



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

1:00 PM, MONDAY, SEPTEMBER 16, 2024

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

AGENDA

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

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

Citizen Input: The public may comment on any topic that is not on the current agenda. Alternatively, comments may be submitted on any topic at any time by emailing citizeninput@deschutes.org 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/3h3oqgD>.
- To join by phone, call 253-215-8782 and enter webinar ID # 899 4635 9970 followed by the passcode 013510.
- If joining by a browser, use the raise hand icon to indicate you would like to provide public comment, if and when allowed. If using a phone, press *9 to indicate you would like to speak and *6 to unmute yourself when you are called on.
- When it is your turn to provide testimony, you will be promoted from an attendee to a panelist. You may experience a brief pause as your meeting status changes. Once you have joined as a panelist, you will be able to turn on your camera, if you would like to.



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

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

CALL TO ORDER

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

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

CONSENT AGENDA

1. Approval of Chair Signature of Document No. 2024-761, a Notice of Intent to Award a contract for Market Research and Strategic Master Plan Design Services for the Deschutes County Fair & Expo
2. Approval of Document No. 2024-039, a Notice of Intent to Award a contract for the Hamhook Rd Bridge #17C32 Replacement Project

ACTION ITEMS

3. **1:00 PM** Notice of Intent to Award a contract for the Landfill Siting Consultant Services – Phase 3
4. **1:10 PM** Deschutes County Statewide Transportation Improvement Fund Advisory Committee Member Roster Update
5. **1:20 PM** Proposed changes to the FY25 Fee Schedule
6. **1:40 PM** Consideration of first reading of Ordinance 2024-007, adopting the Deschutes County 2040 Comprehensive Plan Update
7. **1:55 PM** Legislative Priorities Review for 2025 Legislative Session
8. **2:40 PM** Planning Division Work Plan Update / Long Range Planning / FY 2024-2025
9. **3:00 PM** Work Session: Preparation for 2024 Housekeeping Amendments
Public Hearing

OTHER ITEMS

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

EXECUTIVE SESSION

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

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

ADJOURN



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: September 16, 2024

SUBJECT: Approval of Chair Signature of Document No. 2024-761, a Notice of Intent to Award a contract for Market Research and Strategic Master Plan Design Services for the Deschutes County Fair & Expo

RECOMMENDED MOTION:

Move approval of Board Chair signature of Document No. 2024-761.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Fair & Expo issued a Request for Proposals on March 4, 2024 seeking a qualified individual or agency to provide the following program elements:

- 1. Explore current market conditions, customer demographics, and future trends impacting the event and fair industry, and assist with preparing and planning for the future of the Deschutes County Fair & Expo property. The selected firm would be responsible for providing a detailed analysis of potential growth areas, revenue enhancement opportunities, and strategies for operational improvement.
2. Develop a comprehensive written and graphic master plan for the Deschutes County Fair & Expo facility that lays out a well-defined, clear, actionable strategy for the future development and use of the facility.

Additional services which may be added to the scope of this procurement included:

- Facilities condition assessment; and
Additional professional analysis supporting the Facility Condition Assessment, including phased approaches for asset development, overhead costs related to operating and servicing the facility, and variable cost structure for the market and business model.

Four proposals were received in response to the RFP from the following firms:

- Populous Architect, P.C.
K/O Fairground Planners Designers
C.H. Johnson Consulting, Inc.

LRS Architects

The Department scored the proposals using a qualifications-based selection process. Based on this process, Populous Architect, P.C. ("Consultant") was selected as the top-ranking proposer on June 7, 2024.

The Notice of Intent to Award Contract will assert the County's intent to award a contract to the Consultant and will begin a one-week protest period for interested parties to submit written protest of contract award. If no protests are received during that period, the contract will be awarded administratively.

BUDGET IMPACTS:

At the end of the protest period the County will complete negotiations with Populous Architect, P.C. and enter into a services contract.

ATTENDANCE:

Geoff Hinds, Fair & Expo Director

9/16/2024

Sent via email & First Class Mail

RE: Project - Contract for Market Research and Strategic Master Plan Design Services for Deschutes County Fair & Expo

NOTICE OF INTENT TO AWARD CONTRACT

On June 6-7, 2024, the Deschutes County Fair & Expo Center of Deschutes County, Oregon, considered proposals for the above-referenced project. The Deschutes County Fair & Expo Center determined that the successful bidder or proposer for the project was Populous Architect, P.C. of Kansas City, MO. At the end of the protest period the County will complete negotiations with Populous Architect, P.C. and enter into a services contract.

This Notice of Intent to Award Contract is issued pursuant to Oregon Revised Statute (ORS) [specify 279B.135 for contracts other than public improvements or 279C.375 for public improvements]. 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 expire at 5:00 PM on September 23, 2024.**

Any protest must be in writing and specify any grounds upon which the protest is based. Please refer to Oregon Administrative Rules (OAR) [insert applicable OAR - 137-049-0450 for construction contracts or OAR 137-047-0740 for contracts other than construction]. If a protest is filed within the protest period, a hearing will be held at a regularly scheduled business meeting of the Board of County Commissioners of Deschutes County Oregon, acting as the Contract Review Board, in the Deschutes Services Building, 1300 NW Wall Street, Bend, Oregon 97703 within two (2) weeks of the end of the protest period.

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

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

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

Sincerely,

BOARD OF COUNTY COMMISSIONERS
DESCHUTES COUNTY, OREGON

[Authorized signature]

cc: See attached List

Contract for Market Research and Strategic Master Plan Design Services for Deschutes
County Fair & Expo

BIDDER #1

Populous Architect, P.C.
4800 Main Street, Suite 300
Kansas City, MO 64112
971.286.3909

BIDDER #2

K/O Fairground Planners Designers (K/O
650 S. Prairie View Dr., Studio 103
West Des Moines, IA 50266
515.238.4312

BIDDER #3

C.H. Johnson Consulting, Inc.
6 East Monroe Street, Fifth Floor
Chicago, IL 60603
312.447.2010

BIDDER #4

LRS Architects
720 NW Davis Street, Suite 300
Portland, OR 97209
503.221.1121

REVIEWED
KK
LEGAL COUNSEL



RFP for Market Research and Strategic Master Plan Design Services

Deschutes County Fair & Expo

Document # 2024-206

Issued: March 4th, 2024

Proposals Due:	Friday April 19 th , 2024 no later than 5:00pm
Optional Pre-Proposal Meeting and Tour:	Tuesday April 2 nd , 2024 @ 10:00-12:30 PT Deschutes County Fair & Expo Administration Office. See EXHIBIT 1 for parking and meeting locations.
Proposals Questions due:	April 5 th , 2024 No later than 5:00pm
Submit Proposal Questions to Single Point of Contact (SPOC):	Geoff R. Hinds, CFE (541) 548-2711 or Geoff.Hinds@Deschutes.org <i>Proposers shall not contact any other Deschutes County Personnel except as allowed in RFP.</i>
Submit Proposals to:	ATTN: Geoff Hinds, Director Deschutes County Fair & Expo 3800 Airport Way Redmond, Oregon 97756 Geoff.Hinds@Deschutes.org

DC 2024 - 206

TABLE OF CONTENTS

	<u>Page</u>
1 PROCEDURAL INFORMATION	5
1.1 RFP Availability	5
1.2 RFP Definitions	5
1.3 Procurement Process	6
1.4 Optional Pre-Proposal Tour	6
1.5 RFP Procurement Law	6
1.6 Clarification of Responses	6
1.7 Rejection of Proposals	6
1.8 Cost of Preparation of Response	6/7
1.9 Proposal Confidentiality	7
1.10 Certification Regarding Conflicts of Interest	7
1.11 Collusion	7
1.12 References	7/8
1.13 Publicity	8
1.14 Cancellation	8
1.15 Disputes	8
1.16 Records Check	8
1.17 Affidavit of Compliance	8
1.18 Proposal Amendments or Withdrawal	8
1.19 Proposal Period of Irrevocability	8
1.20 Proposal Ownership	8
1.21 Authority	8
1.22 Responsiveness	8
1.23 Protests of Intent to Award	9

2 SERVICE DESCRIPTION	10
2.1 Purpose, Overview and Program Elements	10
2.2 Performance Measurement and Process	10
2.3 Project Goals	10/11
2.4 Statement of Work: Fair & Expo Market Research	11
2.5 Statement of Work: Strategic Master Plan Design Services	11
2.6 Program Deliverables	11
2.7 Program Timelines	11
3 CONTRACTING INFORMATION	12
3.1 Contract Negotiation	12
3.2 Contract Award	12
3.3 Contract Term	12
3.4 Compensation and Method of Payment	12
3.5 Insurance Requirements	12
3.6 Sub-consultants	12
3.7 Incorporation	12
4 PROPOSAL EVALUATION AND INTERVIEW	13
4.1 Proposal Evaluation Criteria and Scoring	13
4.2 Proposal Questions Instructions	13
4.3 Proposal Questions	14
4.4 Interview Process	17
4.5 Price Proposal and Fee Schedule	17
5 PROPOSAL SUBMISSION INSTRUCTIONS	17
5.1 Joint Proposals	17
5.2 Multiple or Alternate Proposals	17
5.3 Proposal Instructions and Content	17/18
5.4 Maximum Page Limit	18
5.5 Proposal Content	18
5.6 Proposal Packaging	18
5.7 Proposal Copies and Submission	18
5.8 Cover Letter	19

5.9 Proposed Contract Comments 19
5.10 Submission Requirements Checklist 19

6 ATTACHMENTS AND EXHIBITS

ATTACHMENT A Proposer Certification and Representations
ATTACHMENT B Affidavit of Non-collusion
ATTACHMENT C Business Entity Statement
ATTACHMENT D Financial Resources Form
ATTACHMENT E References
EXHIBIT 1 Fair & Expo Parking & Meeting Location
EXHIBIT 2 Price Proposal & Fee Schedule
EXHIBIT 3 Deschutes County Personal Services Contract

1 PROCEDURAL INFORMATION

1.1 RFP Availability

This RFP is available electronically through <https://expo.deschutes.org/p/get-connected/open-rfps> and <https://www.deschutes.org/rfps>. Any/all future notices regarding this solicitation, including solicitation addendum, will be posted to <https://expo.deschutes.org/p/get-connected/open-rfps> and <https://www.deschutes.org/rfps>

1.2 RFP Definitions

A/E Team	Architecture/Engineering team consisting of design professionals and consultants who produce coordinated document packages; also known as the Design Team
Intent to Award	Written notice which is posted to https://expo.deschutes.org/p/get-connected/open-rfps and https://www.deschutes.org/rfps prior to signing of a Contract that shows the selection of a Contractor
Notice to Proceed	A notification letter from the Owner addressed to a Contractor stating the date on which the Contractor can begin Project Work
ORS	Oregon Revised Statutes
Proposal	A competitive offer, which is binding on the Offeror, in which price, delivery, and conformance to drawings and specifications and the requirements of the Request for Proposal will be the predominant award criteria
Proposer	An individual, firm, or corporation which submits a Proposal in response to a contracting agency's request
Responsible Proposer	An entity which meets the standards described in ORS 279B.110
Responsive Proposal	A Proposal that substantially complies with the RFP and all prescribed procurement, procedures, and requirements.
RFP	Request for Proposals
Specifications	That portion of the Contract Documents consisting of the written requirements for materials, equipment systems, standards, and workmanship for the Work, and performance of related services

1.3 Procurement Process

This RFP process has several components including but not limited to:

- 1) RFP Notice published at <https://expo.deschutes.org/p/get-connected/open-rfps> and <https://www.deschutes.org/rfps>
- 2) Optional Pre-proposal Tour
- 3) Question and Answer Period
- 4) Addendum/s issued (if applicable)
- 5) Receipt of Proposals
- 6) Proposal Evaluations
- 7) Interviews
- 8) Recommendation to Board of County Commissioners
- 9) Notice of Intent to Award Issued
- 10) Contract Processing
- 11) Contract Signed by Board of County Commissioners
- 12) Notice to Proceed Issued

1.4 Optional Pre-Proposal Tour

An optional Pre-proposal Tour will be held as listed on the **Cover Sheet**. This tour is designed to clarify the information contained in this RFP and provide an opportunity for questions and answers. Attendance at the Optional Pre-proposal Tour shall be determined by the presence of a signature of the Proposer’s representative on the sign-in sheet at the tour.

1.5 RFP Procurement Law

This RFP is issued under the provisions of the ORS Chapters 279A and 279C public contracting rules. All Proposers are charged with presumptive knowledge of the cited authorities. Submission of a valid proposal by any Proposer shall constitute admission of such knowledge on the part of such Proposer.

1.6 Clarification of Responses

The County reserves the right to request additional clarification from a Proposer on any portion of a Proposal. Proposer may not submit new information or documentation, nor may a Proposer use a clarification to rehabilitate a non-responsive Proposal. Proposer’s point of contact must be available during the evaluation period to respond to requests for additional clarification. Proposers shall submit written signed clarification(s) within two (2) business days after receiving the County’s request. All requests for clarification and responses shall be provided to each evaluator. A Proposer’s failure to provide clarification may result in a lower score for the proposal.

1.7 Rejection of Proposals and County’s Rights

Any proposal may be rejected if it is conditional, incomplete, or deviates from specifications in this RFP. By submitting a proposal, the Proposer agrees to meet all the requirements set forth in the RFP, unless specific exceptions are noted in Proposal. County reserves the right to accept any part of the proposal and not be obligated in any way to accept those parts that do not meet with the approval of County. County reserves the right to waive, at its discretion, any procedural irregularity, immaterial defect or other impropriety not warranting rejection of the proposal. Any waiver will not excuse a Proposer from full compliance if awarded a contract. Reasons for rejecting any proposal will be supplied to the Proposer. County reserves the right to seek additional proposals beyond the final submission date, if, in County’s sole discretion, the proposals received do not meet the approval of County.

1.8 Cost of Preparation of Response

All costs incurred in preparing and submitting a Proposal or in negotiating and signing a Contract shall be the sole responsibility of the Proposer. Any due diligence conducted by a Proposer is at the Proposer’s expense.

1.9 Proposal Confidentiality

All proposals submitted in response to this RFP shall become the property of Deschutes County and may be utilized in any manner and for any purpose by Deschutes County. **Be advised that proposals and all documents submitted in response to this RFP are subject to public disclosure as required by applicable state and/or federal laws.** If you intend to submit any information with your proposal which you believe is confidential, proprietary or otherwise protected from public disclosure (trade secret, etc.), you must separately bind and clearly identify all such material. The cover page of the separate binding must be **red**, and the header or footer for each page must provide as follows: “Not Subject to Public Disclosure.” Where authorized by law, and at its sole discretion, Deschutes County will endeavor to resist disclosure of properly identified portions of the proposals.

1.10 Certification Regarding Conflicts of Interest

Proposers are required to certify in ATTACHMENT A whether the Proposer is or is not aware of any potential or actual organizational conflict of interest (COI). If the Proposer is aware of a COI, then Proposer is required to provide a disclosure statement in its Proposal describing all relevant information concerning any past, present, or planned interests bearing on whether it (including its chief executives and any directors, or any proposed consultant or subcontractors) may have a potential organizational COI. Proposers responding to this solicitation are required to disclose any such business or financial relationships that may be deemed a COI. The disclosure statement must identify and address any actual or potential organizational COI within the Proposer’s entire organization, including parent company, sister companies, affiliates, and subsidiaries. In addition to identifying potential organizational COI, the disclosure statement shall describe how any such conflict can be avoided, neutralized, or mitigated. Also, all Proposers shall disclose any actual or potential COI. Deschutes County will determine a Proposer’s eligibility for award based on the information provided in the disclosure statement.

1.11 Collusion

A Proposer submitting a Proposal hereby certifies on **ATTACHMENT B** that no officer, agent, employee, or volunteer of Deschutes County has a financial interest in this Proposal; that the Proposal is made in good faith without fraud, collusion, or connection of any kind with any other Proposer, and that the Proposer is competing solely on its own behalf without connection or obligation to any undisclosed person or firm.

1.12 References

Proposer must provide at least three (3) references that can rate Proposer’s performance on a similar public project within the last five (5) years. Proposer may supply the required information in a different format than **ATTACHMENT E** so long as all required information is provided.

Deschutes County reserves the right to investigate references, including customers, other than those listed in a Proposer’s submission. This inquiry may include, without limitation, investigation of past performance of any Proposer with respect to its successful performance of similar projects, compliance with specifications and contractual obligations, completion, or delivery of a project on schedule, and its

lawful payment of employees and Subcontractors.

1.13 Publicity

Any publicity giving reference to this project, whether in the form of press releases, brochures, photographic coverage, or verbal announcement, shall be done only after prior written approval of the County.

