available to the County at the time it was originally zoned.” I find that the Applicant has not established that an actual mistake was made when the property was zoned EFU. According to the Applicant, a change in circumstances exists since the Subject Property was originally zoned for agriculture in the 1970’s, including: (1) the collection of new soils data showing the property does not have agricultural soils; (2) the transfer of the property from the owner of mining Site No. 370; (3) market changes reducing the viability of commercial farming both on the Subject Property and in the area in general; and (4) encroaching development. The Staff Report agrees with the Applicant’s findings regarding the existence of a change in circumstances.

COLW submitted comments asserting that the Application does not satisfy CDC DCC 18.136.020(D), but those comments simply state that the property was rezoned to EFU in 2001 and “there has neither been a change in circumstances since that decision, nor was any mistake made in that decision.” COLW repeated that conclusion in oral comments during the Hearing. COLW does not attempt to explain the portion of its comments relating to an absence of changed circumstance, nor does it attempt to refute the evidence provided by the Applicant that circumstances have indeed changed. COLW’s argument in this regard is therefore not developed enough for me to respond to, and lacks supporting evidence that allows me to infer the basis on which it makes its claim.

Based on the Applicant’s evidence, and in the absence of evidence or a developed argument challenging the Applicant’s evidence, 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.*

This Code provision contemplates that a property with the SM zoning designation may be rezoned under certain circumstances. Specifically, property can be rezoned once the “surface mining site” has been fully or partially mined, no longer has a significant resource, and has been reclaimed in accordance with applicable reclamation plans and Code provisions. The Code also contemplates that a post-mining “subsequent use zone” will be identified and that, through the rezoning process, that subsequent use zone will apply to the property.

The Applicant asserts that this criterion is not applicable. Currently, only tax lots 4200, 4300, and 4400 of the Subject Property retain the SM zoning designation. The Applicant notes that those parcels, which are part of Site No. 370, were included in the County’s inventory of mineral and aggregate sites only for “storage” uses. According to the Applicant, it was never intended that these tax lots would be mined, no

minerals were ever extracted from these tax lots, no Department of Geology and Mineral Industries (“DOGAMI”) or County reclamation plan applies to these tax lots, and the soils reports confirms that there is no significant resource on these tax lots. The Staff Report agrees with the Applicant’s analysis. COLW asserts that the Application does not satisfy DCC 18.52.200, but only as it relates to tax lots 300, 301, and 302, which is discussed in more detail below. COLW does not dispute the Applicant’s assertion that DCC 18.52.200 is not applicable to tax lots 4200, 4300, and 4400.

I agree with the Applicant that DCC 18.52.200 is not applicable in this context. Looking at the language in that Code provision, it applies to a “surface mining site” that was identified as having a significant resource and that is capable of being mined (wholly or partially) and later reclaimed. The inventory of mineral and aggregate sites included in the record shows that Site No. 370 is not such a site, as evidenced by the fact that it is listed as a “storage” site rather than as a mining type (e.g. sand and gravel or pumice) and the fact that no quantity of mineral is listed for that site. The absence of any intended mining is further evidenced by the fact that no reclamation plan applies to these tax lots.

As just noted, COLW asserts that the Application nevertheless violates DCC 18.52.200 with respect to tax lots 300, 301, and 302. Those tax lots previously carried the SM zoning designation, but have been zoned EFU since 2001 when the County adopted Ordinance No. 2001-027 (the “2001 Rezoning Decision”). The 2001 Rezoning Designation applied DCC 18.52.200 to these three tax lots, which were part of mining Site No. 304. According to COLW, DCC 18.52.200 states that when the County removes the SM zone from a surface mining site, “the property shall be rezoned to the subsequent use zone identified in the surface mining element of the Comprehensive Plan.” As a result of that language, according to COLW, once that subsequent use zone is in place, it cannot be changed again. Specifically, COLW states that “[a]pproving the current application would violate DCC 18.52.200 by rezoning the subject property to a different zone than the zone identified in the County’s comprehensive plan.”

I disagree with COLW’s argument for multiple reasons. First, DCC 18.52.200 applies to properties that are zoned SM. Tax lots 300, 301, and 302, however, are zoned EFU. Nothing in the language of this Code provision states or implies that it can or should be applied to properties in zones other than the SM zone. This Code provision therefore does not apply to these three tax lots. Second, this Code provision is silent with respect to subsequent applications for rezoning property. The language simply states that, once a site no longer has a significant resource it can be rezoned and, if it is rezoned, the County must apply the identified subsequent use zone. The 2001 Rezoning Decision did just that – by rezoning these three tax lots to the EFU zone. If the Code were intended to prohibit a future property owner from rezoning the property again, one would expect to find such a limitation in the Code language, but no such limitation exists. Third, the 2001 Rezoning Decision itself is silent on this matter. It contains no conditions of approval or other limiting language preventing the property owner from seeking to rezone the property in the future. Finally, this Code provision must be read in context with other language in the Code. DCC 18.136.020 establishes the criteria for rezoning property. Those criteria contain no exceptions for properties that were already rezoned pursuant to DCC 18.52.200.

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 that DCC 18.52.200 is not applicable to any of the tax lots comprising the Subject Property under these circumstances.

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 proposed by the Applicant, the Surface Mining Impact Area (SMIA) combining zone associated with the Subject Property and the remaining properties within Site No. 370 would remain in place. No participant objects to that portion of the Applicant’s proposal. 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. DCC 22.20.015(A)(2)

COLW asserts that the Application cannot be approved because the Applicant is in violation of a condition of approval applicable to portions of the Subject Property. DCC 22.20.015(A)(2) provides that the County cannot make a land use decision for a property if the “property is in violation of applicable land use regulations, and/or the conditions of approval of any previous land use decisions or building permits previously issued by the County.”

According to COLW, prior County decision SP-93-59 approved a site plan for surface mining and reclamation on tax lots 300, 301, and 302. As part of that decision, the County imposed certain reclamation requirements, including the reclamation plan associated with a DOGAMI permit, and incorporated those into the conditions of approval for that decision. COLW asserts that the conditions of the Subject Property as described in the Applicant’s Soil Report demonstrates that these reclamation requirements are unmet and, therefore, in violation of the conditions of approval in the County’s prior decision. COLW further asserts that, until the site reclamation is complete, the County cannot make any land use decisions concerning the Subject Property.

The Applicant responds that the County has previously determined that the reclamation requirements from the SP-92-59 decision have been completed. According to the Applicant, the 2001 Rezoning Decision discussed above conclusively establishes that the conditions of SP-92-59, the DOGAMI reclamation plan, and a related development agreement containing the same requirements were met, which is what justified the rezoning of tax lots 300, 301, and 302 back to the EFU zone. The Applicant asserts that COLW’s arguments constitute an impermissible “collateral attack” on the 2001 Rezoning Decision.

I find that this issue can be resolved without the need to determine whether COLW’s arguments amount to a collateral attack of the County’s prior decision for three distinct and independent reasons. First, the restriction set forth in DCC 22.20.015(A) applies only where there has been a “violation” of a condition of approval. DCC 22.20.015(C) defines a “violation” as existing when “the property has been determined to not be in compliance either through a prior decision by the County or other tribunal, or through the review process of the current application, or through an acknowledgement by the alleged violator in a signed voluntary compliance agreement.” Here, not only has a violation not been determined to exist, the only prior adjudication of the issue came to the opposite conclusion and determined no violation existed.

Second, the evidence in the record is that the County and DOGAMI each determined that the reclamation activities that occurred were satisfactory. Those determinations were made in 2001 and were closer in time to when the reclamation activities occurred. The result of the reclamation as it exists today may not be what COLW would expect them to be, but the entities reviewing the results at the time provide better evidence of whether and how the reclamation activities were implemented.