1.14 Modification or Cancellation

Deschutes County, in its sole discretion, reserves the right to modify or cancel this RFP in whole or in part. If modification or cancellation is determined to be in Deschutes County’s best interest, all Proposers will be notified in writing of the specific reasons for such modification or cancellation. Statements made by Deschutes County’s representatives are not binding unless issued by written addendum. In no event, shall County have any liability for the modification or cancellation of this RFP.

1.15 Disputes

In case of any doubt or differences of opinions regarding the items or service to be furnished hereunder, or the interpretation of the provisions of the RFP, the decision of Deschutes County shall be final and binding upon all parties.

1.16 Proposal Amendment or Withdrawal

A Proposer may amend or withdraw its Proposal any time prior to the proposal closing date and time shown on the **Cover Page**. Proposals may be withdrawn in writing on company letterhead signed by an authorized representative if received by County before the Proposal closing. Proposals may also be withdrawn in person before the Proposal closing upon presentation of appropriate identification.

1.17 Proposal Period of Irrevocability

Proposals shall be offers that are irrevocable for a period of ninety (90) calendar days after the date Proposals are due.

1.18 Proposal Ownership

All documents, reports, submittals, working papers or other material submitted to the County from Proposers shall become the sole and exclusive property of the County, the public domain (except for materials deemed to be excluded as trade secrets), and not the property of the Proposers. Proposers shall not copyright, or cause to be copyrighted, any portion of any said documents submitted to the County as a result of this solicitation.

1.19 Authority

Proposals must conform to the requirements of this RFP and be signed by a person who is authorized to make such commitments on behalf of the Proposer. Proposer’s signature on the Proposer Certification Form constitutes a certification that the Proposer has read and fully understands all Proposal terms. No consideration will be given to any claim resulting from proposing without comprehending all requirements of the Proposal Documents.

1.20 Responsiveness

Proposals lacking required signatures will be deemed “Nonresponsive.” Deschutes County may disqualify Nonresponsive Proposers from further evaluation.

1.21 RFP Questions

Proposers may request additional information or clarifications by submitting a written request. The request shall specify the provision of the RFP in question and contain an explanation for the requested information or clarification. County will evaluate all requests submitted but will not be obligated to accept requested changes. Questions shall be presented via email to the Single Point of Contact listed on the **Cover Page** and must be received by date and time stated on the **Cover Page**.

Responses to questions and suggestions will be compiled and collectively addressed in addendum format on <https://expo.deschutes.org/p/get-connected/open-rfps>. Proposers must provide written acknowledgement of Addenda on **ATTACHMENT A**.

1.22 Protest of Intent to Award

After County approves and selects the Proposer(s), County will notify each Proposer of who County intends to award a contract. If no written protest is filed by 4:00 p.m. on the seventh (7) day following announcement of the decision, the award(s) will be deemed final. County will not entertain protests submitted after this time period. The written protest must specify the grounds and legal authority upon which the protest is based. If a timely protest is filed, the decision of County will be considered final only upon issuance of a written notice deciding the merit of the protest. The award and any written decision regarding the protest will be sent to each proposer.

Protests can be submitted by mail to the following:

PROTEST OF AWARD OR DISQUALIFICATION TO DOCUMENT NO.
ATTN: David Doyle
Deschutes County Legal Counsel
Deschutes Services Building
1300 NW Wall Street, 2nd Floor
Bend, OR 97703

The protest shall state the reason for the protest, citing the law, rule, regulation, or practice on which the protest is based. A written response will be sent to the protester within ten (10) working days after receipt of the written protest.

2 SERVICE DESCRIPTION

2.1 Purpose, Overview and Program Elements

Deschutes County Fair & Expo is a 340-acre multi-purpose facility located adjacent Bend/Redmond Municipal Airport (KBND) in Redmond Oregon. Approximately 120 acres of the current facility have been developed including a 4,000 seat indoor arena, a 2,500 seat outdoor arena, a small conference center, and a livestock equestrian complex, a 105 space RV park, and large amounts of developed open event space. Deschutes County Fair & Expo, in coordination with Deschutes County, has been working on the strategic acquisition of an additional 120 acres to grow the full facility size to 460 total acres.

The purpose of this RFP is to select one team for the following Program Elements:

1. Explore current market conditions, customer demographics, and future trends impacting the event and fair industry; and to help prepare and plan for the future of the Deschutes County Fair & Expo property. The selected firm will be responsible for providing a detailed analysis of potential growth areas, revenue enhancement opportunities, and strategies for operational improvement.
2. Develop a comprehensive written and graphic master plan for the Deschutes County Fair & Expo facility that provides a well-defined, clear, actionable strategy for the future development and use of the overall facility.
 - a. Master plans shall include two conceptual concepts:
 - i. one for a full buildout of the future 460 acre property,
 - ii. an alternate design for the existing 320 acres property. (Please bid with 1 complete design, and an alternate reduced size design proposal)

County intends to execute a contract for services outlined in this solicitation and reserves the right to contract for continued and/or additional services with the same successful Proposer at the County’s sole discretion. The County’s decision on whether to proceed with the selected Proposer will be based on the Team’s performance.

Additional services which **may** be added to the scope of this procurement include:

- Facilities Condition Assessment.
- Additional professional analysis supporting the Facility Condition Assessment: including phased approaches for asset development, overhead costs related to operating and servicing the Facility, and variable cost structure for the market and business model.

2.2 Performance Measurement Process

Parties will negotiate the Performance Measurement Process after contract negotiation, which will be based on how well the successful Proposer meets the performance schedule and provides deliverables for all phases of the design process, including, but not limited to, programming, schematic design, and cost estimating. Other performance measures may or may not include staying within design and project budgets, and responsive and effective communication with Owner and stakeholders.

2.3 Project Goals

County will show preference to Proposers that demonstrate successful experience in the design of Fair or Fairgrounds properties, Multi-Purpose Public Assembly facilities, campus master planning, and work with government agencies. Design Teams may be comprised of local, regional, and/or national firms, but should be prepared to conduct on-site meetings with stakeholders.

The Successful Proposer shall be responsible for the performance and coordination of its work and that of other team members which may include, but are not limited to, the following practices: structural engineering, civil engineering, mechanical engineering, electrical engineering, interior design, low voltage/technology design (audio/visual consulting, electronic security consulting), physical security design, landscape architecture, and third-party cost estimating.

County desires to foster a collaborative team and design approach. The Successful Proposer will be responsible for working closely with the County’s Executives and Fair & Expo Staff and Project Managers to develop plans, specifications, and cost estimates. The Successful Proposer may also work with staff from other County offices and departments, including but not limited to County Facilities Department, County Road Department, County Property Management Department and others to accomplish the Project objectives. In addition, the Successful Proposer will be expected to prepare and attend public presentations and to provide information for the Deschutes County Fair & Expo website updating the Project throughout design for the benefit of the public.

2.4 Statement of Work: Fair & Expo Market Research and Strategic Master Plan (Part 1)

The initial portion of the project seeks to explore current market conditions, customer demographics, and future trends impacting the event and fair industry; and to help prepare and plan for the future of the Deschutes County Fair & Expo property. The selected firm will be responsible for providing a detailed analysis of potential growth areas, revenue enhancement opportunities, and strategies for operational improvement.

2.5 Statement of Work: Master Plan Design Services (Part 2)

The second portion of this project will include the development of a comprehensive written and graphic master plan for the Deschutes County Fair & Expo facility, with the goal of the final outcome being a well-defined Master Plan offering clear, actionable strategy for the future development and use of the overall facility.

Master plans shall include two conceptual concepts;

- i. one for a full buildout of the future 460 acre property,
- ii. an alternate design for the existing 320 acres property. (Please bid with 1 complete design, and an alternate reduced size design proposal)

2.6 Program Deliverables

Successful Proposer will:

- 1. Provide a single report detailing the results of a detailed Market Research Study focused on current market conditions, customer demographics, and predicting future trends for the next five years.
- 2. Development of Strategic Master Plan and Conceptual Estimate.

2.7 Program Timelines

Market Research	Within Nine (9) mos. of executed contract
Strategic Master Plan	Within Eighteen (18) mos. of executed contract

3 CONTRACTING INFORMATION

3.1 Contract Negotiation

The successful proposer will be required to enter into a County Personal Services Contract **EXHIBIT 3** with County. The successful proposer must also submit documents addressing tax law, professional liability insurance, workers compensation, and overhead expense as part of the contract, as well as an Oregon tax account number. If the County and the top ranked proposer are not able to negotiate a contract, the County will initiate negotiation with the second place proposer, and so on.

3.2 Contract Award

Through this RFP process, the County is seeking to award one contract award, as determined by the County, to the Responsible Proposer whose Proposal the County determines is most advantageous to the County based on the evaluation process and evaluation factors described in this RFP. After the seven (7) calendar-day intent-to-award protest period has expired and the County has resolved any or all protests, the County will proceed with the final award.

3.3 Contract Term

The contract term shall be two (2) years. The County shall have the option to renew this contract until the Project is completed and reviewed/approved.

3.4 Compensation and Method of Payment

The County shall pay for services based on a Not to Exceed (NTE) payment model. A not-to-exceed price ceiling shall be determined during contract negotiations.

3.5 Insurance Requirements

The successful Proposer awarded a Contract will be required to provide insurance as detailed in attached sample contract **EXHIBIT 3**.

3.6 Sub-consultants

County reserves the right to request alternate Sub-consultants.

3.7 Incorporation

All representations made by a Proposer in response to this RFP, whether verbal or written, will be incorporated into any agreement between County and the successful Proposer.

4 PROPOSAL EVALUATION AND INTERVIEW

4.1 Proposal Evaluation Criteria and Scoring

Evaluation of Proposals received in response to the RFP will be conducted comprehensively, fairly, and impartially. Structured quantitative scoring methods will be used to maximize the objectivity of the evaluation. The Evaluation Committee of designated reviewers shall review and evaluate Proposals. The Evaluation Committee will be composed of individuals with experience in, knowledge of, and program responsibility for program service and financing.

The three (3) Proposers with the highest scores may be invited to an interview with the Evaluation Committee. The County reserves the right to interview more or fewer Proposers.

Scoring breakdown and evaluation criteria for the written evaluation is detailed below:

EVALUATION CRITERIA		Subtotal Points	Maximum Points
1 Key Personnel		-	35
	1.A Team Shared Experience	15	-
	1.B Task Assignments	10	-
	1.C Continuity	5	-
	1.D Organization Chart	5	-
2 Relevant Firm Experience and Project Team		-	25
	2.A Regional Knowledge and Experience	15	-
	2.B Experience	10	-
	2.C Sub-consultant List	0	-
	2.D Sub-consultant Experience	0	-
3 Project Goals and Recommendations		-	20
4 Project Approach		-	10
5 Schedule Management		-	5
6 Project Cost Control		-	5
		Total	100

4.2 Proposal Questions Instructions

Proposals that do not include responses to each requirement or question in each Proposal Element may be rejected. Proposers shall respond to each Element specifically and completely unto itself, i.e., do not indicate “see next section” or “see attachment.”

Items which exhibit an asterisk (*) should be included in Proposer’s Appendix and will not be part of the page count.

4.3 Proposal Questions

1 Key Personnel (35 points maximum this section)

1.A Team Shared Experience. Identify shared project experience of Proposed team. Provide a grid view of firm and/or individuals' experience on common projects for the following Program Elements:

- Market Research
- Master Planning
- Fair/Fairgrounds or Multi-Purpose Public Assembly Experience

Evaluation Criteria: (15 points maximum)

- *Proposer demonstrates common project experience for each deliverable.*

1.B Task Assignments. For each Program Element, clarify the sequence of major tasks, who would perform them, and at what point key involvement by the County would be expected and for what purpose. Also address the following:

- How will key team members work together to achieve the significant tasks needed for the Project?
- How will the A/E team manage and coordinate multiple team members to ensure a high level of quality control throughout all phases of the work?

Evaluation Criteria: (10 points maximum)

- *Proposer provides clarity on how major tasks will be performed and County involvement.*
- *Proposer demonstrates knowledge and experience in coordination of large teams.*
- *Proposer provides clear definition of roles and responsibilities of team members.*

1.C Continuity. Continuity of key staff on a project of this size and significance is critical to the success of the Project. No key team member may be replaced during this contract without prior written approval from the County.

- Detail current and projected workload/capacity of key personnel proposed to work on the Project.
- Detail how your team has accomplished continuity in the past when team members left teams.
- Describe how your team will provide continuity of key personnel on this Project.

Evaluation Criteria: (5 points maximum)

- *Individuals are available for this Project.*
- *Proposer demonstrated its capacity to provide required staffing resources for the Project.*
- *Proposer provides clarity on how they will maintain continuity on this Project.*

1.D Organization Chart. Provide an organization chart of your proposed team for the Projects including names and roles of key staff. If Proposer intends to deploy multiple teams based on three Program Elements, provide unique organization chart for each team. For teams that are comprised of more than one architecture firm, identify roles and responsibilities of key team members based on its written teaming agreement. Each Organization Chart may be printed on one side of one 11"x17" paper and will count as one page.

Evaluation Criteria: (5 points maximum)

- *Organization chart provided is comprehensive.*

2 **Relevant Firm Experience and Project Team** (25 points maximum this section)

If firms are proposing jointly, indicate which firm is the Project Lead and which firm was responsible for the listed projects.

2.A Regional Knowledge and Experience. Provide the following:

- Describe the team’s experience with the Central Oregon climate.
- Describe the team’s knowledge of and/or experience with applicable permitting agencies.
- Describe the team’s proximity to project locale; describe how proximity will benefit the Project.
- Describe whether the team has a local office and/or whether it will partner with a local firm.
- For all members of the A/E Team not based in the central Oregon area, define their roles, from where they must travel, and how many trips are anticipated to perform their responsibilities and significant tasks for the Project.

Evaluation criteria: (15 points maximum)

- *Proposer’s proximity will benefit the Project. (10 points maximum)*
- *Proposer has experience with Central Oregon climate. (3 points maximum)*
- *Minimum number of team members requires extensive travel. (2 points maximum)*

2.B Experience. Describe team’s experience in providing services of at least three (3) market research plans, three (3) Strategic Master Plan submissions similar in size and type to the Deschutes County Project within the last five (5) years. When citing specific example projects, clarify the following:

- Name, location, client entity and year of completion of the project.
- Define the roles and responsibilities of each member of your team on each project.

Evaluation criteria: (10 points maximum)

- *Proposer provides all requested information.*
- *Proposer has demonstrated experience in phased campus master planning, facility conditions assessments, and detention facility design.*

2.C Sub-Consultant List. (0 points) List the following proposed Sub-consultant firms (if applicable):

- Civil Engineering.
- Structural Engineering.
- Mechanical Engineering.
- Electrical Engineering.
- Third-Party Estimating.
- Landscape Architecture.

2.D *Sub-Consultant Experience. Provide the following for above-listed Sub-consultant firms:

- Sub-consultant firm name, address, phone number, website.
- Contact person information including email address.
- A list of the Sub-consultant’s personnel by discipline who will be available to provide the capacity and capability to perform the required services for the Project.
- A list of the Sub-consultant’s relevant project experience limited to no more than three (3) similar projects in size and complexity.

Evaluation criteria: (0 points maximum)

- *Sub-consultants demonstrate relevant knowledge.*

3 **Project Goals and Recommendations** (20 points maximum this section)

- What does your team consider the most critical goal for overall success of these Projects?
- What recommendations do you have for the County for these Projects to be successful?
- What one thing makes your team the best for delivery of the Project?

Evaluation Criteria:

- *Proposer provides the County with useful recommendations.*
- *Proposer provides special or unique benefits to the County.*

4 **Project Approach** (10 points maximum this section)

Proposer’s team will have full responsibility for the tasks and deliverables listed in the Statements of Work and shall treat the deliverables and associated tasks as guidelines for work requirements, utilizing collaboration tools and “Best Practices” as the methodology for project controls, and project delivery. Provide a Project approach to include a detailed narrative of services, duties, and responsibilities described below by providing a narrative, schedule, or other graphic tools to describe your team’s approach to performing the A/E responsibilities anticipated for this Project.

Evaluation Criteria:

- *Proposer provides an innovative approach for each of the Program Elements.*

5 **Schedule Management** (5 points maximum this section)

- How does your team propose to complete the three Program Elements based on the proposed schedules?
- Does your team anticipate any difficulties in meeting or beating this schedule, and how would you propose to overcome them?

Evaluation Criteria:

- *Proposer provides examples on how to meet or beat the design schedule.*
- *Proposer understands the key design issues impacting the schedule and has a good approach to overcome these issues.*

6 **Project Cost Control** (5 points maximum this section)

This Project is expected to serve as an example of appropriate and efficient budget management, and to reflect Deschutes County’s responsibility to its residents to minimize both initial costs and long-term costs to build and operate the facility.

- What strategies would your team employ to monitor and control costs of the Project during the design phases?

Evaluation Criteria:

- *Proposer provides innovative strategies and tools for budget management.*
- *Proposer provides lessons learned and innovations from past projects that will ensure alignment of design and program with budget.*

4.4 Interview Process

Interview date, time, location and scoring criteria will be emailed to those invited to interview. No additions, deletions or substitutions may be made to Proposals during the interviews. The County may furnish the short-listed firms with a problem to solve during the interview. During the interview Proposers will demonstrate their understanding of the County’s goals and values and of the Collaborative Project Delivery process.

Within two (2) days of email notification of interview invitation, Proposers should email the following to the Single Point of Contact listed on the **Cover Sheet** for evaluating the Proposing team’s project quality control:

- 1) Provide the following finished/approved documents outlining a similar prior project.
 - Market Research Study, and Final Strategic Master Plan for a Fairground, Multi-Purpose Event Center or Venue
 - Please be prepared to provide an explanation for the following elements:
 - Methodology for conducting research
 - Include strategies for obtaining local/regional knowledge.
 - Overview of Final Strategic Master Plan
 - Be prepared to discuss lessons learned, and tangible adjustments for future projects.

EVALUATION CRITERIA

- *Proposer provides information requested.*
- *Budgets, schedules, and drawings/specifications are legible and well-coordinated.*
- *Lessons Learned log provides tangible lessons for future projects.*

- 2) Provide a Facility Condition Assessment for a previous client.

4.5 Price Proposal and Fee Schedule

Proposers invited to interview shall prepare “Price Proposal and Fee Schedule” based on **EXHIBIT 2**. This document shall be submitted in a separate, sealed envelope at the time of the interview. Failure to provide the completed schedule will result in the Proposer being found non-responsive.

Once a top ranked Proposer has been identified, the submitted sealed “Price Proposal and Fee Schedule” shall be opened and serve as a part of the selection process.

PROPOSAL SUBMISSION INSTRUCTIONS

5.1 Joint Proposals

The County will consider joint Proposals. Joint Proposals may take the form of partnerships or entities formed by new and existing providers. If any such arrangement is proposed, a written agreement between the parties must be submitted with the Proposal setting forth the business and service delivery agreements between the parties. This agreement shall be attached as an Appendix to the Proposal and will not count as part of the page count.

5.2 Multiple or Alternate Proposals

Multiple or alternate Proposals shall not be accepted.

5.3 Proposal Instructions and Content

Proposals must be double side printed on 8.5" x 11" paper. All pages should be numbered. Margins should be at least ½ inch on all sides. Font size can be no smaller than 10 point. Proposals must be stapled in the left upper corner, spiral bound, or placed in notebooks.

5.4 Maximum Page Limit

The total number of pages, excluding requested attachments, must not exceed 50 pages. Attachments and supporting documents not specifically required by the RFP will not be evaluated. Supporting materials submitted with the Proposal, if any, will not be returned. Pages exceeding the page limit will not be evaluated. The Organizational Chart may be on one side of an 11" x 17" paper and only counts as one page. Unless otherwise specified, pages exceeding the standard page size of 8.5" x 11" will be counted as two or more pages, depending on the actual size of the page.

5.5 Proposal Content

Proposers must respond to all questions without restating the questions. Use the same numbering and letter sequence as found in the RFP and then provide your response. Responses must be on the forms provided by the County where applicable.

5.6 Proposal Packaging

Proposals shall be submitted in a sealed envelope appropriately marked with the RFP title, Document number, and the name and address of the Proposer. If the requested copies do not fit into an envelope, enclose all copies in a box, seal it and attach a sheet of paper with the following information outside the box: (1) RFP title, (2) Document number, and (3) the name and address of the Proposer.

5.7 Proposal Copies and Submission

Proposers must submit one (1) original Proposal and five (5) copies.

In addition to the printed Proposals, Proposer shall submit one USB drive with an electronic copy of the Proposal. The electronic copy of the Proposal must match hard-copy version of the Proposal; in case of conflict, the hard copy original will be considered the "master" document. All electronic files must be in PDF format. Clearly label the exterior of the electronic media with RFP number and name of Proposer.

5.8 Cover Letter

Cover letter should include the following but is not limited to the following:

- Single point of contact for the proposal including an email address and a phone number.
- Proposer’s company name, business entity, DBA designation's, mailing address, physical address, website address, email address, and telephone number.
- Description of the ownership structure of the Proposer, giving specific details regarding any parent or affiliates.
- Confirmation that Proposer meets and will continue to meet Oregon professional and business licensing requirements.

5.9 Proposed Contract Comments

- Based on the attached Sample Contract **EXHIBIT 3**, describe any proposed modifications required should your team be selected to undertake negotiations to contract with the County. If you require no modifications, please acknowledge by indicating “no modifications required.”

5.10 Submission Requirements Checklist

Item	
Cover Letter (2 pages max)	
Proposal content 1A-D, 2A-C, 3, 4, 5, 6	
Proposal content 2D	
ATTACHMENT A: Proposer Certification and Representations	
ATTACHMENT B: Business Entity Statement	
ATTACHMENT C: Affidavit of Non-collusion	
ATTACHMENT D: Financial Resources	
ATTACHMENT E: References	
Teaming Agreement, if applicable	
Contract Comments	

END OF RFP

**ATTACHMENT A
PROPOSER CERTIFICATIONS AND REPRESENTATIONS**

FAILURE OF PROPOSER TO COMPLETE AND SIGN THIS FORM MAY RESULT IN REJECTION OF THE SUBMITTED OFFER

The undersigned, having full knowledge of the specifications for the goods or services specified herein, offers, and agrees that this offer shall be irrevocable for at least NINETY (90) calendar days after the date offers are due or as stated in the solicitation, and if accepted, to furnish any and/or all goods or services as described herein at the prices offered and within the time specified.

PROPOSER FIRM NAME: _____

ADDRESS: _____

Telephone No.: _____

ASSURANCES

Proposer attests that:

1. The person signing this offer has the authority to submit an offer and to represent Proposer in all phases of this procurement process.
2. The information provided herein is true and accurate.
3. Proposer is a resident proposer, as described in ORS 279A.120, of the State of _____, [insert State] and has not discriminated against any minority, women, or emerging small business enterprises certified under ORS 200.055 or a business enterprise that is owned or controlled by or that employs a disabled veteran as defined in ORS 408.225 in obtaining any required subcontracts, in accordance with ORS 279A.110.
4. "Resident bidder" means a bidder that has paid unemployment taxes or income taxes in this state during the 12 calendar months immediately preceding submission of the bid, has a business address in this state and has stated in the bid whether the bidder is a "resident bidder". ORS 279A.120 (1) ([b]).
5. Any false statement may disqualify this offer from further consideration or because of contract termination.
6. Proposer will notify Deschutes County within 30 days of any change in the information provided on this form.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

Proposer certifies to the best of its knowledge and belief that neither it nor any of its principals:

1. Are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from submitting bids or proposals by any federal, state or local entity, department or agency.
2. Have within a five-year period preceding the date of this certification been convicted of fraud or any other criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) contract, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
3. Are presently indicted for or otherwise criminally charged with commission of any of the offenses enumerated in paragraph two of this certification.
4. Have, within a five-year period preceding the date of this certification had a judgment entered against contractor or its principals arising out of the performance of public or private contract.
5. Have pending in any state or federal court any litigation in which there is a claim against contractor or any of its principals arising out of the performance of a public or private contract.
6. Have within a five-year period preceding the date of this certification had one or more public contracts (federal, state, or local) terminated for any reason related to contract performance.

CERTIFICATION REGARDING CONFLICT OF INTEREST

“Organizational conflict of interest” means that, because of other activities or relationships with other persons or firms, a Contractor or Consultant (including its principal participants, directors, proposed consultants, or subcontractors) would be unable or potentially unable to render impartial, technically sound assistance or advice to Deschutes County; or the Contractor’s or Consultant’s objectivity in performing the Work would or might be otherwise impaired. The Proposer certifies to the best of their knowledge and believe that neither it nor any of its principal participants and agents:

1. Has/Have/Had any relationships with any firms or individuals that are or appear to be an organizational conflict of interest?
2. Has or has had the following relationships with the specific firm(s)/individual(s), identified below, which may be determined to be an organizational conflict of interest? I understand that based on the information provided by Proposer, Deschutes County may exclude the Proposer from further consideration and may withdraw its selection if the real or apparent organizational conflict of interest cannot be avoided or mitigated. Proposer further certifies that the degree and extent of the relationship of the Proposer with these named firm(s)/individual(s) have been fully disclosed below.

Where Proposer is unable to certify to any of the statements in this certification, Proposer shall attach an explanation to their offer. The inability to certify to all the statements may not necessarily preclude Proposer from award of a contract under this procurement.

ACKNOWLEDGEMENT OF ADDENDA

The undersigned acknowledges receipt of and agrees to be bound by **addenda numbered** _____ **through** _____ inclusive, and any additional addenda issued until the Notice to Proceed has been issued.

SIGNATURE OF AUTHORIZED PERSON

Signature: _____ Date: _____

Printed Name & Title: _____

Contact Person for this Procurement: _____

Phone: _____ Email: _____

**ATTACHMENT B
AFFIDAVIT OF NON-COLLUSION**

STATE OF OREGON

County of _____

I state that I am _____(title) of _____(name of firm) and that I am authorized to make this affidavit on behalf of my firm, and its owners, directors, and officers. I am the person responsible in my firm for the price(s) and the amount of this proposal.

I state that:

- (1) The price(s) and amount of this proposal have been arrived at independently and without consultation, communication or agreement with any other contractor, proposer, or potential proposer, except as disclosed on the attached appendix.
- (2) That neither the price(s) nor the amount of this proposal, and neither the approximate price(s) nor approximate amount of this proposal, have been disclosed to any other firm or person who is a proposer or potential proposer, and they will not be disclosed before proposal opening.
- (3) No attempt has been made or will be made to induce any firm or person to refrain from proposing on this contract, or to submit a proposal higher than this proposal, or to submit any intentionally high or noncompetitive proposal or other form of complementary proposal.
- (4) The proposal of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive proposal.
- (5) _____(name of firm), its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not in the last four years been convicted of or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to proposing on any public contract, except as described in the attached appendix.

I state that _____(name of firm) understands and acknowledges that the above representations are material and important and will be relied on by Deschutes County in awarding the contract(s) for which this proposal is submitted. I understand and my firm understands that any misstatement in this affidavit is and shall be treated as fraudulent concealment from Deschutes County of the true facts relating to the submission of proposals for this contract.

Authorized Signature	Printed Name	Position	Date
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Name of Company

**ATTACHMENT D
FINANCIAL RESOURCES**

1. Has your firm ever been at any time in the last ten years the debtor in a bankruptcy case?

_____ Yes _____ No

If "yes" explain.

2. Does your firm have any outstanding judgments pending against it?

_____ Yes _____ No

If "yes" explain.

3. In the past ten years, has your firm been a party to litigation, arbitration, or mediation where the amount in dispute exceeded \$25,000?

_____ Yes _____ No

If "yes" explain.

4. In the past ten years, has your firm been a party to litigation, arbitration, or mediation on a matter related to payment to subcontractors or work performance on a contract? Check "yes" even if the matter proceeded to arbitration or mediation without court litigation.

_____ Yes _____ No

If "yes" explain.

5. Have you or any of your affiliates discontinued business operation with outstanding debts?

_____ Yes _____ No

If "yes" explain.

Authorized Signature

Printed Name

Position

Date

**ATTACHMENT E
PROPOSER REFERENCE FORM**

Proposer: _____

Reference # ____

Project: _____

Contact #1 Name: _____

Client: _____

Contact #1 Role: _____

Location: _____

Contact #1 Phone: _____

Construction Budget: _____

Contact #1 Email: _____

Date Completed: _____

Contact #2 Name: _____

Contact #2 Role: _____

Contact #2 Phone: _____

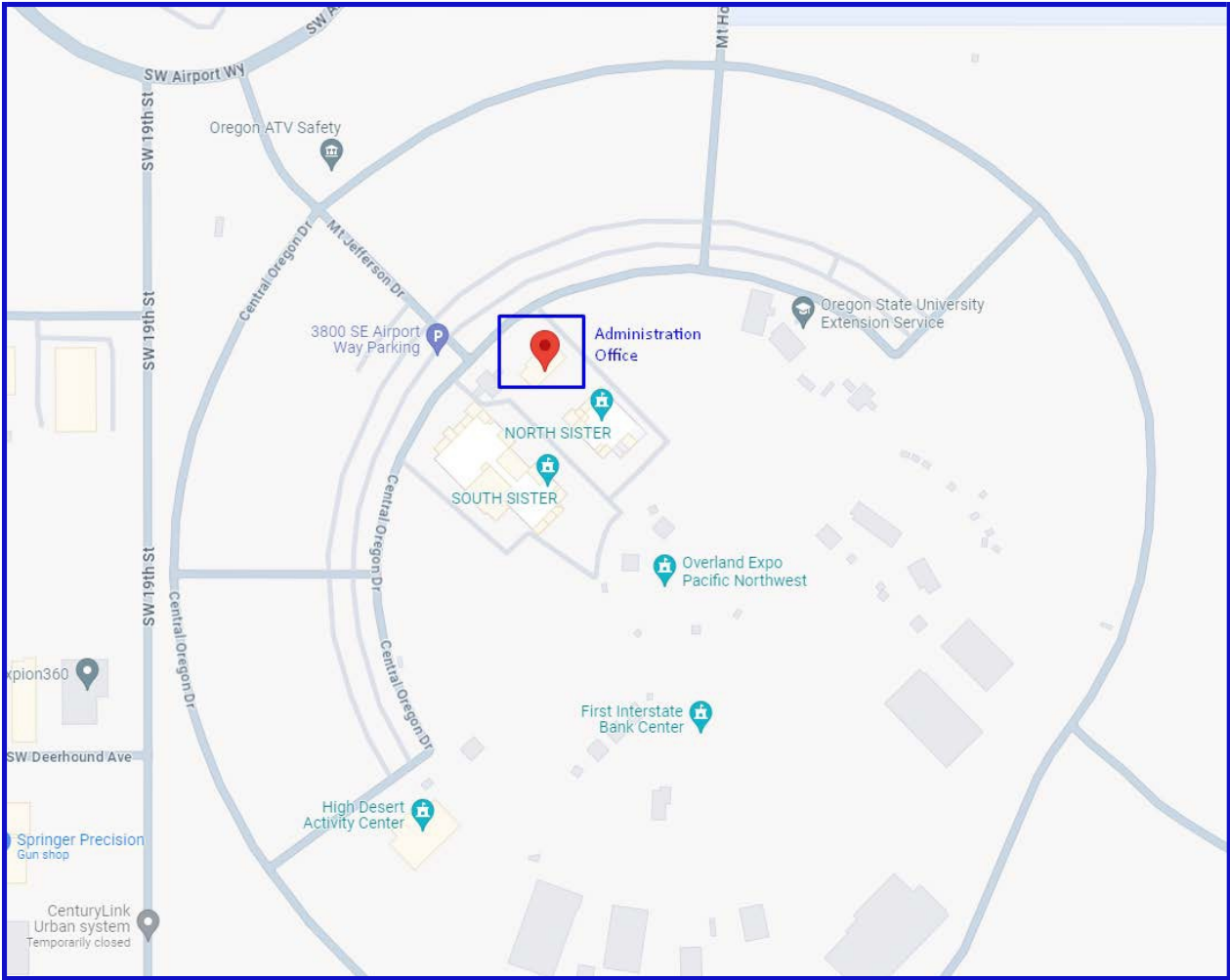
Contact #2 Email: _____

Project Description:

**EXHIBIT 1
DESCHUTES COUNTY FAIR & EXPO PARKING & MEETING LOCATION**

Deschutes County Fair & Expo Administration Office
3800 SW Airport Way
Redmond, Oregon 97756

[Google Map Link](#)



**EXHIBIT 2
PRICE PROPOSAL AND FEE SCHEDULE**

NOTES:

- **This information is to be provided only by Proposers invited to interview.**
- This information is intended to comply with requirements Oregon Revised Statute 279C.110.
- Proposer may withdraw from consideration if Proposer does not wish to provide a price proposal.
- An offer is irrevocable for not less than 90 days after the date of the proposal.

A. Provide a schedule of hourly rates for the work of each individual or each labor classification.

B. Provide a reasonable estimate of hours required.

C. Provide a schedule of reimbursable expense rates.

D. Provide a reasonable estimate of reimbursable expenses.

EXHIBIT 3
DESCHUTES COUNTY PERSONAL SERVICES CONTRACT EXAMPLE

DESCHUTES COUNTY SERVICES CONTRACT

This Contract is between DESCHUTES COUNTY, a political subdivision, acting by and through the _____ Department (County) and _____(Contractor). The parties agree as follows:

Effective Date and Termination Date. The effective date of this Contract shall be _____ or the date, on which each party has signed this Contract, whichever is later. Unless extended or terminated earlier in accordance with its terms, this Contract shall terminate when County accepts Contractor's completed performance or on _____, _____, whichever date occurs first. Contract termination shall not extinguish or prejudice County's right to enforce this Contract with respect to any default by Contractor that has not been cured.