Finally, I disagree with COLW that the reclamation conditions it points to are ongoing obligations of the property owner. Those conditions were imposed as part of the review of a site plan allowing surface mining activities. With the approval of the 2001 Rezoning Decision, the property was rezoned and the surface mining use was no longer allowed on the property. The conditions of approval relating to surface mining therefore no longer had any purpose. Absent any condition of approval in the 2001 Rezoning Decision that kept those conditions alive, there is simply no basis to apply a condition of approval where there is no longer an approved use to be conditioned.

Based on the foregoing, I find that DCC 22.20.015(A)(2) does not prevent the Applicant from seeking the Plan Amendment or Zone Change, and that the County is not precluded from approving the Application on that basis.

3. Deschutes County Comprehensive Plan Goals and Policies

As previously noted, the Applicant and Staff Report both identify several Plan goals and policies potentially relevant to this Application. Staff’s discussion of those goals and policies appears on pages 14 through 23 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 Plan goals and policies. The issues raised by COLW that are related to the County’s Plan goals and policies, but which specifically address various state administrative rules, are addressed in later findings.

4. Oregon Administrative Rules

The participants to this proceeding have identified several state administrative rules that may be directly applicable to the Applicant’s proposal. The findings in this section address each of those rules.

a. OAR 660-023-0180

The Applicant and the Staff Report identify multiple provisions in OAR 660-023-0180 as being applicable to the Application. In summary, those provisions provide a process by which a County should amend an acknowledged inventory or plan with regard to mineral and aggregate resources, including a process for determining the significance of a resource, whether for the purpose of listing a new resource or de-listing an existing resource. Only the Applicant and the Staff Report address this administrative rule, and no other participant asserts that the Application does not satisfy the provisions in OAR 660-023-0180. I therefore adopt the findings on pages 23-26 of the Staff Report addressing this administrative rule as my findings.

b. OAR 660-006-0005

The Applicant addresses OAR 660-006-0005 to demonstrate that the Subject Property does not qualify as “forest lands” and, therefore, that Goal 4 is not applicable to the request in the Application. The Staff Report indicates that it agrees with the Applicant’s analysis, and no other participant objects to the Applicant’s conclusion that the Subject Property does not qualify as “forest lands”. For the reasons stated in the Application and the Staff Report, I agree that the Subject Property does not qualify as "forest lands” and, therefore, that Goal 4 does not apply.

c. Goal 3 Administrative Rules

A major issue in this proceeding is whether the Subject Property qualifies as “agricultural land” under Goal 3 and its implementing rules. The Applicant seeks to establish that the Subject Property is not agricultural land. In support of its position, the Applicant submitted to the record an Order 1 Soil Survey (“Soil Study”) prepared by a certified professional soil scientist, Gary A. Kitzrow of Growing Soils Environmental Associates (GSEA). The Staff Report agrees with the Applicant’s position and the findings in the Soil Study, concluding that the Subject Property consists predominantly of Class VII and VIII soils and, therefore, does not constitute agricultural lands. COLW, on the other hand, asserts that the Subject Property is not only agricultural land, but that it is high value farmland that must be zoned EFU, and that the EFU designation cannot be changed without first taking an exception to Goal 3.

As a starting point, COLW argues that the Applicant cannot rely on ORS 215.211 and the Soil Study to change the zoning designation of the Subject Property because the property qualifies as high value farmland using U.S. Natural Resources Conservation Service (“NRCS”) classifications. COLW’s argument is rooted in OAR 660-033-0030(8), which COLW believes requires that the NRCS must be used for the approval of certain land use applications on high-value farmland and that additional soil information cannot be used. According to COLW, OAR 660-033-0090 and OAR 660-033-0120, which are referenced in OAR 660-033-0030(8), mean, together, that “[w]hen the NRCS soil classes and rating show that a property is high-value farmland, the only uses allowed on that land are those specified in OAR 660-033-0120, and counties must apply EFU zoning to such lands.”

COLW’s argument in this regard does not reflect the actual language of the rules. First, OAR 660-033-0090 states that the EFU zone must apply to “agricultural lands”, which may be high-value farmland or not high-value farmland. Once it is determined that land is agricultural land, and that it is high-value farmland, that rule states that only those uses authorized on high-value farmland under OAR 660-033-0120 are allowed. But the current application is not concerned with allowing a particular use, so the provisions of OAR 660-033-0090 and OAR 660-033-0120 are not at issue. Those provisions would be triggered only if the Subject Property were first deemed to be agricultural land and then a specific use were proposed. Here, the task is to determine if the Subject Property is agricultural land at all. If it is, then the rule provisions COLW relies on may be applicable. If it is not, then the Subject Property will not be agricultural land at all, whether high-value farmland or something else, and those provisions would not apply.

OAR 660-033-0020(1)(a)(A)

COLW alternatively argues that the Subject Property qualifies as agricultural land under the definitions set forth in OAR 660-033-0020(1)(a), the first of which, in subsection (A), relies on the NRCS classifications. Under that definition, “agricultural lands” includes “Lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon.” The Subject Property could qualify as “agricultural lands” under that definition because the applicable NRCS soil classifications include large amounts of Class III soils (when irrigated). However, the Applicant relies on ORS 215.211, which it asserts grants a property owner the right to rely on more detailed information in lieu of the NRCS classifications. The Applicant uses the Soil Study for that purpose, and the Soil Study concludes that the soils on the Subject Property are predominantly Class VII and VIII soils.

As the Land Use Board of Appeals (“LUBA”) has explained, “ORS 215.211 allows a site-specific analysis of soils where a person believes that such information would, compared to the information provided by the NRCS, assist a county in determining whether land is agricultural land.”³ In that case, the applicant sought to change a property’s Plan designation from AG to Rural Industrial (RI). The applicant in that case also relied on a site-specific Order 1 soil survey prepared by a qualified soil scientist. LUBA upheld the County’s reliance on that soil survey as part of its determination that the property at issue in that case consisted predominantly of Class VII and Class VIII soils unsuitable for farming.

Based on the language in ORS 215.211 and LUBA’s acknowledgment of that statute, I find that the County is not precluded from considering the Order 1 soil survey when applying OAR 660-033-0020(1)(a)(A), as long as doing so is consistent with OAR 660-033-0030(5), which implements ORS 215.211. COLW does not dispute that the survey complies with OAR 660-033-0030(5). The Staff Report, however, notes that the Applicant has not provided confirmation of the Soil Study from DLCD, a requirement of OAR 660-033-0030(5)(b) by virtue of its cross reference to OAR 660-033-0045. The Applicant and Staff suggest a condition of approval requiring a response from DLCD prior to the Plan Amendment and Zone Change becoming final. No other participant objected to that approach. Because this Decision does not recommend approval of the Plan Amendment and Zone Change, it does not include any suggested conditions. However, if the Board subsequently approves the Application, and if the Applicant still has not provide documentation from DLCD, such a condition seems warranted and necessary.

Based on the foregoing, and considering the more detailed evidence provided by the Applicant’s soil scientist against the NRCS designation of the Subject Property, I find that that the Subject Property does not qualify as agricultural land under Goal 3 as defined in OAR 660-033-0020(1)(a)(A), but that the Applicant has not complied with all procedural aspects of OAR 660-033-0030(5) and must do so before the Plan Amendment and Zone Change are approved. That does not end the inquiry, however, as COLW also argues that the Subject Property qualifies as agricultural land under the other sections of OAR 660-033-0020(1)(a).

³ *Central Oregon Land Watch v. Deschutes County*, __ Or LUBA __ (LUBA No. 2023-008, April 24, 2023) (“LUBA No. 2023-008”).