Statement of Work. Contractor shall perform the work described in Exhibit 1.

Payment for Work. County agrees to pay Contractor in accordance with Exhibit 1.

Contract Documents. This Contract includes Page 1-9 and Exhibits 1, 2, 3, 4, 5 and 6.

CONTRACTOR DATA AND SIGNATURE

Contractor Address:

Federal Tax ID# or Social Security #: _____

Is Contractor a nonresident alien? Yes No

Business Designation (check one): Sole Proprietorship Partnership
 Corporation-for profit Corporation-non-profit Other, describe

A Federal tax ID number or Social Security number is required to be provided by the Contractor and shall be used for the administration of state, federal and local tax laws. Payment information shall be reported to the Internal Revenue Service under the name and Federal tax ID number or, if none, the Social Security number provided above.

I have read this Contract including the attached Exhibits. I understand this Contract and agree to be bound by its terms. NOTE:

Contractor shall also sign Exhibits 3 and 4 and, if applicable, Exhibit 6.

Signature

Title

Name (please print)

Date

DESCHUTES COUNTY SIGNATURE

Contracts with a maximum consideration of not greater than \$50,000 are not valid and not binding on the County until signed by the appropriate Deschutes County Department Head. Additionally, Contracts with a maximum consideration greater than \$50,000 but less than \$250,000 are not valid and not binding on the County until signed by the County Administrator or the Board of County Commissioners.

STANDARD TERMS AND CONDITIONS

1. **Time is of the Essence.** Contractor agrees that time is of the essence in the performance of this Contract.
2. **Compensation.** Payment for all work performed under this Contract shall be made in the amounts and manner set forth in Exhibit 1.
 - a. Payments shall be made to Contractor following County's review and approval of billings and deliverables submitted by Contractor.
 - b. All Contractor billings are subject to the maximum compensation amount of this contract.
 - c. Contractor shall not submit billings for, and County shall not pay, any amount in excess of the maximum compensation amount of this Contract, including any reimbursable expenses, (See Exhibit 5).
 - 1) If the maximum compensation amount is increased by amendment to this Contract, the amendment shall be signed by both parties and fully executed before Contractor performs work subject to the amendment.
 - 2) No payment shall be made for any services performed before the beginning date or after the expiration date of this contract.
 - d. This Contract shall not be amended after the expiration date.
 - e. Unless otherwise specifically provided in Exhibit 5, Contractor shall submit monthly invoices for work performed. The invoices shall describe all work performed with particularity and by whom it was performed and shall itemize and explain all expenses for which reimbursement is claimed.
 - f. The invoices also shall include the total amount invoiced to date by Contractor prior to the current invoice.
 - g. Prior to approval or payment of any billing, County may require and Contractor shall provide any information which County deems necessary to verify work has been properly performed in accordance with the Contract.
3. **Delegation, Subcontracts and Assignment.** Contractor shall not delegate or subcontract any of the work required by this Contract or assign or transfer any of its interest in this Contract, without the prior written consent of County.
 - a. Any delegation, subcontract, assignment, or transfer without prior written consent of County shall constitute a material breach of this contract.
 - b. Any such assignment or transfer, if approved, is subject to such conditions and provisions as the County may deem necessary.
 - c. No approval by the County of any assignment or transfer of interest shall be deemed to create any obligation of the County to increase rates of payment or maximum Contract consideration.
 - d. Prior written approval shall not be required for the purchase by the Contractor of articles, supplies and services which are incidental to the provision of services under this Contract that are necessary for the performance of the work.
 - e. Any subcontracts that the County may authorize shall contain all requirements of this contract, and unless otherwise specified by the County the Contractor shall be responsible for the performance of the subcontractor.
4. **No Third Party Beneficiaries.**
 - a. County and Contractor are the only parties to this Contract and are the only parties entitled to enforce its terms.
 - b. Nothing in this Contract gives or provides any benefit or right, whether directly, indirectly, or otherwise, to third persons unless such third persons are individually identified by name in this Contract and expressly described as intended beneficiaries of this Contract.
5. **Successors in Interest.** The provisions of this Contract shall be binding upon and inure to the benefit of the parties and their successors and approved assigns, if any.
6. **Early Termination.** This Contract may be terminated as follows:
 - a. Mutual Consent. County and Contractor, by mutual written agreement, may terminate this Contract at any time.
 - b. Party's Convenience. County or Contractor may terminate this Contract for any reason upon 30 calendar days written notice to the other party.

- c. For Cause. County may also terminate this Contract effective upon delivery of written notice to the Contractor, or at such later date as may be established by the County, under any of the following conditions:
 - 1) If funding from state or other sources is not obtained and continued at levels sufficient to allow for the purchase of the indicated quantity of services as required in this Contract.
 - 2) This Contract may be modified to accommodate the change in available funds.
 - 3) If state laws, regulations or guidelines are modified, changed or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Contract or are no longer eligible for the funding proposed for payments authorized by this Contract.
 - 4) In the event sufficient funds shall not be appropriated for the payment of consideration required to be paid under this Contract, and if County has no funds legally available for consideration from other sources.
 - 5) If any license or certificate required by law or regulation to be held by the Contractor to provide the services required by this Contract is for any reason denied, revoked, suspended, not renewed or changed in such a way that the Contractor no longer meets requirements for such license or certificate.
- d. Contractor Default or Breach. The County, by written notice to the Contractor, may immediately terminate the whole or any part of this Contract under any of the following conditions:
 - 1) If the Contractor fails to provide services called for by this Contract within the time specified or any extension thereof.
 - 2) If the Contractor fails to perform any of the other requirements of this Contract or so fails to pursue the work so as to endanger performance of this Contract in accordance with its terms, and after receipt of written notice from the County specifying such failure, the Contractor fails to correct such failure within 10 calendar days or such other period as the County may authorize.
 - 3) Contractor institutes or has instituted against it insolvency, receivership or bankruptcy proceedings, makes an assignment for the benefit of creditors, or ceases doing business on a regular basis.
- e. County Default or Breach.
 - 1) Contractor may terminate this Contract in the event of a breach of this Contract by the County. Prior to such termination, the Contractor shall give to the County written notice of the breach and intent to terminate.
 - 2) If the County has not entirely cured the breach within 10 calendar days of the date of the notice, then the Contractor may terminate this Contract at any time thereafter by giving notice of termination.

- 7. Payment on Early Termination.** Upon termination pursuant to paragraph 6, payment shall be made as follows:
- a. If terminated under subparagraphs 6 a. through c. of this Contract, the County shall pay Contractor for work performed prior to the termination date if such work was performed in accordance with the Contract. Provided however, County shall not pay Contractor for any obligations or liabilities incurred by Contractor after Contractor receives written notice of termination.
 - b. If this Contract is terminated under subparagraph 6 d. of this Contract, County obligations shall be limited to payment for services provided in accordance with this Contract prior to the date of termination, less any damages suffered by the County.
 - c. If terminated under subparagraph 6 e of this Contract by the Contractor due to a breach by the County, then the County shall pay the Contractor for work performed prior to the termination date if such work was performed in accordance with the Contract:
 - 1) with respect to services compensable on an hourly basis, for unpaid invoices, hours worked within any limits set forth in this Contract but not yet billed, authorized expenses incurred if payable according to this Contract and interest within the limits set forth under ORS 293.462, and
 - 2) with respect to deliverable-based Work, the sum designated for completing the deliverable multiplied by the percentage of Work completed and accepted by County, less previous amounts paid and any claim(s) that County has against Contractor.
 - 3) Subject to the limitations under paragraph 8 of this Contract.

- 8. Remedies.** In the event of breach of this Contract the parties shall have the following remedies:
- a. Termination under subparagraphs 6 a. through c. of this Contract shall be without prejudice to any obligations or liabilities of either party already reasonably incurred prior to such termination.
 - 1) Contractor may not incur obligations or liabilities after Contractor receives written notice of termination.

- 2) Additionally, neither party shall be liable for any indirect, incidental, consequential or special damages under this Contract or for any damages of any sort arising solely from the termination of this Contract in accordance with its terms.
- b. If terminated under subparagraph 6 d. of this Contract by the County due to a breach by the Contractor, County may pursue any remedies available at law or in equity.
 - 1) Such remedies may include, but are not limited to, termination of this contract, return of all or a portion of this Contract amount, payment of interest earned on this Contract amount, and declaration of ineligibility for the receipt of future contract awards.
 - 2) Additionally, County may complete the work either by itself, by agreement with another Contractor, or by a combination thereof. If the cost of completing the work exceeds the remaining unpaid balance of the total compensation provided under this Contract, then the Contractor shall be liable to the County for the amount of the reasonable excess.
- c. If amounts previously paid to Contractor exceed the amount due to Contractor under this Contract, Contractor shall repay any excess to County upon demand.
- d. Neither County nor Contractor shall be held responsible for delay or default caused by fire, civil unrest, labor unrest, riot, acts of God, or war where such cause was beyond reasonable control of County or Contractor, respectively; however, Contractor shall make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon the cessation of the cause, diligently pursue performance of its obligations under this Contract. For any delay in performance as a result of the events described in this subparagraph, Contractor shall be entitled to additional reasonable time for performance that shall be set forth in an amendment to this Contract.
- e. The passage of this Contract expiration date shall not extinguish or prejudice the County's or Contractor's right to enforce this Contract with respect to any default or defect in performance that has not been cured.
- f. County's remedies are cumulative to the extent the remedies are not inconsistent, and County may pursue any remedy or remedies singly, collectively, successively or in any order whatsoever.

9. Contractor's Tender upon Termination. Upon receiving a notice of termination of this Contract, Contractor shall immediately cease all activities under this Contract unless County expressly directs otherwise in such notice of termination.

- a. Upon termination of this Contract, Contractor shall deliver to County all documents, information, work-in-progress and other property that are or would be deliverables had this Contract been completed.
- b. Upon County's request, Contractor shall surrender to anyone County designates, all documents, research, objects or other tangible things needed to complete the work.

10. Work Standard.

- a. Contractor shall be solely responsible for and shall have control over the means, methods, techniques, sequences and procedures of performing the work, subject to the plans and specifications under this Contract and shall be solely responsible for the errors and omissions of its employees, subcontractors and agents.
- b. For goods and services to be provided under this contract, Contractor agrees to:
 - 1) perform the work in a good, workmanlike, and timely manner using the schedule, materials, plans and specifications approved by County;
 - 2) comply with all applicable legal requirements;
 - 3) comply with all programs, directives, and instructions of County relating to safety, storage of equipment or materials;
 - 4) take all precautions necessary to protect the safety of all persons at or near County or Contractor's facilities, including employees of Contractor, County and any other contractors or subcontractors and to protect the work and all other property against damage.

11. Drugs and Alcohol. Contractor shall adhere to and enforce a zero tolerance policy for the use of alcohol and the unlawful selling, possession or use of controlled substances while performing work under this Contract.

12. Insurance. Contractor shall provide insurance in accordance with Exhibit 2 attached hereto and incorporated by reference herein.

13. Expense Reimbursement. If the consideration under this Contract provides for the reimbursement of Contractor for expenses, in addition to Exhibit 5, Exhibit 1 shall state that Contractor is or is not entitled to

reimbursement for such expenses.

- a. County shall only reimburse Contractor for expenses reasonably and necessarily incurred in the performance of this contract.
- b. Expenses reimbursed shall be at the actual cost incurred; including any taxes paid, and shall not include any mark-up unless the mark-up on expenses is specifically agreed to in this Contract.
- c. The cost of any subcontracted work approved in this Contract shall not be marked up.
- d. Contractor shall not bill County for any time expended to complete the documents necessary for reimbursement of expenses or for payment under this contract.
- e. The limitations applicable to reimbursable expenses are set forth in Exhibit "5," attached hereto and by reference incorporated herein.

14. Criminal Background Investigations. Contractor understands that Contractor and Contractor's employees and agents are subject to periodic criminal background investigations by County and, if such investigations disclose criminal activity not disclosed by Contractor, such non-disclosure shall constitute a material breach of this Contract and County may terminate this Contract effective upon delivery of written notice to the Contractor, or at such later date as may be established by the County.

15. Confidentiality. Contractor shall maintain confidentiality of information obtained pursuant to this Contract as follows:

- a. Contractor shall not use, release or disclose any information concerning any employee, client, applicant or person doing business with the County for any purpose not directly connected with the administration of County's or the Contractor's responsibilities under this Contract except upon written consent of the County, and if applicable, the employee, client, applicant or person.
- b. The Contractor shall ensure that its agents, employees, officers and subcontractors with access to County and Contractor records understand and comply with this confidentiality provision.
- c. Contractor shall treat all information as to personal facts and circumstances obtained on Medicaid eligible individuals as privileged communication, shall hold such information confidential, and shall not disclose such information without the written consent of the individual, his or her attorney, the responsible parent of a minor child, or the child's guardian, except as required by other terms of this Contract.
- d. Nothing prohibits the disclosure of information in summaries, statistical information, or other form that does not identify particular individuals.
- e. Personally identifiable health information about applicants and Medicaid recipients will be subject to the transaction, security and privacy provisions of the Health Insurance Portability and Accountability Act ("HIPAA").
- f. Contractor shall cooperate with County in the adoption of policies and procedures for maintaining the privacy and security of records and for conducting transactions pursuant to HIPAA requirements.
- g. This Contract may be amended in writing in the future to incorporate additional requirements related to compliance with HIPAA.
- h. If Contractor receives or transmits protected health information, Contractor shall enter into a Business Associate Agreement with County, which, if attached hereto, shall become a part of this Contract.

16. Reports. Contractor shall provide County with periodic reports at the frequency and with the information prescribed by County. Further, at any time, County has the right to demand adequate assurances that the services provided by Contractor shall be in accordance with the Contract. Such assurances provided by Contractor shall be supported by documentation in Contractor's possession from third parties.

17. Access to Records. Contractor shall maintain fiscal records and all other records pertinent to this Contract.

- a. All fiscal records shall be maintained pursuant to generally accepted accounting standards, and other records shall be maintained to the extent necessary to clearly reflect actions taken.
 - 1) All records shall be retained and kept accessible for at least three years following the final payment made under this Contract or all pending matters are closed, whichever is later.
 - 2) If an audit, litigation or other action involving this Contract is started before the end of the three year period, the records shall be retained until all issues arising out of the action are resolved or until the end of the three year period, whichever is later.
- b. County and its authorized representatives shall have the right to direct access to all of Contractor's books, documents, papers and records related to this Contract for the purpose of conducting audits and examinations and making copies, excerpts and transcripts.
 - 1) These records also include licensed software and any records in electronic form, including but not

limited to computer hard drives, tape backups and other such storage devices. County shall reimburse Contractor for Contractor’s cost of preparing copies.

- 2) At Contractor's expense, the County, the Secretary of State's Office of the State of Oregon, the Federal Government, and their duly authorized representatives, shall have license to enter upon Contractor's premises to access and inspect the books, documents, papers, computer software, electronic files and any other records of the Contractor which are directly pertinent to this Contract.
- 3) If Contractor's dwelling is Contractor's place of business, Contractor may, at Contractor's expense, make the above records available at a location acceptable to the County.

18. Ownership of Work. All work of Contractor that results from this Contract (the “Work Product”) is the exclusive property of County.

- a. County and Contractor intend that such Work Product be deemed “work made for hire” of which County shall be deemed author.
- b. If, for any reason, the Work Product is not deemed “work made for hire,” Contractor hereby irrevocably assigns to County all of its right, title, and interest in and to any and all of the Work Product, whether arising from copyright, patent, trademark, trade secret, or any other state or federal intellectual property law or doctrine.
- c. Contractor shall execute such further documents and instruments as County may reasonably request in order to fully vest such rights in County.
- d. Contractor forever waives any and all rights relating to Work Product, including without limitation, any and all rights arising under 17 USC § 106A or any other rights of identification of authorship or rights of approval, restriction or limitation on use or subsequent modifications.
- e. County shall have no rights in any pre-existing work product of Contractor provided to County by Contractor in the performance of this Contract except an irrevocable, non-exclusive, perpetual, royalty-free license to copy, use and re-use any such work product for County use only.
- f. If this Contract is terminated prior to completion, and County is not in default, County, in addition to any other rights provided by this Contract, may require Contractor to transfer and deliver all partially completed work products, reports or documentation that Contractor has specifically developed or specifically acquired for the performance of this Contract.
- g. In the event that Work Product is deemed Contractor’s Intellectual Property and not “work made for hire,” Contractor hereby grants to County an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display the Contractor Intellectual Property, and to authorize others to do the same on County’s behalf.
- h. In the event that Work Product is Third Party Intellectual Property, Contractor shall secure on the County’s behalf and in the name of the County, an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display the Third Party Intellectual Property, and to authorize others to do the same on County’s behalf.