OAR 660-033-0020(1)(a)(B)

COLW next argues that the Subject Property is “agricultural land” as defined in OAR 660-033-0020(1)(a)(B). That rules states that land qualifies as agricultural land if it is “suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices.”

COLW addresses each of the subsection (B) factors, concluding that the Subject Property is suitable for farm use based on any one of those factors. The Applicant similarly addresses each of those factors, concluding that the Subject Property is not suitable for farm use. Having reviewed the evidence and arguments presented by these participants, a primary difference in their positions comes down to the definition of “farm use”, which ORS 215.203(2)(a) defines as:

The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof.

According to COLW, the Subject Property could be employed for multiple farm uses because: (1) the soil fertility is high-value farmland; (2) it can be used for livestock, on its own or in conjunction with other lands; (3) the climate is the same as the climate of surrounding agricultural lands; (4) irrigation water is available; (5) it is part of a larger block of productive agricultural land; (6) any technological and energy inputs needed to farm the property are not unique; and (7) it is an accepted farm practice to improving the property for farming, such as removing rocks, tilling and fertilizing soil, and improving irrigation infrastructure. COLW also notes that the Subject Property has historically had an irrigated pasture.

The Applicant does not dispute that some “farming” may be possible on the Subject Property. Rather, the Applicant asserts that, based on these same factors, farming activities would not be “profitable” and, therefore, do not arise to the level of a “farm use” as defined by ORS 215.203(2)(a). The Applicant supports its assertions with evidence from the Soil Study and farmers with experience engaging in farm uses. The Applicant’s explanation includes addressing its inability to engage in farm uses on the Subject Property even if the Subject Property is considered in conjunction with other parcels.

As just one example, the Applicant provided evidence that the Subject Property could not support enough forage for even one cow to graze and that any revenue gained from raising one cow would be more than offset by all the costs necessary to engage in that activity. Similarly, the Applicant provided evidence that the costs of adding additional irrigation infrastructure are unreasonable and prohibitive. The Applicant also notes that the historical use on the site as an irrigated pasture does not necessarily inform whether such a use constitutes a “farm use” under current conditions as COLW suggests – for example, because the economics of farm activities have changed over time.

As it relates to this administrative rule, the competing evidence submitted by the parties makes this a close call. Having reviewed and weighed that evidence, however, I find that the quantitative and more-detailed

evidence provided by the Applicant is more persuasive, and I conclude that it is more likely than not that the Subject Property is not suitable for farm uses as defined in ORS 215.203(2)(a).

OAR 660-033-0020(1)(a)(C)

As a final argument on this issue, COLW asserts that the Subject Property is “agricultural land” as defined in OAR 660-033-0020(1)(a)(C). That rule states that land qualifies as “agricultural land” if it “is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.” COLW specifically asserts that the extra traffic, noise, and human presence resulting from a zone change “threatens the viability of current and potential farm practices in the area.” The Applicant responds, in part, by noting how LUBA has interpreted this rule to require “some connection between the subject property and adjacent or nearby farm practices, such that the property must remain as ‘agricultural land’ in order to permit such practices on other lands to be undertaken.”⁴ In that case, LUBA agreed that it is not only that the land itself must be necessary to permit farm practices on other lands, but the land’s resource designation and zoning must be “necessary” to permit farm practices on other lands.

LUBA acknowledges that this “necessary” standard is a high one, and some conflicts may be allowed. But where specific conflicts are identified, they must be assessed. COLW, however, does not identify specific conflicts that will happen as a result of the change in zoning, only potential conflicts that may arise. Indeed, specific conflicts would be difficult to identify because the Application does not propose a specific development. The Applicant does contemplate using the Subject Property for the expansion of an existing school, but COLW acknowledges that such a use is authorized under current zoning. Thus, the change in zoning would not be the cause of the conflicts COLW urges must be avoided in order for other properties to continue farming.

Based on the foregoing, I find that the evidence in the record does not allow me to conclude that the Subject Property is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands and, therefore, the Subject Property does not qualify as agricultural land under this part of the rule.

OAR 660-033-0020(1)(b)

The state’s administrative rules provide one more definition of “agricultural lands” in OAR 660-033-0020(1)(b) – “Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed;...” The Applicant states that the Subject Property does not fall into this category and “is not, and has not, been a part of a farm unit”. The Staff Report agrees with the Applicant’s assessment, and no other participant challenges that assessment or argues that the Subject Property falls within this definition. Based on the foregoing, I find that the Subject Property is not “agricultural land” under OAR 660-033-0020(1)(b).

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⁴ *Central Oregon LandWatch et al. v. Deschutes County*, __ Or LUBA __ (LUBA No. 2023-006/009) (July 28, 2023).

d. Goal 5 Administrative Rules

COLW argues that the Application is not in compliance with OAR 660-023-0250(3)(b), which is part of Goal 5. Goal 5 and its implementing rules protect natural resources, scenic and historic areas, and open spaces. Pursuant to OAR 660-023-0250(3), the County does not have to apply Goal 5 as part of a post-acknowledgment plan amendment (“PAPA”) “unless the PAPA affects a Goal 5 resource.” One scenario in which a PAPA may affect a Goal 5 resource is when the “PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list.”⁵

COLW argues that the proposed Plan Amendment and Zone Change requires the Applicant to apply Goal 5 provisions because the Application “proposes to amend the plan designation and zoning for the subject property that would allow new uses – those permitted in the MUA-10 zone – on the subject property” and that those new uses may conflict with the County’s Goal 5-protected resources. The specific resources COLW identifies are Landscape Management Rivers, State Scenic Waterways, and wetlands.

The County regulates conflicting uses with Landscape Management Rivers and State Scenic Waterways through the application of the Landscape Management Combining zone (“LM Zone”), and the Subject Property currently carries the LM Zone designation.

The Applicant asserts that there is no need to apply Goal 5 in light of the County’s acknowledged Plan, which contains the LM Zone as a tool for protecting some Goal 5 resources. According to the Applicant, the Subject Property is already subject to the LM Zone and, to the extent there are any conflicts with a Goal 5 resource, that can be resolved at the time when specific development occurs and the County requires site plan approval for any development within the LM Zone. The Applicant specifically states that “[t]here is no requirement to apply Goal 5 directly to the application where, as here, the proposal does [not] introduce ‘new uses’ which would be conflicting with the Goal.”⁶

The Applicant’s response is not consistent with a relatively recent LUBA decision – the LUBA No. 2023-008 case cited above in footnote 3. That decision rejects the very approach to Goal 5 the Applicant seeks here. In that case, LUBA explained that its prior decisions require a local jurisdiction “to apply Goal 5 if the PAPA allows a new use that could conflict with Goal 5 resources.” LUBA then addressed a situation similar to the situation presented in this case and analyzed whether the new zoning (in that case, the RI zone on property that would retain the LM overlay) allowed uses on the subject property that were not allowed under the previous EFU zoning and whether those uses could conflict with protected Goal 5 resources.

LUBA’s decision acknowledged that the County previously conducted the appropriate Goal 5 analysis for other RI-zoned properties and applied the LM Zone to protect the Highway 97 scenic resource from conflicting uses on those properties. However, LUBA determined that, in the absence of evidence showing

⁵ OAR 660-023-0250(3)(b).