19. County Code Provisions. Except as otherwise specifically provided, the provisions of Deschutes County Code, Section 2.37.150 are incorporated herein by reference. Such code section may be found at the following URL address:

https://deschutescounty.municipalcodeonline.com/book?type=ordinances#name=2.37.150_Standard_Contract_Provisions To the extent any provision of DCC 2.37.150 is inconsistent with a provision of this Contract, DCC 2.37.150 shall govern.

20. Partnership. County is not, by virtue of this contract, a partner or joint venturer with Contractor in connection with activities carried out under this contract, and shall have no obligation with respect to Contractor’s debts or any other liabilities of each and every nature.

21. Indemnity and Hold Harmless.

- a. To the fullest extent authorized by law Contractor shall defend, save, hold harmless and indemnify the County and its officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities costs and expenses of any nature resulting from or arising out of, or relating to the activities of Contractor or its officers, employees, contractors, or agents under this Contract, including without limitation any claims that the work, the work product or any other tangible or intangible items delivered to County by Contractor that may be the subject of protection under any state or federal intellectual property law or doctrine, or the County’s use thereof, infringes any patent, copyright, trade secret, trademark, trade dress, mask work utility design or other proprietary right of any third party.

- b. Contractor shall have control of the defense and settlement of any claim that is subject to subparagraph a of this paragraph; however neither contractor nor any attorney engaged by Contractor shall defend the claim in the name of Deschutes County or any department or agency thereof, nor purport to act as legal representative of the County or any of its departments or agencies without first receiving from the County’s legal counsel, in a form and manner determined appropriate by the County’s legal counsel, authority to act as legal counsel for the County, nor shall Contractor settle any claim on behalf of the Count without the approval of the County’s legal counsel.
- c. To the extent permitted by Article XI, Section 10, of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall defend, save, hold harmless and indemnify Contractor and its officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities costs and expenses of any nature resulting from or arising out of, or relating to the activities of County or its officers, employees, contractors, or agents under this Contract.

22. Waiver.

- a. County’s delay in exercising, or failure to exercise any right, power, or privilege under this Contract shall not operate as a waiver thereof, nor shall any single or partial exercise or any right, power, or privilege under this Contract preclude any other or further exercise thereof or the exercise of any other such right, power, or privilege.
- b. The remedies provided herein are cumulative and not exclusive of any remedies provided by law.

23. Governing Law. This Contract shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law.

- a. Any claim, action, suit or proceeding (collectively, “Claim”) between County and Contractor that arises from or relates to this Contract shall be brought and conducted solely and exclusively within the Circuit Court of Deschutes County for the State of Oregon; provided, however, if a Claim shall be brought in federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon.
- b. CONTRACTOR, BY EXECUTION OF THIS CONTRACT, HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF SAID COURTS. The parties agree that the UN Convention on International Sales of Goods shall not apply.

24. Severability. If any term or provision of this Contract is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Contract did not contain the particular term or provision held invalid.

25. Counterparts. This Contract may be executed in several counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Contract so executed shall constitute on original.

26. Notice. Except as otherwise expressly provided in this Contract, any communications between the parties hereto or notices to be given hereunder shall be given in writing, to Contractor or County at the address or number set forth below or to such other addresses or numbers as either party may hereafter indicate in writing. Delivery may be by personal delivery, facsimile, or mailing the same, postage prepaid.

- a. Any communication or notice by personal delivery shall be deemed delivered when actually given to the designated person or representative.
- b. Any communication or notice sent by facsimile shall be deemed delivered when the transmitting machine generates receipt of the transmission. To be effective against County, such facsimile transmission shall be confirmed by telephone notice to the County Administrator.
- c. Any communication or notice mailed shall be deemed delivered five (5) days after mailing. Any notice under this Contract shall be mailed by first class postage or delivered as follows:

To Contractor:

*

Fax No.

To County:

Nick Lelack
County Administrator
1300 NW Wall Street, Suite 200
Bend, Oregon 97701
Fax No. 541-385-3202

- 27. **Merger Clause.** This Contract and the attached exhibits constitute the entire agreement between the parties.
 - a. All understandings and agreements between the parties and representations by either party concerning this Contract are contained in this Contract.
 - b. No waiver, consent, modification or change in the terms of this Contract shall bind either party unless in writing signed by both parties.
 - c. Any written waiver, consent, modification or change shall be effective only in the specific instance and for the specific purpose given.

- 28. **Identity Theft Protection.** Contractor and subcontractors shall comply with the Oregon Consumer Identity Theft Protection Act (ORS 646A.600 et seq.).

- 29. **Survival.** All rights and obligations shall cease upon termination or expiration of this Contract, except for the rights and obligations set forth in Sections 4, 5, 8, 9, 15, 17, 18, 20-27, 28 and 30.

- 30. **Representations and Warranties.**
 - a. **Contractor's Representations and Warranties.** Contractor represents and warrants to County that:
 - 1) Contractor has the power and authority to enter into and perform this Contract;
 - 2) this Contract, when executed and delivered, shall be a valid and binding obligation of Contractor enforceable in accordance with its terms;
 - 3) Contractor has the skill and knowledge possessed by well-informed members of its industry, trade or profession and Contractor will apply that skill and knowledge with care and diligence to perform the Work in a professional manner and in accordance with standards prevalent in Contractor's industry, trade or profession;
 - 4) Contractor shall, at all times during the term of this Contract, be qualified, professionally competent, and duly licensed to perform the Work;
 - 5) Contractor prepared its proposal related to this Contract, if any, independently from all other proposers, and without collusion, fraud, or other dishonesty; and
 - 6) Contractor's making and performance of this Contract do not and will not violate any provision of any applicable law, rule or regulation or order of any court, regulatory commission, board or other administrative agency.
 - b. **Warranties Cumulative.** The warranties set forth in this paragraph are in addition to, and not in lieu of, any other warranties provided.

- 31. **Representation and Covenant.**
 - a. Contractor represents and warrants that Contractor has complied with the tax laws of this state, and where applicable, the laws of Deschutes County, including but not limited to ORS 305.620 and ORS chapters 316, 317 and 318.
 - b. Contractor covenants to continue to comply with the tax laws of this state, and where applicable, the laws of Deschutes County, during the term of this contract.
 - c. Contractor acknowledges that failure by Contractor to comply with the tax laws of this state, and where applicable, the laws of Deschutes County, at any time before Contractor has executed the contract or during the term of the contract is and will be deemed a default for which Deschutes County may terminate the contract and seek damages and/or other relief available under the terms of the contract or under applicable law.

EXHIBIT 1

DESCHUTES COUNTY SERVICES CONTRACT

Contract No. 20 -

STATEMENT OF WORK, COMPENSATION
PAYMENT TERMS and SCHEDULE

1. Contractor shall perform the following work:

- a.
- b.

2. County Services. County shall provide Contractor, at county's expense, with material and services described as follows:

- a.
- b.

3. Consideration.

- a. County shall pay Contractor on a fee-for-service basis at the rate of _____.
- b. Contractor shall be entitled to reimbursement for expenses as set forth in Exhibit 5
 YES NO [Check one]

4. The maximum compensation.

- a. The maximum compensation under this contract, including allowable expenses, is \$_____.
- b. Contractor shall not submit invoices for, and County shall not pay for any amount in excess of the maximum compensation amount set forth above.
 - 1) If this maximum compensation amount is increased by amendment of this contract, the amendment shall be fully effective before contractor performs work subject to the amendment.
 - 2) Contractor shall notify County in writing of the impending expiration of this Contract thirty (30) calendar days prior to the expiration date.

5. Schedule of Performance or Delivery.

- a. County's obligation to pay depends upon Contractor's delivery or performance in accordance with the following schedule:
- b. County will only pay for completed work that conforms to this schedule.

**EXHIBIT 2
DESCHUTES COUNTY SERVICES CONTRACT
Contract No. 20__ -**

INSURANCE REQUIREMENTS

Contractor shall at all times maintain in force at Contractor’s expense, each insurance noted below. Insurance coverage must apply on a primary or non-contributory basis. All insurance policies, except Professional Liability, shall be written on an occurrence basis and be in effect for the term of this contract. Policies written on a “claims made” basis must be approved and authorized by Deschutes County.

Contractor Name: _____

Workers Compensation Insurance in compliance with ORS 656.017, requiring Contractor and all subcontractors to provide workers’ compensation coverage for all subject workers, or provide certification of exempt status. Worker’s Compensation Insurance to cover claims made under Worker’s Compensation, disability benefit or any other employee benefit laws, including statutory limits in any state of operation with Coverage B Employer’s Liability coverage all at the statutory limits. In the absence of statutory limits the limits of said Employer’s Liability coverage shall be not less than \$1,000,000 each accident, disease and each employee. This insurance must be endorsed with a waiver of subrogation endorsement, waiving the insured’s right of subrogation against County.

Professional Liability insurance with an occurrence combined single limit of not less than: Per Occurrence limit Annual Aggregate limit
 \$1,000,000 \$2,000,000
 \$2,000,000 \$3,000,000
 \$3,000,000 \$5,000,000
Professional Liability insurance covers damages caused by error, omission, or negligent acts related to professional services provided under this Contract. The policy must provide extended reporting period coverage, sometimes referred to as “tail coverage” for claims made within two years after the contract work is completed or the facts underlying County’s claim could reasonably have been discovered, whichever is later.
 Required by County Not required by County (one box must be checked)

Commercial General Liability insurance with a combined single limit of not less than:
Per Single Claimant and Incident All Claimants Arising from Single Incident
 \$1,000,000 \$2,000,000
 \$2,000,000 \$3,000,000

- \$3,000,000
- \$5,000,000

Commercial General Liability insurance includes coverage for personal injury, bodily injury, advertising injury, property damage, premises, operations, products, completed operations and contractual liability. The insurance coverages provided for herein must be endorsed as primary and non-contributory to any insurance or self insurance of County, its officers, employees or agents. Each such policy obtained by Contractor shall provide that the insurer shall defend any suit against the named insured and the additional insureds, their officers, agents, or employees, even if such suit is frivolous or fraudulent.

The policy shall be endorsed to name **Deschutes County, its officers, agents, employees and volunteers as an additional insured**. The additional insured endorsement shall not include declarations that reduce any per occurrence or aggregate insurance limit. The Contractor shall provide additional coverage based on any outstanding claim(s) made against policy limits to ensure that minimum insurance limits required by the County are maintained. Construction contracts may include aggregate limits that apply on a "per location" or "per project" basis. The additional insurance protection shall extend equal protection to County as to Contractor or subcontractors and shall not be limited to vicarious liability only or any similar limitation. To the extent any aspect of this Paragraph shall be deemed unenforceable, then the additional insurance protection to County shall be narrowed to the maximum amount of protection allowed by law.

- Required by County
 - Not required by County
- (One box must be checked)

- Claims Made Policy
- Approved by County
- Not Approved by County

Automobile Liability insurance with a combined single limit of not less than:

Per Occurrence

- Personal Auto
- \$1,000,000
- \$2,000,000

Automobile Liability insurance includes coverage for bodily injury and property damage resulting from operation of a motor vehicle. Commercial Automobile Liability Insurance shall provide coverage for *any* motor vehicle (symbol 1 on some insurance certificates) driven by or on behalf of Contractor during the course of providing services under this contract. Commercial Automobile Liability is required for contractors that own business vehicles registered to the business. Examples include: plumbers, electricians or construction contractors.

A personal automobile policy of no less than the minimum insurance requirements set by the State of Oregon (ORS 806.070) will be accepted if a contractor is a sole proprietor and does not own vehicles registered to the business.

- Required by County
 - Not required by County
- (one box must be checked)

Additional Requirements. Contractor shall pay all deductibles and self-insured retentions. A cross-liability clause or separation of insured's condition must be included in all commercial general liability policies required by this Contract. Contractor's coverage will be primary in the event of loss.

Certificate of Insurance Required. Contractor shall furnish a current Certificate of Insurance to the County with the signed Contract. Contractor shall notify the County in writing at least 30 days in advance of any cancellation, termination, material change, or reduction of limits of the insurance coverage. The Certificate shall also state the deductible or, if applicable, the self-insured retention level. Contractor shall be responsible for any deductible or self-insured retention. If requested, complete copies of insurance policies shall be provided to the County. Any violation by Contractor of this Certificate of Insurance provision shall, at the election of County, constitute a material breach of the Contract.

Risk Management review

Date

EXHIBIT 3

DESCHUTES COUNTY SERVICES CONTRACT
Contract No. 20__ -
CERTIFICATION STATEMENT FOR CORPORATION
OR INDEPENDENT CONTRACTOR

NOTE: Contractor Shall Complete A or B in addition to C below:

A. CONTRACTOR IS A CORPORATION, LIMITED LIABILITY COMPANY OR A PARTNERSHIP.

I certify under penalty of perjury that Contractor is a [check one]:			
<input type="checkbox"/> Corporation	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Partnership	authorized to do business in the State of Oregon.
_____	_____	_____	_____
Signature	Title	Date	

B. CONTRACTOR IS A SOLE PROPRIETOR WORKING AS AN INDEPENDENT CONTRACTOR.

Contractor certifies under penalty of perjury that the following statements are true:	
1.	If Contractor performed labor or services as an independent Contractor last year, Contractor filed federal and state income tax returns last year in the name of the business (or filed a Schedule C in the name of the business as part of a personal income tax return), and
2.	Contractor represents to the public that the labor or services Contractor provides are provided by an independently established business registered with the State of Oregon, and
3.	All of the statements checked below are true.
NOTE: Check all that apply. <u>You shall check at least three (3)</u> - to establish that you are an Independent Contractor.	
___ A.	The labor or services I perform are primarily carried out at a location that is separate from my residence or primarily carried out in a specific portion of my residence that is set aside as the location of the business.
___ B.	I bear the risk of loss related to the business or provision of services as shown by factors such as: (a) fixed-price agreements; (b) correcting defective work; (c) warranties over the services or (d) indemnification agreements, liability insurance, performance bonds or professional liability insurance.
___ C.	I have made significant investment in the business through means such as: (a) purchasing necessary tools or equipment; (b) paying for the premises or facilities where services are provided; or (c) paying for licenses, certificates or specialized training.
___ D.	I have the authority to hire other persons to provide or to assist in providing the services and if necessary to fire such persons.
___ E.	Each year I perform labor or services for at least two different persons or entities or I routinely engage in business advertising, solicitation or other marketing efforts reasonably calculated to obtain new contracts to provide similar services.
_____	_____
Contractor Signature	Date

C. Representation and Warranties.

Contractor certifies under penalty of perjury that the following statements are true to the best of Contractor's knowledge:

1. Contractor has the power and authority to enter into and perform this contract;
2. This contract, when executed and delivered, shall be a valid and binding obligation of Contractor enforceable in accordance with its terms;
3. The services under this Contract shall be performed in a good and workmanlike manner and in accordance with the highest professional standards; and
4. Contractor shall, at all times during the term of this contract, be qualified, professionally competent, and duly licensed to perform the services.
5. To the best of Contractor's knowledge, Contractor is not in violation of any tax laws described in ORS 305.380(4),
6. Contractor understands that Contractor is responsible for any federal or state taxes applicable to any consideration and payments paid to Contractor under this contract; and
7. Contractor has not discriminated against minority, women or small business enterprises in obtaining any required subcontracts.

Contractor Signature

Date

EXHIBIT 4

DESCHUTES COUNTY SERVICES CONTRACT

Contract No. 20__ -

Workers' Compensation Exemption Certificate

(To be used only when Contractor claims to be exempt from Workers' Compensation coverage requirements)

Contractor is exempt from the requirement to obtain workers' compensation insurance under ORS Chapter 656 for the following reason (*check the appropriate box*):

SOLE PROPRIETOR

- Contractor is a sole proprietor, and
- Contractor has no employees, and
- Contractor shall not hire employees to perform this contract.

CORPORATION - FOR PROFIT

- Contractor's business is incorporated, and
- All employees of the corporation are officers and directors and have a substantial ownership interest* in the corporation, and
- The officers and directors shall perform all work. Contractor shall not hire other employees to perform this contract.

CORPORATION - NONPROFIT

- Contractor's business is incorporated as a nonprofit corporation, and
- Contractor has no employees; all work is performed by volunteers, and

- Contractor shall not hire employees to perform this contract.

PARTNERSHIP

- Contractor is a partnership, and
- Contractor has no employees, and
- All work shall be performed by the partners; Contractor shall not hire employees to perform this contract, and
- Contractor is not engaged in work performed in direct connection with the construction, alteration, repair, improvement, moving or demolition of an improvement to real property or appurtenances thereto.

LIMITED LIABILITY COMPANY

- Contractor is a limited liability company, and
- Contractor has no employees, and
- All work shall be performed by the members; Contractor shall not hire employees to perform this contract, and
- If Contractor has more than one member, Contractor is not engaged in work performed in direct connection with the construction, alteration, repair, improvement, moving or demolition of an improvement to real property or appurtenances thereto.

*NOTE: Under OAR 436-050-050 a shareholder has a "substantial ownership" interest if the shareholder owns 10% of the corporation or, if less than 10% is owned, the shareholder has ownership that is at least equal to or greater than the average percentage of ownership of all shareholders.

**NOTE: Under certain circumstances partnerships and limited liability companies can claim an exemption even when performing construction work. The requirements for this exemption are complicated. Consult with County Counsel before an exemption request is accepted from a contractor who shall perform construction work.

_____	_____
Contractor Printed Name	Contractor Signature
_____	_____
Contractor Title	Date

EXHIBIT 5
DESCHUTES COUNTY SERVICES CONTRACT

Contract No. 20__ - ____

Expense Reimbursement

1. Travel and Other Expenses. (When travel and other expenses are reimbursed.)

- a. It is the policy of the County that all travel shall be allowed only when the travel is essential to the normal discharge of the County responsibilities.
 - 1) All travel shall be conducted in the most efficient and cost effective manner resulting in the best value to the County.
 - 2) Travel expenses shall be reimbursed for official County business only.
 - 3) County shall not reimburse Contractor for any item that is not otherwise available for reimbursement to an employee of Deschutes County per Deschutes County Finance Policy F-1, "REIMBURSEMENT FOR MISCELLANEOUS EXPENSES AND EXPENSES INCURRED WHILE TRAVELING ON COUNTY BUSINESS," dated 7/12/2017.
 - 4) County may approve a form other than the County Employee Reimbursement Form for Contractor to submit an itemized description of travel expenses for payment.
 - 5) Personal expenses shall not be authorized at any time.
 - 6) All expenses are included in the total maximum contract amount.
- b. Travel expenses shall be reimbursed only in accordance with rates approved by the County and only when the reimbursement of expenses is specifically provided for in Exhibit 1, paragraph 3 of this contract.
- c. The current approved rates for reimbursement of travel expenses are set forth in the above described policy.
- d. County shall not reimburse for any expenses related to alcohol consumption or entertainment.
- e. Except where noted, detailed receipts for all expenses shall be provided.
- f. Charge slips for gross amounts are not acceptable.
- g. County shall not reimburse Contractor for any item that is not otherwise available for reimbursement to an employee of Deschutes County.

2. Approved reimbursements:

- a. Mileage. Contractor shall be entitled to mileage for travel in a private automobile while Contractor is acting within the course and scope of Contractor's duties under this Contract and driving over the most direct and usually traveled route to and from Bend, Oregon.
 - 1) Reimbursement for mileage shall be equal to but not exceed those set by the United States General Services Administration ("GSA") and are subject to change accordingly.
 - 2) To qualify for mileage reimbursement, Contractor shall hold a valid, current driver's license for the class of vehicle to be driven and carry personal automobile liability insurance in amounts not less than those required by this contract.
 - 3) No mileage reimbursement shall be paid for the use of motorcycles or mopeds.
- b. Meals.
 - 1) Any reimbursement for meals shall be for actual cost of meals incurred by Contractor while acting within the course and scope of Contractor's duties under this contract.
 - 2) For purposes of calculating individual meals where the Contractor is entitled only to a partial day reimbursement, the following maximum allocation of the meal expenses applies:
 - a) Breakfast, \$10;
 - b) Lunch, \$12;
 - c) Dinner, \$22.
 - 3) Except in the event of necessary overnight travel as provided below, partial day meal expenses shall be reimbursed as follows and only while Contractor is acting within the course and scope of Contractor's duties under this contract:
 - a) Breakfast expenses are reimbursable if Contractor is required to travel more than two (2) hours: before the start Contractor's regular workday (i.e. 8:00 a.m.).
 - b) Lunch expenses are reimbursable only if Contractor is required to travel overnight and begins the journey before 11:00 am or ends the journey after 11:00 a.m.

- c) Dinner expenses are reimbursable only if Contractor is required to travel more than two (2) hours after Contractor's regular workday (i.e. 5:00 p.m.).
 - 4) Breakfast and dinner expenses are reimbursable during Contractor's necessary overnight travel while acting within the course and scope of Contractor's duties under this contract and shall not exceed those set by the GSA. and are subject to change accordingly.
- c. Lodging.
- 1) County shall reimburse Contractor for Contractor's actual cost of lodging necessary to provide service to the County and shall not exceed the maximum lodge set by the GSA for Bend, Oregon.
 - 2) Reimbursement rates for lodging are not considered "per diem" and receipts are required for reimbursement.
- d County shall not reimburse Contractor in excess of the lowest fair for any airline ticket or vehicle rental charges.
3. **Exceptions.** Contractor shall obtain separate written approval of the County Administrator for any exceptions to the expense items listed above prior to incurring any expense for which reimbursement shall be sought.

**Exhibit 6
DESCHUTES COUNTY SERVICES CONTRACT
Contract No. 20__-
Compliance with provisions, requirements of funding source and
Federal and State laws, statutes, rules, regulations, executive orders and policies.**

Conflicts of Interest

Contractor certifies under penalty of perjury that the following statements are true to the best of Contractor’s knowledge:

1. If Contractor is currently performing work for the County, State of Oregon or federal government, Contractor, by signature to this Contract, declares and certifies that Contractor’s Work to be performed under this Contract creates no potential or actual conflict of interest as defined by ORS 244 and no rules or regulations of Contractor’s employee agency (County State or Federal) would prohibit Contractor’s Work under this Contract. Contractor is not an “officer,” “employee,” or “agent” of the County, as those terms are used in ORS 30.265.

2. No federally appropriated funds have been paid or shall be paid, by or on behalf of Contractor, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
 - a. If any funds other than federally appropriated funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, Contractor agrees to complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying," in accordance with its instructions.
 - 1) Standard Form-LLL and instructions are located in 45 CFR Part 93 Appendix B.
 - 2) If instructions require filing the form with the applicable federal entity, Contractor shall then as a material condition of this Contract also file a copy of the Standard Form-LLL with the Department.
 - 3) This filing shall occur at the same time as the filing in accordance with the instructions.
 - b. Contractor understands this certification is a material representation of fact upon which the County and the Department has relied in entering into this Contract. Contractor further understands that submission of this certification is a prerequisite, imposed by 31 USC 1352 for entering into this Contract.
 - c. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
 - d. Contractor shall include the language of this certification in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.
 - e. Contractor is solely responsible for all liability arising from a failure by Contractor to comply with the terms of this certification.
 - f. Contractor promises to indemnify County for any damages suffered by County as a result of Contractor's failure to comply with the terms of this certification.

3. Contractor understands that, if this Contract involves federally appropriated funds, this certification is a material representation of facts upon which reliance was placed when this Contract was made or entered into, submission of this certification is a prerequisite for make or entering into this Contract imposed by Section 1352, Title 311, U.S. Code and that any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

DESCHUTES COUNTY DOCUMENT SUMMARY

This form is required to be submitted with all contracts and other agreements, regardless of whether the document is to be on a Board agenda or can be signed by the County Administrator or Department Director. If this form is not included with the document, the document will be returned to the Department.

Please complete all sections above the Official Review line.

Date: 3/1/24 Department: Fair & Expo Document Number: 2024-206

Type of Document: RFP for Services Agreement (e.g., grant*, IGA, services agreement)

If an amendment, which Document No. is being amended? _____

Starting Date: 3/1/24 Ending Date: 3/1/26

Contractor/Supplier/Consultant Name: To be determined

Annual Value or Total Payment: \$200,000

Purpose of Document:

An RFP for Services Agreement to: 1) Explore current market conditions, customer demographics, and future trends impacting the event and fair industry; and to help prepare and plan for the future of the Fair & Expo property. 2) Develop a comprehensive written and graphic master plan for the Fair & Expo facility.

Insurance certificate received (check box and add certificate to document or note N/A)

Insurance expiration date: N/A for RFP Risk Mgmt review/date: _____

Contract initiation method:

- RFP, solicitation or bid process
- Informal quotes (<\$150K)
- Exempt from RFP, solicitation or bid process (specify below – see DCC §2.37)

Does this contract or agreement require payment to a vendor? Yes No

If **Yes**, is the vendor registered in Munis? Yes No

Funding Source: Included in current budget? Yes No

Cost Center/Project String: 6179650

If **No**, is a budget amendment required? Yes No

Departmental Contact and Title: Geoff Hinds Phone #: 541-548-2711

Department Director Approval:  2/29/24
Signature Date

Distribution of Document: Who gets the document after it has been signed?

Elyse.Ballinger@deschutes.org

*if a grant, see signature authority section on next page

Official Review:

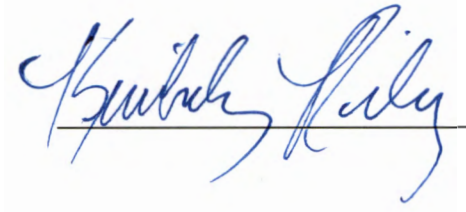
County signature required (check one):

- BOCC (more than \$250,000) – BOARD AGENDA Item
- County Administrator (up to \$250,000)
- Department Head/Director (up to \$50,000)

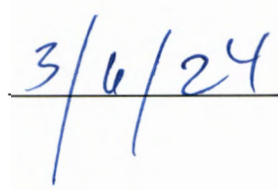
For grants, signature required (check one):

- BOCC (more than \$50,000) – BOARD AGENDA Item
- County Administrator (up to \$50,000 if no match required and no new staff hired)
- Department Director (up to \$10,000 if no match required and no new staff hired)

Legal Review



Date





BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: September 16, 2024

SUBJECT: Approval of Document No. 2024-039, a Notice of Intent to Award a contract for the Hamhook Rd Bridge #17C32 Replacement Project

RECOMMENDED MOTION:

Move approval of Chair signature of Document No. 2024-039.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Road Department prepared bid solicitation documents for the Hamhook Rd Bridge #17C32 Replacement project. The project scope of work includes removal and replacement of the existing Hamhook Rd Bridge and other incidental work. The project was advertised for bids in the Daily Journal of Commerce and The Bulletin on August 14, 2024. The Department opened bids at 2:00 P.M. on September 4, 2024.

Nine (9) bids were received for this project. The bid results are as follows:

<u>BIDDER</u>	<u>TOTAL BID AMOUNT</u>
Marcum & Sons, LLC	\$1,678,025.84
Cascade Civil Corp	\$1,733,605.20
Deschutes Construction Corp	\$1,834,215.47
High Desert Aggregate & Paving	\$1,984,959.00
Tapani Inc.	\$2,199,567.50
Legacy Contracting	\$2,203,601.48
BENT LLC	\$2,209,025.84
Oregon State Bridge Construction Inc.	\$2,350,188.55
JAL Construction	\$2,385,357.00
Engineer's Estimate	\$1,963,722.37

This action issues a Notice of Intent to Award the contract to the apparent low bidder, Marcum & Sons, LLC, 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:

Construction of this project is budgeted in the Road Capital Improvement Plan fund (Fund 465) for Fiscal Year 2025.

ATTENDANCE:

Cody Smith, County Engineer/Assistant Road Department Director



BOARD OF COUNTY COMMISSIONERS

September 16, 2024

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

Subject: **Notice of Intent to Award Contract**
Contract for Hamehook Rd Bridge #17C32 Replacement

To Whom It May Concern:

On September 16, 2024, 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 MARCUM & SONS, LLC. with a bid of One Million, Six Hundred Seventy-Eight Thousand, Twenty Five and 84/100 Dollars (\$1,678,025.84).

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 September 23, 2024.**

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

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

If you have any questions regarding this Notice of Intent to Award Contract or the procedures under which the County is proceeding, please contact Deschutes County Legal Counsel: telephone (541) 388-6625; FAX (541) 383-0496; or e-mail to david.doyle@deschutescounty.gov.

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

Sincerely,

Patti Adair, Chair



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: September 16, 2024

SUBJECT: Document No. 2024-759 Notice of Intent to Award a contract for the Landfill Siting Consultant Services – Phase 3

RECOMMENDED MOTION:

Move approval of a Notice of Intent to Award the Landfill Siting Consultant Services—Phase 3 project to Parametrix, Inc.

BACKGROUND AND POLICY IMPLICATIONS:

In 2019, the Board of County Commissioners approved the County’s Solid Waste Management Plan. One of the primary objectives identified in the Plan is the siting of a new landfill in Deschutes County to replace Knott Landfill which is projected to reach capacity in 2031.

In June, 2021, a Request for Qualifications for the initial portion (Phase 1) of the Landfill Siting project was issued to develop a list of qualified firms for the Landfill Siting Consultant Project. Six firms submitted Statements of Qualifications and three firms were invited to provide presentations to the Landfill Siting Group in September, 2021. After presentations, the Landfill Siting Group developed a Request for Proposals which was released to the three short-listed firms as a final step in the selection process. Parametrix consistently received the highest scoring throughout the evaluation process and was awarded the contract. A scope of work for the initial Landfill Siting Consultant Project was completed, which includes the following major tasks:

- Review and refine site screening criteria developed by the County to date
• Apply site screening criteria to develop a short list of candidate sites for detailed evaluation
• Facilitate and provide stakeholder and public outreach, input and communication
• Review and develop pathway for State and local agency entitlement and permitting process

In June of 2023, Parametrix, through a Sole Source Procurement, was awarded the Landfill Siting Consultant Services Phase 2 contract to continue through the technical evaluation of the short list candidate sites. The Phase 2 work culminated with the Board of County Commissioners acceptance of the Solid Waste Advisory Committee’s recommendation to

move forward with the negotiations of a purchase agreement for the Hooker Creek "Moon Pit" site in Deschutes County.

In order to procure the services needed for the next activities required in the siting process, in July, 2024, a Request for Proposals (RFP) for Landfill Siting Consulting Services – Phase 3 was released which includes the following major tasks:

- Provide technical assistance in the preparation and submittal of permitting documents and applications necessary for the development and operation of a new MSW landfill in Deschutes County
- Provide technical assistance in the preparation and submittal of documents and applications necessary for land use authorizations and entitlements
- Facilitating outreach to elected officials, land use authorities, regulatory and permitting agencies, and other interested parties
- Providing public outreach and coordination

The Solid Waste Department received two formal proposals in response to the RFP. The responding companies were Parametrix, Inc. and Civil & Environmental Consultants, Inc. (CEC). The department also received a letter from another firm that expressed their regret for their inability to respond due to capacity constraints due to prior engagement of a similar nature.

A Landfill Siting Review Committee was created to review the proposals. The review committee consisted of a total of five representatives from the Solid Waste, Road, and Legal Departments. Parametrix received the highest scoring from all five members of the committee and is being recommended for award of the contract. A copy of the scoring summary for the selection process is attached.

BUDGET IMPACTS:

The contract will be awarded in the amount of \$1,597,764. Funds for the current portion of the project are included in the FY25 Operations Planning Fund.

ATTENDANCE:

Tim Brownell, Director of Solid Waste



Department of Solid Waste

61050 SE 27th Street • Bend, Oregon 97702
(541) 317-3163
FAX (541) 317-3959

September 16, 2024

Sent via email (dmiller@parametrix.com) & First Class Mail

RE: Project - Contract for Landfill Siting Consultant Services Project

DOCUMENT NO. 2024-759 NOTICE OF INTENT TO AWARD CONTRACT

On September 16, 2024, the Board of County Commissioners of Deschutes County, Oregon, considered proposals for the above-referenced project. The Board of County Commissioners [County Department] determined that the successful proposer for the project was Parametrix, Inc. of Bremerton, Washington.

This Notice of Intent to Award Contract is issued pursuant to Oregon Revised Statute (ORS) [specify 279B.135 for contracts other than public improvements or 279C.375 for public improvements]. A copy of this Notice is being provided to each firm or person that submitted a bid or proposal for the project. Any firm or person which believes that they are adversely affected or aggrieved by the intended award of contract set forth in this Notice may submit a written protest within seven (7) calendar days after the issuance of this Notice of Intent to Award Contract to the Board of County Commissioners of Deschutes County, Oregon, at Deschutes Services Building, 1300 NW Wall Street, Bend, Oregon 97703. **The seven (7) calendar day protest period will expire at 5:00 PM on Monday, September 23, 2024.**

Parametrix, Inc.
September 16, 2024
Page 2

Any protest must be in writing and specify any grounds upon which the protest is based. Please refer to Oregon Administrative Rules (OAR) 137-049-0450 for construction contracts or OAR 137-047-0740 for contracts other than construction. If a protest is filed, a hearing will be held at 10:00 a.m. on [Day], [Date], [Year] before 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.

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. The successful bidder or proposer on a Deschutes County project is required to execute four (4) copies of the Contract, which will be provided when the contract is negotiated. In addition to the execution of Contract, the contractor will be required to provide one or more certificates of insurance together with endorsements naming Deschutes County as an additional insured.

All contract copies will need to be returned to the County for execution. After all parties have signed the contract, a copy of the contract will be forwarded to you along with a notice to proceed.