⁶ The Applicant’s Final Legal Argument actually states: “[t]here is no requirement to apply Goal 5 directly to the application where, as here, the proposal does introduce ‘new uses’ which would be conflicting with the Goal.” That appears to be a typo and I assume the Applicant intended to say “...does not introduce...”. That sentence would not otherwise make sense in the context in which it appears.

the prior Goal 5 analysis considered impacts from RI-type development on all properties, that analysis did not consider whether RI uses on farm-zoned property affected a Goal 5 resource. Indeed, LUBA concluded that “the county could not have, in its [prior Goal 5 analysis], evaluated whether development of those new uses on the subject property would excessively interfere with the protected scenic resource because those uses were not allowed on the property” at that time. Because the County’s decision in that case allowed “new uses that could conflict with inventoried Goal 5 resources,” LUBA concluded the County was required to address Goal 5 and, specifically, to comply with OAR 660-023-0250(3).

Based on that LUBA decision, I find that the Applicant’s argument that Goal 5 is not applicable is incorrect. The Plan Amendment and Zone Change would allow new uses on the Subject Property that were not previously allowed and that could conflict with a protected Goal 5 resource. Although the Applicant notes that its intended use is to expand an existing school, and that the current school was approved in the MUA-10 zone subject to the LM Zone, the Application is not limited to that use, and other uses allowed in the MUA-10 zone would be authorized after the zone change. The Applicant has not addressed those uses, much less considered their potential conflicts with listed Goal 5 resources. The Applicant’s response also does not address COLW’s assertion that wetlands will be impacted. It may be possible for the Applicant to show that the County’s prior Goal 5 analysis considered MUA-10 development on the Subject Property, or, if not, the Applicant may be able to demonstrate that the new uses allowed on the Subject Property do not significantly affect a Goal 5 resource. However, I find that the current record does not allow me to address either option. I therefore find that I cannot recommend approval of the Application on this basis and the Applicant must address this issue further before the Application is approved.

e. Goal 14 Administrative Rules

COLW argues that the Application is not in compliance with Goal 14. Goal 14 and its implementing rules “provide for an orderly and efficient transition from rural to urban land use.” See OAR 660-015-0000(14).

COLW’s specific argument is that the designation of the Subject Property to the MUA-10 zone would constitute urbanization of the Subject Property. According to COLW, the County must analyze several urbanization factors (“Curry factors”) as set forth in *1000 Friends of Oregon v. Land Conservation and Development Commission*, 301 Or 447, 474 (1986), which are also summarized by LUBA in *Oregon Shores Conservation Coalition v. Coos County*, 55 Or LUBA 545, 550 (2008). COLW bases its argument on its own assessment of the Curry factors.

One way to address this issue is to consider whether the MUA-10 zone actually authorizes urban uses. As the Applicant notes, this question has been asked and answered by the County, as described in the recent LUBA case *Central Oregon LandWatch v. Deschutes County*, __ OR LUBA __ (LUBA No. 2023-049, Feb. 15, 2024). In that case, LUBA considered nearly identical facts where the County approved a plan amendment and zone change from AG/EFU-TRB to RREA/MUA-10. Before turning to COLW’s arguments in that case, LUBA noted that the County’s Board of Commissioner’s had made the following finding:

Deschutes County Comprehensive Plan and Title 18 of the Deschutes County Code have been acknowledged by [the Land Conservation and

Development Commission (LCDC)] as being in compliance with every statewide planning goal, including Goal 14. The County specifically amended its comprehensive plan in 2016 to provide that the Rural Residential Exception Area Plan and its related MUA-10 and RR-10 zones should be applied to non resource lands. Ordinance 2016-005. This amendment is acknowledged, which means that the RREA plan designation and its related zoning districts, when applied to non-resource lands such as the subject property, do not result in a violation of Goal 14. (Emphasis added).

In other words, the County’s Board has already interpreted its Plan and Code to mean that all uses allowed in the MUA-10 zone are rural in nature. This is similar to the Board’s interpretation of other zones, like the Rural Industrial (RI) zone, which LUBA also considered in a similar case.⁷ Based on the Board’s interpretation, I find that it is not necessary to apply the *Curry* factors as urged by COLW, and that the change in zone to MUA-10 does not result in urbanization of the Subject Property.

f. Goal 12 Administrative Rules

Goal 12 relates to transportation. COLW argues that the Application fails to comply with Goal 12 and its implementing rules.

A primary regulation implementing Goal 12 is OAR 660-012-0060. That rule states:

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

⁷ See *Central Oregon Landwatch v. Deschutes County*, ___ Or LUBA ___ (LUBA No. 2022-075, Dec. 6, 2002); *aff’d* 324 Or App 655 (2023) (upholding County’s finding that all uses in the RI zone are rural in nature, negating the need to undertake additional Goal 15 analyses).

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. COLW asserts that the Application does not comply with this rule because the Applicant has not accurately estimated the vehicle trip generation of the proposed zoning, and specifically because the Applicant has not estimated the trip generation associated with the anticipated use of the Subject Property as a school.

The Applicant counters that its proposal will not result in a significant effect to the transportation system. In support of that assertion, the Applicant submitted a traffic study prepared by traffic engineer Joe Bessman, PE. The Applicant also notes that, because the Application seeks a zone change that allows multiple uses, not just the intended use, it was not required to analyze the school use specifically and, instead, was required to model a worst-case scenario based on all uses allowed.

The County’s Transportation Planner agreed with the conclusions of the Applicant’s engineer, including the methodology used. 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, I agree with the Applicant that it has sufficiently addressed transportation impacts and find that the Application satisfies this Goal 12 administrative rule.

5. Other 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 those discussed above relating to Goal 3, Goal 5, Goal 12, and Goal 14. Having reviewed the evidence presented, and in the absence of any arguments relating to the other Goals, I adopt the Applicants’ position and find that the Plan Amendment and Zone Change are consistent with the following applicable Goals:

Goal 1, Citizen Involvement. Deschutes County will provide notice of the application to the public through mailed notice to affected property owners and by requiring the applicant to post a "proposed land use action sign" on the subject property. Notice of the public hearings held regarding this application will be placed in the Bend Bulletin. A minimum of two public hearings will be held to consider the application.

Goal 2, Land Use Planning. Goals, policies, and processes related to zone change applications are included in the Deschutes County Comprehensive Plan and Titles 18 and 23 of the Deschutes County Code. The outcome of the application will be based on findings of fact and conclusions of law related to the applicable provisions of those laws as required by Goal 2.

Goal 4, Forest Lands. Goal 4 is not applicable because the subject property does not include any lands that are zoned for, or that support, forest uses. Forest land is defined by OAR 660-005-0010 as lands suitable for commercial forest use protection under Goal 4, which are identified using NCRS soil survey maps to determine average annual wood fiber production figures. The NCRS maps for the subject property map it with soil mapping units 98A and B, 26A and 101E. The NCRS Soils Survey for the upper Deschutes River lists all soils mapped by its survey that are suitable for wood crop production in Table 8 (Exhibit 15). None of the soils mapped on the subject property are listed in Table 8 as suitable for wood crop production.

Goal 6, Air, Water, and Land Resources Quality. The approval of this application will not impact the quality of the air, water, and land resources of the County. Any future development of the property would be subject to local, state, and federal regulations that protect these resources.

Goal 7, Areas Subject to Natural Disasters and Hazards. According to the Deschutes County DIAL property information and Interactive Map the entire Deschutes County, including the subject property, is located in a Wildfire Hazard Area. The subject property is also located in Rural Fire Protection District #2. Rezoning the property to MUA-10 does not change the Wildfire Hazard Area designation. Any future development of the property would need to demonstrate compliance with any fire protection regulations and requirements of Deschutes County.

Goal 8, Recreational Needs. This goal is not applicable because no development is proposed and the property is not planned to meet the recreational needs of Deschutes County. Therefore, the proposed rezone will not impact the recreational needs of Deschutes County.