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

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

Sincerely,

DESCHUTES COUNTY, OREGON

[Authorized signature]

cc w/enc: Transmitted by email and First Class Mail on September 16, 2024 to all Proposers (3 pages)
See attached List

Landfill Siting Consultant Services - Phase 3 Scoring Summary

Proposal Scores		Firm experience, capabilities and resources	Project team and subconsultant experience	Demonstrated understanding of Project Scope	Clarity and Organization of Proposal	Cost Proposal	Proposal Total Score	Rank
Reviewer	Firm							
#1	Parametrix	25	17	20	9	8	79	1
	CEC	22	15	27	9	5	78	2
#2	Parametrix	27	18	27	7	9	88	1
	CEC	27	18	25	9	6	85	2
#3	Parametrix	28	20	27	10	9	94	1
	CEC	25	20	25	9	6	85	2
#4	Parametrix	25	18	25	10	10	88	1
	CEC	25	15	25	5	4	74	1
#5	Parametrix	30	20	30	10	10	100	1
	CEC	30	20	30	9	7	96	2
TOTAL	Parametrix	135	93	129	46	46	449	1
	CEC	129	88	132	41	28	418	2



**BOARD OF
COMMISSIONERS**

AGENDA REQUEST & STAFF REPORT

MEETING DATE: September 16, 2024

SUBJECT: Deschutes County Statewide Transportation Improvement Fund Advisory
Committee Member Roster Update

RECOMMENDED MOTION:

Move approval of the updated Deschutes Statewide Transportation Improvement Fund Advisory Committee member roster and two-year reappointments for member terms expiring in 2024.

BACKGROUND AND POLICY IMPLICATIONS:

See attached memorandum from Derek Hofbauer, COIC Outreach and Engagement Administrator.

BUDGET IMPACTS:

None

ATTENDANCE:

Derek Hofbauer, COIC Outreach and Engagement Administrator

Memorandum



To: Deschutes County Board of County Commissioners
From: Derek Hofbauer, COIC Outreach and Engagement Administrator
Date: September 9, 2024
Subject: Deschutes County Statewide Transportation Improvement Fund
Advisory Committee (STIFAC) Member Roster Update

Background

COIC was delegated by Deschutes County to administer its Statewide Transportation Improvement Fund (STIF) Program. One of COIC’s main responsibilities is to manage the Deschutes County STIF Advisory Committee (STIFAC) meetings and update the member roster. STIFAC members are appointed by The Deschutes County Board of County Commissioners (BOCC).

Upcoming meetings for approval of STIF Projects

The STIFAC’s next meeting is on Wednesday, October 9, 2024 from 2-4 pm at COIC’s Administrative Office located at 334 NE Hawthorne. The STIFAC will review, discuss, and prioritize proposed Deschutes County STIF projects during the October 9 meeting. Once the project list is approved by the STIFAC, COIC will present the projects to the Deschutes County BOCC for consideration of approval.

Staff recommendation

COIC is seeking consideration of approval from the Deschutes County BOCC during its September 16 meeting for the updated committee roster presented in this memo, as well as term renewals for member appointments that expire in December 2024.

2024 Proposed Consolidated STIF Advisory Committee Roster: 10 Voting Members and 2 Alternates

Name	Term Expiration	STIF Membership Representation	Geographic Area	Occupation/Affiliation
Andrea Breault Robert Townsend*	2025	Public Transportation Service Provider*	Bend	Transportation Director for Cascades East Transit
Ken Thorp**	2024	Educational institutions People with disabilities* Low income individuals*	La Pine	Teacher at Bend-La Pine School District and works with youth with intellectual and developmental disabilities
Jonathon Bullock	2025	Educational institutions	Redmond	Executive Director Redmond Proficiency Academy
Bill Gregoricus	2024 2026	Individuals age 65 or older People with disabilities	Bend	Member of Central Oregon Coalition on Access Steering Committee; retained from Deschutes STF Advisory Committee
Iman Simmons	2025	Major public transit destinations	Bend	Chief Operations Officer at St. Charles
Zachary Bass	2024 2026	Major public transit destinations	Redmond	Director of Redmond Airport
Jamie Donahue	2024 2026	Individuals age 65 or older Low income individuals	La Pine	Director of La Pine Senior Center; retained from Deschutes STF Advisory Committee
Andrew Davis	2025	Educational institutions	Bend	COCC Student Campus Life Director
Matthew Schmitz	2024 2026	Transportation logistics representative	Redmond	Employed at Kendall Auto Group
Dan Youmans Kristin Thomas***	2025	Commerce and/or business community	Sunriver	Sunriver Area Chamber of Commerce Board Member
Troy Rayburn Jackson Dumanch****	2025	Local governments	Sisters	City of Sisters Public Works Department
Jennifer Glover (alternate)	2025	People with disabilities low-income individuals	La Pine	Consultant/teacher who works with individuals with intellectual and developmental disabilities
Casey Bergh (alternate)	2025	Educational institutions	Bend	OSU-Cascades Transportation Manager

Summary of STIFAC member roster updates and recommendations

* Robert (Bob) Townsend is CET’s new Transportation Director and is recommended to replace Andrea Breault, who no longer works for Cascades East Transit.

**Ken Thorp retired in 2023. His seat will remain vacant on the STIFAC roster pending new recruitment by COIC staff that will occur in early 2025.

***Kristin Thomas is a Board Member for the Sunriver Area Chamber of Commerce and is recommended to replace Dan Youmans, who no longer serves on the Board.

****Jason Dumanch works for the City of Sisters Public Works Department and is recommended to replace Troy Rayburn, who no longer works for the City of Sisters

COIC is seeking BOCC approval to reappoint members with 2024 terms to serve another two years on the committee.

Example motion

If the BOCC chooses to approve the STIFAC roster and renew terms as presented in the table above, an example motion is provided below:

“I move to approve the updated Deschutes Statewide Transportation Improvement Fund Advisory Committee member roster and two-year reappointments for member terms expiring in 2024.”



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: September 16, 2024

SUBJECT: Proposed changes to the FY25 Fee Schedule

RECOMMENDED MOTION:

None—information only.

BACKGROUND AND POLICY IMPLICATIONS:

This work session is to review and discuss proposed revisions to departmental fee schedules. If the Board directs proceeding, staff has tentatively identified September 25, 2024 as a date for a public hearing and Board consideration of fee schedule changes, to allow for potential October 1, 2024 effective date.

The County's Health Benefits Plan has seen significant increases in costs due to several factors: a buildup of claims and delayed medical care post-pandemic, higher medical inflation over the past two years, more large-dollar claims, new specialty drugs becoming available on the market, and the higher utilization of specialty medications overall. To cover these rising costs, department premiums were increased by 15% during budget development for FY25. After the budget development process was complete, HR and Finance were made aware of additional unanticipated claims. To cover these unanticipated costs, the department charge was raised by an additional 15% effective August 1, 2024. Two departments—Community Development Department and Health Services—have proposed a revised fee schedule to help offset this increase,

Additionally, Information Technology (I.T.) is proposing a new fee, which would help cover the costs of personnel time and resources used when assisting other cities and counties with design and development of their databases and systems.

Attached to this staff report are the proposed fee schedules and department memos with more in-depth information about proposed fees. Staff is available for any questions

BUDGET IMPACTS:

Proposed fees would help to offset increasing costs for departments, including costs associated with the Health Benefits employer rate increase.

ATTENDANCE:

Sherri Pinner, Senior Management Analyst, Community Development Department
Peter Gutowsky, Director, Community Development Department
Rachel Benson, Business Manager, Health Services
Emily Horton, Public Health Program Manager, Health Services
Eric Mone, Environmental Health Supervisor, Health Services
Cheryl Smallman, Business Officer, Health Services
Kevin Furlong, Operations Manager, I.T.
Cam Sparks, Budget & Financial Planning Manager, Finance
Laura Skundrick, Management Analyst, Finance



To: Board of County Commissioners

From: Peter Gutowsky, AICP, Director
 Sherri Pinner, Senior Management Analyst

Date: September 16, 2024

RE: CDD Requested Fee Increases FY 2024-25 – effective November 1, 2024

I. SUMMARY

The Community Development Department (CDD) facilitates orderly growth and development through coordinated programs of Land Use Planning, Onsite Wastewater, Building Safety, Code Enforcement, education and service to the public. The department is primarily a fee-supported department.

CDD was notified of a 15% increase to health plan employer rates (HBT) effective August 2024. To offset this additional cost, CDD proposes minor fee increases, effective November 1, 2024.

The HBT increase of 15% equates to an estimated \$167K additional cost for the department. The proposed fee increases, effective November 1, 2024, would offset approximately 63% of this increase. The remaining 37% of the increase is related to the Building Safety Division which would utilize reserve funds to balance.

Additionally, CDD is allocated General Funds to offset the costs of land use and code enforcement hearings officer (HO) services. CDD proposes minor fee increases, effective November 1, 2024, allocated across all land use application types and an increase in the code enforcement administrative fee to offset this cost. If adopted, CDD would forgo the General Fund allocation.

II. BACKGROUND

The Board of County Commissioners (Board) adopted FY 25 fee increases in June 2024. These fees increased the cost of a dwelling permit for a 2,700 livable sq. ft. home in the rural county by an estimated \$1,080 or 12%, from \$8,996 to \$10,076 and a 4,000 livable sq. ft. home in the

rural county by an estimated \$1,672 or 12%, from \$13,986 to \$15,658. Land use and electrical applications increased 18% each and onsite wastewater applications increased 14%.

CDD's FY 25 adopted budget includes reserve fund transfers in all divisions totaling \$262K. If reserve funds are utilized to cover the increased cost to HBT, the revised total reserve transfer is an estimated \$429K. CDD's reserve fund internal guideline targets a twelve (12) to eighteen (18) month operating reserve balance. See Option 1 below for reserve fund balance details.

Included in CDD's FY 25 adopted budget is a General Fund allocation of \$100K for HO services. In FY 24, the cost of HO services totaled \$50K. This cost is assumed in Option 3 below.

III. REQUESTED FEE INCREASE OPTIONS – EFFECTIVE NOVEMBER 1st

Three (3) options are presented for the Board's consideration (Attachment). The first option assumes the department covers 100% of the increased HBT costs through reserve fund transfers and retains the General Fund allocation for HO services. The second option includes fee increases to offset the increase in HBT costs and retains the General Fund allocation for HO Services. The third option includes fee increases to offset the cost of both HBT and HO services while forgoing the General Fund allocation for HO services.

- **Option 1** – The department covers 100% of the HBT cost increase through reserve fund transfers and retains General Fund allocation for HO services. This option decreases Funds 300 and 302 by four (4) months operating expenditure equivalent.

	Fund 300 – General Divisions	Fund 301 - Building Safety Division	Fund 302 – Electrical Division
FY 25 Reserve Fund Transfers	\$132K	\$69K	\$61K
Est. # of Operating Months	4.9 months	22.2 months	8.0 months
HBT Increased Cost	\$89K	\$61K	\$17K
Est. # of Operating Months	4.5 months	exceeds target	7.6 months

- **Option 2** – Fee increases generate an estimated \$106K to cover HBT increases in CDD's electrical, administrative, onsite wastewater and planning divisions. CDD retains General Fund allocation for HO services and the Building Safety Division would utilize reserve funds to balance.

Code Enforcement - .01%
 Building Safety – 0%
 Electrical Permits – 2%

Onsite Wastewater Applications – 2%
Land Use Applications – 2%
Public Information Counter - .01%
Advanced Planning - .01%

The cost of a dwelling permit for a 2,700 and 4,000 livable square foot home in the rural county increases approximately 1.4% from \$10,077 to \$10,220 and 15,660 to \$15,882, respectively.

- **Option 3** – Fee increases generate an estimated \$156K to cover HBT increases and land use and code enforcement HO services. CDD would forgo General Fund allocation for HO services and the Building Safety Division would utilize reserve funds to balance.

Code Enforcement - .03%
Building Safety – 0%
Electrical Permits – 2%
Onsite Wastewater Applications – 2%
Land Use Applications – 6%
Public Information Counter - .01%
Advanced Planning - .01%

The cost of a dwelling permit for a 2,700 and 4,000 livable square foot home in the rural county increases approximately 2.4% from \$10,077 to \$10,316 and 15,660 to \$16,030, respectively.

IV. BOARD DIRECTION

1. Option 1 – department covers 100% of the HBT costs increases through reserve fund transfers and retains General Fund allocation for HO services.
2. Option 2 – fee increases to offset 63% of the increased HBT costs while retaining the General Fund allocation for HO services.
3. Option 3 – fee increases to offset the increased HBT costs and HO services costs. CDD would forgo General Fund allocation for HO services.

Attachment

FY 25 Nov. 1 Fee Increase Discussion PPT



To: Board of County Commissioners
Camilla Sparks, Budget Manager

From: Rachel Benson, Health Services Business Manager

CC: Janice Garceau, Health Services Director
Cheryl Smallman, Health Services Business Officer

Date: 9/9/2024

Re: Proposed FY 2025 Health Services Environmental Health Fee Adjustments

Summary of Changes:

To cover the 15 percent increase in additional FY 2025 personnel health benefits costs, the Environmental Health program requests an additional 8 percent increase in general fee services, with an effective date of (10/01/2024).

Summary of Fee Environmental Health Increase from FY 2022 through FY 2025

Program	2022	2023	2024	2025
Environmental Health	1%	7%	10%	4%

Background:

The initial FY 2025 Environmental Health budget included an approved 4 percent general fee increase on top of an anticipated 1 percent increase in volume for fee-reimbursable services budget. In addition to the 4 percent increase, two categories received enhanced fee increases— Mobile Unit Operating License and Tourist Facilities. As the primary funding source for Environmental Health, the initial budget will not be able to cover the projected deficit caused by the additional 15 personnel increase in the health benefits cost. It should be noted that due to low turnover rates, this program cannot count on any vacancy savings and these savings are removed in revenue projections. With this factored in, the Environmental Health program will need approximately \$116,100 in additional revenue to cover the increase in health benefits costs in FY 2025. To help achieve this, the Environmental Health program is proposing a general fee increase of an additional 8 percent. This increase will be applied across all fees, with the exception of the Food Manager Trainings and late fees. This additional increase, and the originally anticipated 1 percent increase in volume, is projected to cover the entire deficit.

ITEM NO.	DESCRIPTION		FY 2025 FEE	UNIT	ENACTMENT AUTHORITY	Proposed Revised Fee	Proposed Effective Date	
	Public Health - Environmental Health Division							
	LICENSES: Food Service							
	Note: A supplementary inspection charge equal to 50% of the annual license fee shall be assessed for each complete inspection required because of failure to meet applicable standards when such complete inspection is performed during the license period in addition to the two semi-annual inspections normally performed. Charges accrued and not paid during the current license period will be added to the license fee for the next license period and will be subject to the late penalties specified. New licensees will not be assessed any surcharges accrued by the previous license holder. Any licensed facility opened in Oct/Nov/Dec will be charged 1/2 fee.							
	Full service restaurant seating:							
EH	1	0 - 15	\$ 944.32			\$ 1,020.00	10/1/2024	
EH	2	16 - 50	\$ 1,032.72			\$ 1,116.00	10/1/2024	
EH	3	51 - 150	\$ 1,237.60			\$ 1,337.00	10/1/2024	
EH	4	151 and over	\$ 1,399.84			\$ 1,512.00	10/1/2024	
EH	5	Commissary	\$ 380.64			\$ 412.00	10/1/2024	
EH	6	Warehouse	\$ 304.72			\$ 330.00	10/1/2024	
EH	7	Limited service	\$ 774.80			\$ 837.00	10/1/2024	
	Government Entities - fee is 100% of full service restaurant fees, based on restaurant seating.					Senate Bill 631		
	Mobile Unit Annual Operating License per OAR 333-162-0020							
EH	8	Class I	\$ 341.00			\$ 369.00	10/1/2024	
EH	9	Class II	\$ 400.40			\$ 433.00	10/1/2024	
EH	10	Class III	\$ 571.20			\$ 617.00	10/1/2024	
EH	11	Class IV	\$ 742.30			\$ 802.00	10/1/2024	
	Temporary Restaurant License							
EH	12	Temporary Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify	\$ 60.32	per event		\$ 66.00	10/1/2024	
EH	13	Temporary for Profit	\$ 191.36	per event		\$ 207.00	10/1/2024	
EH	14	Temporary Prior to Event: Temporary Restaurant Applications must be received at least 7 calendar days before the day the event starts.	\$ 122.72	per event		\$ 133.00	10/1/2024	
EH	15	Temporary at Event (operating without a license)	\$ 304.72	per event		\$ 330.00	10/1/2024	
EH	16	Temporary Event - Events with five or more applicants (received 7 calendar days before the event)	\$ 106.08	per event		\$ 115.00	10/1/2024	
EH		Exempt Foods Agreement Form Fee - foods exempt from licensure but still requiring review	\$ 45.00			\$ 49.00	10/1/2024	
	Seasonal or Intermittent Temporary Restaurant License							
EH	18	Seasonal/Intermittent Temporary Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify	\$ 94.64			\$ 103.00	10/1/2024	
EH	19	Seven days or more before event start date (for profit)	\$ 191.36			\$ 207.00	10/1/2024	
EH	20	Less than seven days before event start date (for profit)	\$ 227.76			\$ 246.00	10/1/2024	
EH	21	Operational Review (for profit)	\$ 127.92			\$ 139.00	10/1/2024	
	Operational Review Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify							
EH	22	Re-check fee for Temporary Restaurant	\$ 127.92			\$ 139.00	10/1/2024	
	School Cafeteria & Kitchens:							
EH	23	School Inspection (production kitchen)	\$ 304.72			\$ 330.00	10/1/2024	
EH	24	School Inspection (satellite branch)	\$ 227.76			\$ 246.00	10/1/2024	
EH	25	Bed and breakfast (food facility)	\$ 570.96			\$ 617.00	10/1/2024	
	Vending machines (of potentially hazardous foods):							
EH	26	1 - 10	\$ 183.04			\$ 198.00	10/1/2024	
EH	27	11 - 20	\$ 242.32			\$ 262.00	10/1/2024	