Goal 9, Economy of the State. This goal does not apply to this application because the subject property is not designated as Goal 9 economic development land. In addition, the approval of this application will not adversely affect economic activities of the state or area. The proposed zone change will promote economic opportunities by rezoning underutilized property for a subsequent use.

Goal 10, Housing. The County's comprehensive plan Goal 10 analysis anticipates that farm properties with poor soils, like the subject property, will be converted from EFU to MUA-10 or RR-10 zoning and that these lands will help meet the need for rural housing. Cascades Academy supports rural housing by providing school services for the rural properties. Approval of this

application, therefore, is consistent with Goal 10 as implemented by the acknowledged Deschutes County comprehensive plan.

Goal 11, Public Facilities and Services. The approval of this application will have no adverse impact on the provision of public facilities and services to the subject site. Central Electric Cooperative serves the subject property with power, water and septic are provided on-site and the proposal will not result in the extension of urban services to rural areas.

Goal 13, Energy Conservation. The approval of this application does not impede energy conservation. 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...” Cascades Academy provides school services to the rural community in close proximity to residential uses, thereby reducing vehicle miles traveled and conserving energy.

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

V. CONCLUSION

Based on the foregoing findings, I find the Applicant has NOT met the 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 DENIED unless the Applicant can meet that burden.

Dated this 21st day of February 2025



Tommy A. Brooks
Deschutes County Hearings Officer



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: March 11, 2026

SUBJECT: Recategorization of ARPA funds to Revenue Replacement and a request to extend the timeline for a grant awarded to the Deschutes River Conservancy

RECOMMENDED MOTIONS:

- 1. Move approval to recategorize \$607,391 of ARPA funds to the Revenue Replacement category;
2. Award a \$607,333.38 grant from the General Fund to Deschutes River Conservancy to complete its Smith Rock-King Way On-Farm Irrigation Efficiency Project by June 30, 2027.

BACKGROUND AND POLICY IMPLICATIONS:

In 2022, the Deschutes Board of County Commissioners allocated a \$1,075,000 grant from American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds (SLFRF) funds to the Deschutes River Conservancy for the Smith Rock-King Way On-Farm Irrigation Efficiency project. Due to delays, the Conservancy has indicated it will not be able to spend the entire remaining amount of \$607,333.38 in grant funds prior to the Department of the Treasury's expenditure deadline of December 31, 2026. Any ARPA funds unspent by this deadline are required to be returned to the Treasury. The Conservancy confirms it is able to complete this project with a six-month extension (see attached for detailed information on the proposed extension).

Staff proposes that the Board recategorize the funds remaining on this project to the category of revenue replacement—thereby increasing available funds within the General Fund by that amount—then award a grant from the General Fund to the Conservancy to allow for completing the project.

Additionally, several completed ARPA projects have small remaining balances which together total approximately \$57. Staff recommends that these balances be included in the recategorization to revenue replacement to allow the full ARPA grant to be closed out with Treasury.

BUDGET IMPACTS:

Funds reallocated to the ARPA Revenue Replacement category will increase funds within the General Fund. Those funds would then be available to spend out of the General Fund for completion of the referenced project.

ATTENDANCE:

Lisa Seales, Senior Program Manager, Deschutes River Conservancy
Cam Sparks, Budget & Financial Planning Manager
Laura Skundrick, Management Analyst

Deschutes River Conservancy Grant Extension Request for the Smith Rock-King Way On-Farm Irrigation Efficiency Project

ARPA funds were allocated to leverage water conservation work within Central Oregon Irrigation District's (COID) Smith Rock-King Way project area to complement the \$30 million federal investment in COID's first phase of main canal piping completed in 2022, and the \$2.6 million USDA investment in associated on-farm work awarded in 2021 through the Natural Resources Conservation Service (NRCS) Regional Conservation Partnership Program (RCPP). ARPA funds were allocated to work with private landowners adjacent to the completed piping projects to pipe private laterals and upgrade on-farm efficiency infrastructure from flood to sprinkler irrigation.

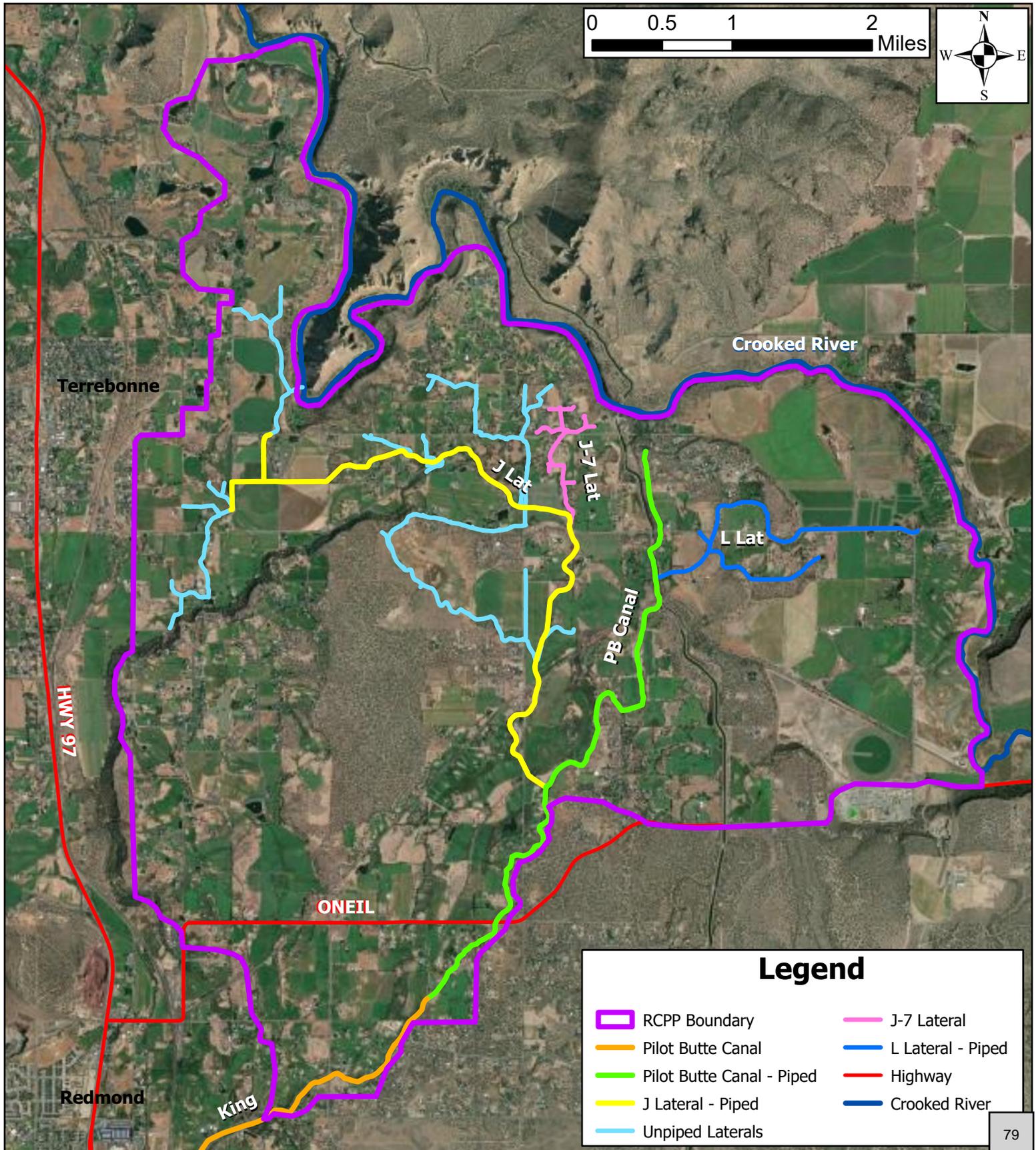
After completing COID's first phase of Pilot Butte main canal piping in 2022, the partners piped the J Lateral in the winter of 2023 and the L Lateral in the winter of 2024, while working to identify private laterals with willing landowners that would tie into one of those piped areas. The privately owned J-7 lateral was selected for piping, as it would tie directly into the piped section of the J-Lateral and it serves 15 landowners and 17 parcels with potential on-farm projects.

The partners were working closely with NRCS to obligate RCPP funding for the J-7 project to match the available ARPA funds, when early in 2024, Oregon's RCPP coordinator left his position with NRCS, leaving a vacancy that lasted a year, and greatly slowed down our project work.

COID also had some staffing changes that necessitated shifting project roles. Due to capacity limitations, COID was unable to spearhead outreach with the J-7 landowners, hold the contract with the engineer, and construct the piping project in-house as planned. This required DRC to shift into those roles, which included drafting and approving new DRC/COID and landowner contracts, re-bidding and re-signing a new contract with an engineer/project manager, taking on all landowner outreach, and bidding and overseeing the construction contractor. DRC staff moved swiftly into these roles, but nevertheless, project delays have resulted from these changes.

Because irrigation infrastructure must be constructed during the fall and winter months when the water is turned off; construction must be completed by March to enable COID to deliver water for the start of the irrigation season. With new RCPP coordinators in place, we were working closely with NRCS to obligate the remaining federal funding from the RCPP to construct the J-7 this past fall and winter (2025/2026), when the federal government shutdown occurred. During that time, NRCS asked us to cease all project work, and our funding for the J-7 was not yet secured. When the government reopened in mid-November, we were still not able to finalize our contracts with NRCS because the Federal budget had not rolled over yet. As a result, the funds were not available during the construction window and the project is now slated to be constructed in the fall of 2026/winter of 2027, which necessitates an ARPA grant extension. We have since secured the remaining NRCS RCPP funding to construct the project, and we anticipate construction will begin in October.

Smith Rock King Way Irrigation Efficiency Regional Conservation Partnership Program (RCPP) Project Focus Area





BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: March 11, 2026

SUBJECT: Deschutes County Opioid Settlement Funds: FY27 Department Funding Requests

RECOMMENDED MOTION:

Move approval of Deschutes County Opioid Settlement Funds as discussed.

BACKGROUND AND POLICY IMPLICATIONS:

Starting in 2021, nationwide settlements were reached to resolve all opioids litigation brought by states and local political subdivisions. These were against the three largest pharmaceutical distributors, McKesson, Cardinal Health, and AmerisourceBergen ("Distributors") and against manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, "J&J"), as well as three pharmacy chains CVS, Walgreens and Walmart, and two additional manufacturers, Allergan and Teva. In Fiscal Year 2026, Deschutes County was notified of two additional settlements, Purdue/Sackler and Group of 8. These national settlements have been finalized, and payments have already begun. Agreements with additional defendants are still in process.

Deschutes County has received just under \$3 million to date and is anticipating an additional \$6.4 million through FY 2039. The following table shows projects to date that have been approved by the Deschutes County Board of Commissioners.

Table with 4 columns: Department, Project, Timeline/Duration, and Approved Amount. It lists three projects: Peer Support Contract, Health Initiatives, and an increase in coordination of surveillance activities.

Department	Project	Timeline/ Duration	Approved Amount
Sheriff's Office	Covers cost of one RN and fills the gap between what will be received with grant funding and the actual cost of medication administered through the jail's Medication Assisted Treatment (MAT) program. Funds ensure operation of MAT program through 6/30/25.	FY 2025	\$283,000
Community Justice Adult Parole & Probation*	Support sober housing beds for justice-involved individuals in substance use treatment.	FY 2026	\$37,000
Community Justice Juvenile*	\$50,000 for Juvenile Peer Recovery Mentor Program; \$50,000 to Support Staff Time for SUB Treatment for Youth.	FY 2026	\$74,000
Health Services*	Deschutes County Stabilization Center.	FY 2026	\$236,800
Health Services*	Naloxone or Other FDA-approved Drug to Reverse Opioid Overdoses-Increase distribution to individuals who are uninsured or whose insurance does not cover needed service.	FY 2026	\$22,200
Sheriff's Office	To cover the gap between what will be received with grant funding and the actual cost of Medication Assisted Treatment (MAT) medication. This will help to continue the MAT program through FY26.	FY 2026	\$30,000
	Total		\$3,646,196

Additionally, the City of Redmond has diverted their Opioid Settlement Dollars to the County and has requested that all funds be directed to the Deschutes County Crisis Stabilization Center. To date the diverted funds that have been directed to the Crisis Stabilization Center are approximately \$179,000 and the County is anticipating future funds of approximately \$318,000 through FY39.

Deschutes County Finance has established an annual process for departments to request funding from available Opioid Settlement Funds. Department staff are available to provide information about their requests and answer any questions from the Board of Commissioners. In Fiscal Year 2027, staff anticipates \$400,000 available for department requests. Departments have submitted their proposals for Fiscal Year 2027 funds, summarized below. Proposal memos are attached to this memo.

FY 2027 Department Requests

Department	Project	Requested Amount
Community Justice Adult Parole & Probation	Support sober housing beds for justice-involved individuals in substance use treatment (\$50,000); bus passes (\$10,000)	\$60,000
Health Services	\$70,000 Re-allocation request	
Health Services	Remaining uncovered Naloxone needs	\$37,030
Sheriff's Office	One (1) DCSO Corrections Registered Nurse (\$250,000) and purchase of Narcan for Patrol and Corrections Divisions, as well as other Medication Assisted Treatment (MAT) medication	\$270,000
Total FY26 Requests		\$367,030

BUDGET IMPACTS:

Approved allocations will be incorporated into the FY 2027 budget.

ATTENDANCE:

- Deevy Holcomb, Director, Community Justice
- Trevor Stephens, Business Manager, Community Justice
- Holly Harris, Director, Health Services
- Cheryl Smallman, Deputy Director, Health Services
- Michael Gill, Lieutenant, Sheriff's Office
- Jeff Price, Business Manager, Sheriff's Office
- Cam Sparks, Budget and Financial Planning Manager
- Laura Skundrick, Finance Management Analyst



COMMUNITY JUSTICE

STAFF MEMORANDUM

DATE: March 11, 2026
TO: Board of Commissioners
FROM: Deevy Holcomb, Community Justice Director
RE: FY 2027 Opioid Settlement Funds Request

1. Amount Requested: \$60,000

2. Applicable Eligibility Category: Strategy F (Treatment for Incarcerated Population) Part B: Support People in Treatment and Recovery by (4) providing access to housing and (7) supporting transportation to treatment or recovery programs or services for persons with OUD and co-occurring SUD/MH conditions.

3. Project and how funds would be spent:

We are requesting \$50,000 to support sober housing beds for justice-involved individuals in substance use treatment. Funds will cover the cost of sober housing (\$600 to \$800 per month per bed) for clients on probation and clients transitioning from incarceration to post-prison supervision. Lack of stable housing is a major barrier for this population, especially those with substance use disorders and other co-occurring disorders. Opioid funding will support community providers offering a structured, drug-free environment with onsite management, ensuring that participants have the support they need to stay sober and engage in recovery.

We also request \$10,000 in opioid funding to pay for bus passes for those in this population with transportation barriers to treatment. Community-based treatment options continue to shrink in Deschutes County, minimizing options and requiring additional support and barrier-removal for individuals engaged in multi-day per week treatment programming.

4. Desired Outcomes/Expected Impacts: increase treatment engagement:

- 5-7 monthly supported, recovery, and sober beds for justice-involved individuals.
• 20 monthly passes each month and 150 daily passes each month for justice-involved individuals actively engaged in SUD and co-occurring SUD/MH conditions.

5. Meeting Representative: Deevy Holcomb and Trevor Stephens



STAFF MEMORANDUM

DATE: March 11, 2026

TO: Board of Commissioners

FROM: Holly Harris, Health Services Director

RE: FY 2027 Opioid Settlement Funds Request

1. Amount Requested:

- Naloxone - \$37,030

2. Applicable Eligibility Category:

- **PREVENT MISUSE OF OPIOIDS**
(Part Two, Section G)
Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies
- **CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED**
(Part One, Section C.8)
Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
- **NALOXONE OR OTHER FDA-APPROVED DRUG TO REVERSE OPIOID OVERDOSES**
(Part 2, Section H)
Increase distribution to individuals who are uninsured or whose insurance does not cover the needed service.

3. Project and how funds would be spent:

Health Services estimates the Prevention Program will have approximately \$70,000 underspent through FY 2028 due to delayed hiring during year 1 of its approved 5-year funding project. Health Services requests this funding be reallocated to the following:

- Appx \$35,000 - 1.0 FTE Qualified Mental Health Associate (embedded with Community Justice) - \$33,210 + \$1,660 (5% indirect). Resources are needed to support continuing

the work from the prior award to cover the impact of pay equity and market analysis through FY28 (the timeline of approved project).

- Appx. \$35,000 - the Health Services Harm Reduction Program will be sunseting June 30, 2026. The loss of this program will impact our ability to access the Clearinghouse for Naloxone at a discounted price. We are requesting resources to purchase naloxone for DCHS to distribute internally to those we serve. The overall Naloxone request is \$68,600, so reallocating \$35,000 from Prevention will assist in covering the need.

The additional request of \$37,030 is the remaining uncovered Naloxone need (\$33,600 plus 5% indirect on all \$68,600 opioid funds).

4. Desired Outcomes/Expected Impacts:

1 FTE – Qualified Mental Health Associate (embedded with Community Justice)

- 90% of all referrals from Community Justice will be offered coordinated care within 7 days of the initial referral.

Bulk Purchase of Naloxone

- Distribute 160 boxes, 320 doses of Naloxone to Health Services consumers and through community outreach and crisis engagement

5. Meeting Representative: Holly Harris and Cheryl Smallman



Deschutes County Sheriff's Office

STAFF MEMORANDUM

DATE: March 11, 2026
TO: Board of Commissioners
FROM: Michael Gill, Captain, DCSO Corrections Division
RE: FY 2027 Opioid Settlement Funds Request

- 1. Amount Requested: \$270,000
2. Applicable Eligibility Category: (1) Treat Opioid Use Disorder (OUD), (2) Naloxone or Other FDA-Approved Drug to Reverse Opioid Overdoses, and (3) MAT Distribution and Other Opioid Related Treatment
3. Project and how funds would be spent: Funds will cover the full benefits costs of one DCSO Corrections Registered Nurse, who performs duties in support of treating OUDs (\$250,000). Additional funds are requested to purchase Narcan for our Patrol and Corrections Divisions, as well as other Medication Assisted Treatment (MAT) medication.
4. Desired Outcomes/Expected Impacts: Funding for one full-time corrections nurse (salary and benefits) and providing agency-wide medication will support the Deschutes County Sheriff's Office continuing efforts to prevent and respond to opioid overdoses, improve identification and management of opioid withdrawal and Opioid Use Disorder, and strengthen care coordination and transition planning. The expected impact is fewer overdose-related medical emergencies, fewer avoidable emergency transports, improved clinical monitoring and documentation consistency, and safer custody operations for both inmates and staff.
5. Meeting Representative: Michael Gill, Jeff Price



111 NW TEAK AVE
Redmond, Oregon 97756
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www.redmondoregon.gov

January 20, 2026

Dear Deschutes County Board of Commissioners,

Please accept this letter from the City of Redmond and Redmond Police Department as our formal request and direction that all Opioid Settlement Dollars from the City of Redmond are to be directed to the Deschutes County Crisis Stabilization Center.

We value our partnership with the team at the Crisis Stabilization Center, and want to continue to use our Opioid Settlement Dollars for this purpose. Based on our financial records of these settlements, we have diverted over \$179,000 since our first payment in 2022, and specifically in the last calendar year we have diverted over \$47,000 to Deschutes County specifically for the Crisis Stabilization Center.

Thank you for your attention to this matter.

Respectfully Submitted,

Devin Lewis, Chief of Police



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: March 11, 2026

SUBJECT: Authorization to apply for Community Project Funding appropriations for renovations to the South County Health Services Building

RECOMMENDED MOTION:

Move to authorize Health Services to apply for and accept, if awarded, Community Project Funding appropriations for renovations to the South County Health Services building.

Note: This funding request was due on March 5, 2026. Given the short timeline, DCHS submitted the request before the deadline; however, if BOCC authorization is not obtained, DCHS will withdraw the request.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Health Services (DCHS) is requesting approval to apply for and accept, if awarded, Community Project Funding (CPF) to help fund renovation of the South County (SoCo) Health Services building in La Pine. CPF, also known as Community-initiated Projects (CIPs) or earmarks, is appropriated funding targeted at specific, localized projects. Requests for CPF funding has been made available through the OR-05 Congressional District Office.

The need for renovation of the SoCo building is driven by outdated infrastructure that fails to meet modern standards of care and legal requirements. Currently, major ADA compliance issues hinder access for individuals with disabilities, while an inefficient layout regularly compromises client privacy. This is a critical concern when dealing with sensitive behavioral health and juvenile services. Furthermore, the current configuration does not maximize the available square footage, leaving much of the building underutilized or poorly organized.

Reconfiguring the interior will directly increase service capacity, allowing staff to assist a higher volume of clients within the same footprint. Expanding the Deschutes County Intensive Substance Use Disorder (SUD) Outpatient Program directly addresses the rural opioid and substance use crisis, reducing the burden on local emergency rooms and law enforcement. Optimizing the workspace for staff increases operational efficiency, ensuring that more public funds go toward direct client care rather than administrative overhead.

This renovation secures a high-functioning permanent resource for La Pine, ensuring that South County residents receive the same dignity, privacy, and quality of care as those in any other part of the county.

Total renovation costs are estimated at \$1.8 million. DCHS requests approval to apply for, and if approved, accept \$1,339,000 of CPF appropriations. DCHS received confirmation on February 27 that the U.S. Department of Health and Human Services will have funding available for Capital Improvement Projects.

BUDGET IMPACTS:

Potentially up to \$1,339,000 in revenue.

ATTENDANCE:

Shannon Brister, Behavioral Health Director



BOARD OF
COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: March 11, 2026

SUBJECT: Review Draft Leadership Redmond Presentation

BACKGROUND AND POLICY IMPLICATIONS:

The Commissioners have been invited to present to Leadership Redmond on March 19, 2026, from 8:30 - 9:30 a.m. Staff will review the draft Leadership Redmond presentation with the BOCC and make edits per the BOCC's direction.

BUDGET IMPACTS:

No anticipated budget impacts.

ATTENDANCE:

Jen Patterson, Strategic Initiatives Manager

Deschutes County



Deschutes County Commission

The Commissioners adopt policies, create and enforce County ordinances, hold hearings and review, amend and adopt the County's budget.



Phil Chang



Tony DeBone



Patti Adair



Oregon Counties: Providing Vital Public Services



AUDIT COMMITTEE

INTERNAL AUDIT

BOARD OF COMMISSIONERS

LEGAL



COUNTY ASSESSOR

SCOT LANGTON



COUNTY CLERK

STEVE DENNISON



SHERIFF

TY RUPERT



DISTRICT ATTORNEY

STEVE GUNNELS



JUSTICE OF THE PEACE

CHARLES FADELEY



TREASURER

BILL KUHN

DEPUTY COUNTY ADMINISTRATOR

COUNTY ADMINISTRATOR

DEPUTY COUNTY ADMINISTRATOR

FAIR & EXPO

PROPERTY

COMMUNITY JUSTICE

VETERANS' SERVICES

FACILITIES

ADMINISTRATION

FINANCE / TAX

ROAD DEPARTMENT

COMMUNITY DEVELOPMENT

SOLID WASTE

RISK MANAGEMENT

HUMAN RESOURCES

9-1-1 SERVICE DISTRICT

INFORMATION TECHNOLOGY

HEALTH SERVICES

COMMUNICATIONS

Connecting with you...



What questions do you have about the County?



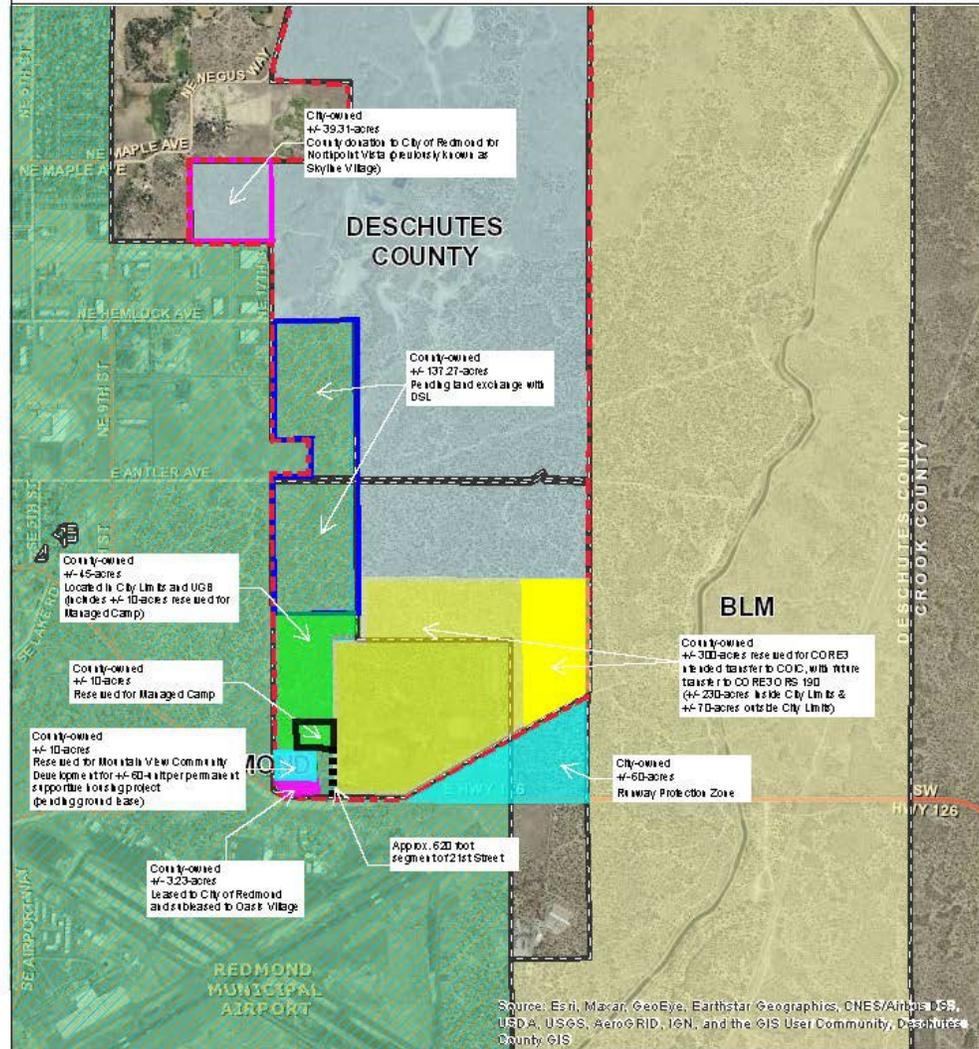
County Updates



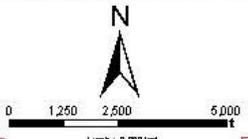
- CORE 3
 - SE 21st Street
- Land Exchange with DSL
- County Supported Homeless Initiatives
 - East Redmond Managed Camp
 - Mountain View Village
 - Coordination with Partner Agencies



County-owned Property East Redmond




 Red dashed line = Property lines of County-owned property




 This map is for depiction purposes only and is not deemed to be accurate.

County Updates Continued



- Federal Funding Requests
 - OR 126 (Highland) & 35th Street
 - Helmholtz Way & OR 126 Roundabout



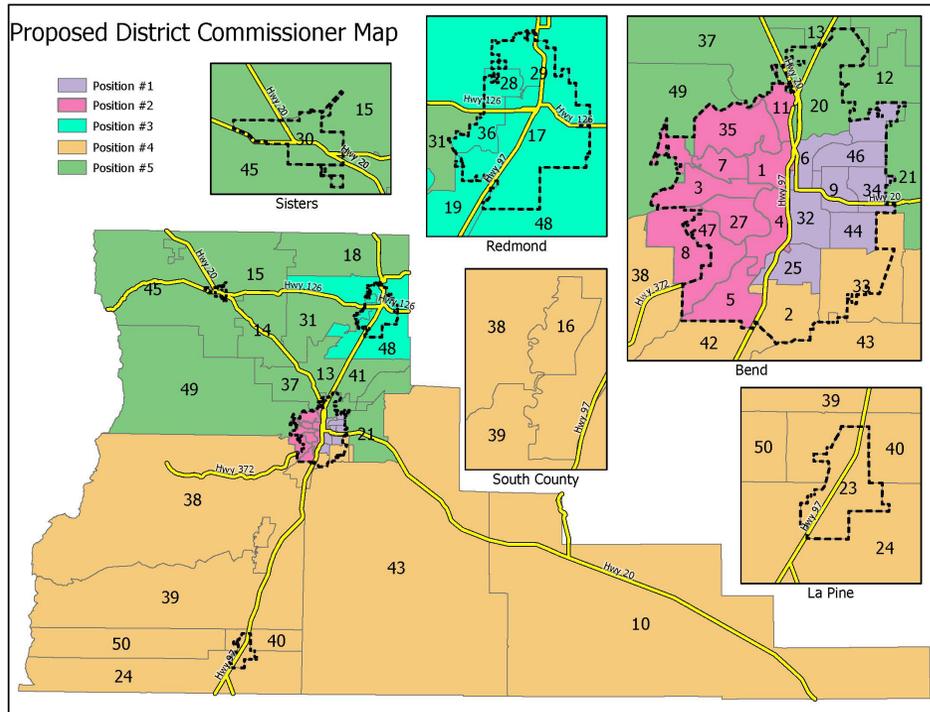
County Updates Continued



- Fair & Expo New Director – Jeff Curtis
- Fair & Expo Market Analysis & Master Plan
- Negus Transfer Station Recycling Updates
- Secured Residential Treatment Facility



Changes in County Government



- Commissioner Expansion
- Districting Ballot Initiative
- County Leadership Transitions



Get Involved



Get Involved

- Find opportunities at www.Deschutes.org/volunteer
- Currently recruiting for:
 - Planning Commission

Join our team

- www.Deschutes.org/jobs

Connect with us – County College

- www.Deschutes.org/countycollege
 - 10 Weeks – August - November



Questions & Discussion