EH	28	21 - 30	\$ 304.72					\$ 330.00	10/1/2024
EH	29	31 - 40	\$ 366.08					\$ 396.00	10/1/2024
EH	30	41 - 50	\$ 424.32					\$ 459.00	10/1/2024
EH	31	Food handlers certification	\$ 10.00					\$ 11.00	10/1/2024
EH	32	Certification card replacement	\$ 5.00					\$ 6.00	10/1/2024
		Plan Review-prior to construction							
EH	33	New (restaurant)	\$ 761.28					\$ 823.00	10/1/2024
EH	34	Remodel (restaurant)	\$ 456.56					\$ 494.00	10/1/2024
EH	35	School cafeteria plan review	\$ 761.28					\$ 823.00	10/1/2024
EH	36	Childcare Plan Review	\$ 303.68					\$ 328.00	10/1/2024
EH	37	Childcare Remodel Plan	\$ 114.40					\$ 124.00	10/1/2024
EH	38	Commissary/Base of Operation	\$ 380.64					\$ 412.00	10/1/2024
EH	39	Tourist Facility Plan review	\$ 304.72					\$ 330.00	10/1/2024
EH	40	Non-profit organization plan review	\$ 380.64					\$ 412.00	10/1/2024
		Mobile Food Unit (review of mobile unit plan prior to construction)							
EH	41	Class I	\$ 327.60					\$ 354.00	10/1/2024
EH	42	Class II	\$ 409.76					\$ 443.00	10/1/2024
EH	43	Class III	\$ 570.96					\$ 617.00	10/1/2024
EH	44	Class IV	\$ 606.32					\$ 655.00	10/1/2024
		Note: A penalty of \$150.00 shall be added if payment is 30 days after the license expiration date. An additional penalty of \$150.00 shall be added on the first day of each succeeding month of delinquency.							
		Tourist facilities:							
EH	45	Organizational camp or picnic park	\$ 205.92				plus fee for each space	\$ 223.00	10/1/2024
		Traveler's accommodation							
EH	46	1-25 units	\$ 364.80					\$ 394.00	10/1/2024
EH	47	26-50 units	\$ 445.50					\$ 482.00	10/1/2024
EH	48	51-75 units	\$ 538.50					\$ 582.00	10/1/2024
EH	49	76-100 units	\$ 656.20					\$ 709.00	10/1/2024
EH	50	101+ units	\$ 656.20				plus \$3.00/unit over 100	\$ 709.00	10/1/2024
		Recreation park						\$ -	10/1/2024
EH	51	1-25 units	\$ 393.12					\$ 425.00	10/1/2024
EH	52	26-50 units	\$ 517.92					\$ 560.00	10/1/2024
EH	53	51-75 units	\$ 615.68					\$ 665.00	10/1/2024
EH	54	76-100 units	\$ 749.84					\$ 810.00	10/1/2024
EH	55	101+ units	\$ 749.84				plus \$2.00/unit over 100	\$ 810.00	10/1/2024
		Note: Any person initially licensed under ORA 446.310 to 446.350 for engaging in the recreation park or travelers accommodation business who has failed to renew a license on or before the expiration date is delinquent. If delinquency extends 15 days past the expiration date, a penalty fee of 50% of the annual license fee shall be added. The penalty fee shall be increased by 50% of the license fee on the first day of each succeeding month of delinquency.							
		Swimming Pools:							
EH	56	License (first public pool, spa, bathhouse)	\$ 875.68					\$ 946.00	10/1/2024
EH	57	Second pool or spa (same location)	\$ 584.48					\$ 632.00	10/1/2024
EH	58	Additional pools or spas (same location)	\$ 522.08					\$ 564.00	10/1/2024
EH	59	Pool plan review fee	\$ 698.88					\$ 755.00	10/1/2024
EH	60	Pool construction inspections	\$ 698.88					\$ 755.00	10/1/2024

EH	61	Surcharges for pools, spas & tourist facilities will be based on the amount set forth by the Oregon Health Division for local govts..	Varies							
		Miscellaneous:								
EH	62	Children's Service: Foster/Child Care Center Inspection	\$ 304.72					\$ 330.00	10/1/2024	
EH	63	Fee for licensed facility that requires + two re-check inspections / year	\$ 227.76					\$ 246.00	10/1/2024	
EH	64	Miscellaneous Inspection or Plan Review	\$ 304.72					\$ 330.00	10/1/2024	
EH	65	Limited Inspection or Plan Review	ACS							
EH	66	Outdoor Mass Gathering	\$ 304.72					\$ 330.00	10/1/2024	
EH	67	Convenience/Handling Fee (On-line renewal of license)	Varies				3.4% of transaction amount			
EH	68	Food Manager Training & Certification	\$ 125.00							
EH	69	Food Manager Training (no book, no exam or missed class)	\$ 50.00							
EH	70	Food Manager Training (paper or online exam only)	\$ 50.00							
EH	71	Food Manager Training (class, exam, no book)	\$ 100.00							
EH	72	Food Manager Training (book & exam):minimum 10 attendees	\$ 1,250.00				Plus \$110.00 per student / over 10			
		Note: A penalty of \$150.00 shall be added if payment is 30 days after the license expiration date. An additional penalty of \$150.00 shall be added on the first day of each succeeding month of delinquency.								



Interoffice memorandum

Date: September 9, 2024
 To: Board of Commissioners
 From: Tania Mahood, Information Technology Director/CTO
 Re: New Fee for the Fee Schedule

BACKGROUND

The County’s IT team has done great work in developing technology solutions such as Dial, Community Justice dashboards, ROCS, dog licensing application, and more, which other entities often admire and seek to replicate. As a result, we are frequently approached for assistance in these areas. Historically, the IT department has offered services at no cost to other counties and cities, assisting them with the design, development, integration, deployment, and support of their databases and systems. Currently, our fee structure only accounts for GIS mapping services, leaving other areas uncovered. In light of the current financial forecast and the ongoing demand for these services, IT is recommending consideration for a new fee to charge for these services.

These services often require dedicated resources, including personnel time and technical support, which can place a strain on our internal operations. By implementing a fee, we will have the ability to recover costs when providing support to these external groups.

BUDGET IMPLICATIONS

Since this work has not been tracked, there is no accurate understanding of the potential revenue.

The proposed fee, referred to as “Actual Cost of Services (ACS)”, would be based on the salary of the employee performing the work, ensuring it is fair and accurately reflects the time, effort, and resources used.

REQUESTED BOCC SUPPORT

Staff seeks Board support for Deschutes County IT to add an ACS fee for “Development and Integrations Services”.

ITEM NO.		DESCRIPTION	FY 2025 FEE			UNIT	ENACTMENT AUTHORITY	Proposed Fee	Proposed Effective Date
		Information Technology							
NEW	1	Consultation by IT Staff	\$	-		1	ACS	10/1/2024	



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: September 16, 2024

SUBJECT: Consideration of first reading of Ordinance 2024-007, adopting the Deschutes County 2040 Comprehensive Plan Update

RECOMMENDED MOTIONS:

- 1. Move approval of the September 6, 2024, version of the Deschutes County 2040 Comprehensive Plan.
2. Move approval of first reading of Ordinance 2024-007 by title only.

BACKGROUND AND POLICY IMPLICATIONS:

The Community Development Department has prepared an update to the County's Comprehensive Plan. Following five deliberations meetings with the Board of Commissioners, the Board asked staff to return with a clean copy of the document for a final vote and adoption.

The full record is located on the project website here.

BUDGET IMPACTS:

N/A

ATTENDANCE:

Nicole Mardell, AICP, Senior Long Range Planner
Will Groves, Planning Manager
Peter Gutowsky, Community Development Director



MEMORANDUM

TO: Deschutes County Board of County Commissioners (“Board”)

FROM: Nicole Mardell, AICP, Senior Planner
Will Groves, Planning Manager

DATE: September 11, 2024

SUBJECT: Consideration of First Reading – Ordinance 2024-007 Deschutes County 2040 Comprehensive Plan Update

On September 16, 2024, the Board will complete deliberations on the updated September 6, 2024, draft of the Deschutes County 2040 Plan and consider first reading of draft Ordinance No. 2024-007 adopting the updated plan.

I. PROPOSAL

Over the course of 24 months, Deschutes County Community Development Department staff and project consultant, MIG Inc., conducted an extensive process to gather input on an update of the County’s Comprehensive Plan.

The proposal is a legislative text amendment to repeal and replace the 2030 Comprehensive Plan, adopted in 2011, with the 2040 Plan. No zoning or comprehensive plan map amendments are being considered, nor are any changes to the County’s adopted Goal 5 inventories pertaining to significant natural resources, scenic views, open spaces, mineral and aggregate sites, and historic and cultural resources.

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

II. DELIBERATION PROCESS

The 2040 Plan provides background information, a summary of community considerations, and overarching goal and policy guidance pertaining to key issues facing the county. The

Board held public hearings to gather testimony for the 2040 Plan on April 10, 2024, in Bend¹; April 23 in Sunriver²; and April 30 in Sisters³; and May 8 in Bend⁴. At the conclusion of the May 8 hearing, the Commission voted to close the oral record, leave the written record open until May 30, and commence deliberations at a subsequent meeting.

Staff held a work session with the Board on June 10⁵ to discuss the process for deliberating the 2040 Plan, ultimately determining to perform an extensive review of the following four chapters:

- July 22: Chapter 3, Farm and Forest Resources⁶
- July 24: Chapter 5, Natural Resources⁷
- July 29: Chapter 7, Natural Hazards⁸
- August 5: Chapter 11, Unincorporated Communities and Destination Resorts⁹
- August 19: Entire Document Review¹⁰

During the August 19 meeting, the Board noted one additional revision to the draft document and directed staff to return with a finalized version for a vote and consideration of first reading. The finalized September 6, 2024, version of the document is included as Exhibit B to Draft Ordinance 2024-007.

III. NEXT STEPS

Staff will return on Wednesday, September 25 for Second Reading of Ordinance 2024-007.

Attachments:

- Draft Ordinance 2024-007
 - Exhibit A: Legislative History 23.01
 - Exhibit B: Deschutes County 2040 Comprehensive Plan - September 6, 2024 version
 - Exhibit C: Legislative History 5.12
 - Exhibit D: Proposed Findings

¹ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-162>
² <https://www.deschutes.org/bcc/page/public-hearing-2020-2040-comprehensive-plan-update>
³ <https://www.deschutes.org/bcc/page/public-hearing-2020-2040-comprehensive-plan-update-0>
⁴ <https://www.deschutes.org/bcc/page/2020-2040-comprehensive-plan-update-public-hearing>
⁵ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-175>
⁶ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-179>
⁷ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-186>
⁸ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-182>
⁹ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-183>
¹⁰ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-188>

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Repealing and Replacing Title 23, the Deschutes County Comprehensive Plan *
* ORDINANCE NO. 2024-007
*
*

WHEREAS, the Board of County Commissioners (“Board”) requested an extensive update of the County Comprehensive Plan (“Plan”) adopted by Ordinance 2011-003 on August 10, 2011; and

WHEREAS, after notice was given in accordance with applicable law, public hearing was held before the Deschutes County Planning Commission on October 26, November 9, and December 14, 2023, to consider the revised draft Plan; and

WHEREAS, on February 22, 2024, the Planning Commission forwarded to the Board of County Commissioners (“Board”) a recommendation of approval to adopt changes to the Plan; and

WHEREAS, after notice was given in accordance with applicable law, public hearings were held before the Board on April 10 in Bend, April 23 in Sunriver, April 30 in Sisters, and May 8, 2024 in Bend and concluded that the public will benefit from changes to the Plan; and

WHEREAS, the Board finds it in the public interest to adopt the following Comprehensive Plan amendments; and

WHEREAS, the Goal Post rule set forth in ORS 227.178(3)(a) prescribes the newly adopted plan apply to applications submitted after the effective date; now, therefore,

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

Section 1. REPEALING AND REPLACING. Deschutes County Code 23.01(A), adopted by Ordinance 2011-003, is repealed and replaced with 23.01(BK) to read as described in Exhibit “A”, attached and incorporated by reference herein with repealed language set forth in ~~strike through~~ and underlined.

Section 2. REPEALING AND REPLACING. The 2010 Deschutes County Comprehensive Plan, adopted by Ordinance 2011-003, is repealed and replaced with the 2040 Deschutes County Comprehensive Plan, to read as described in Exhibit “B”, attached and incorporated by reference herein.

Section 3. AMENDING. Deschutes County Comprehensive Plan Section 5.12, Legislative History, is amended to read as described in Exhibit “C”, attached and incorporated by reference herein, with new language underlined.

Section 4. FINDINGS. The Board adopts as its findings Exhibit “D,” attached and incorporated by reference herein.

Section 5. EFFECTIVE DATE. This Ordinance takes effect on the 90th day after the date of adoption or, if appealed, the date the ordinance is no longer subject to appeal.

Dated this _____ of _____, 2024

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

PATTI ADAIR, Chair

ANTHONY DeBONE, Vice Chair

ATTEST:

Recording Secretary

PHILIP CHANG, Commissioner

Date of 1st Reading: _____ day of _____, 2024.

Date of 2nd Reading: _____ day of _____, 2024.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Patti Adair	___	___	___	___
Anthony DeBone	___	___	___	___
Philip Chang	___	___	___	___

Effective date: _____ day of _____, 2024.

Exhibit "A" to Ordinance 2024-007 – Comprehensive Plan Section 5.12

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.

Exhibit A to Ordinance 2024-007 – Comprehensive Plan Section 23.01

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AZ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-006, are incorporated by reference herein.

BA. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-010, are incorporated by reference herein.

BB. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-011, are incorporated by reference herein. (superseded by Ord. 2023-015)

BC. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-013, are incorporated by reference herein.

BD. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-001, are incorporated by reference herein.

BE. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-007, are incorporated by reference herein.

BF. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-010 are incorporated by reference herein.

BG. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-018, are incorporated by reference herein.

BH. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-015, are incorporated by reference herein.

BI. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-025, are incorporated by reference herein.

BJ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-001, are incorporated by reference herein.

BK. The Deschutes County Comprehensive Plan, adopted by the Board in Ordinance 2024-007 and found on the Deschutes County Community Development Department website, is incorporated by reference herein.

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

Deschutes County Comprehensive Plan



DESCHUTES
COUNTY
2040



Draft - Revised September 6, 2024

Acknowledgements

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Table of Contents

- Acknowledgements** i-2
- Introduction** i-4
- 1. Community Engagement** 1-1
 - Opportunities, Challenges, and Considerations.....1-2
 - Context1-2
 - Key Community Issues1-6
 - Goals and Policies1-6
- 2. Land Use and Regional Coordination** 2-1
 - Opportunities, Challenges, and Considerations.....2-2
 - Context2-3
 - Key Community Considerations2-7
 - Goals and Policies2-9
- 3. Farm and Forest Resources** 3-1
 - Opportunities, Challenges, and Considerations.....3-2
 - Context3-3
 - Key Community Considerations3-6
 - Goals and Policies3-7
- 4. Mineral and Aggregate Resources** 4-1
 - Opportunities, Challenges, and Considerations.....4-2
 - Context4-2
 - Key Community Considerations4-4
 - Goals and Policies4-4
- 5. Natural Resources** 5-1
 - Opportunities, Challenges, and Considerations.....5-2
 - Context5-4
 - Key Community Considerations 5-11
 - Goals and Policies 5-11
- 6. Historic and Cultural Resources** 6-11
 - Opportunities, Challenges, and Considerations..... 6-12
 - Context 6-13
 - Key Community Considerations 6-13
 - Goals and Policies 6-14
- 7. Natural Hazards** 7-1
 - Opportunities, Challenges, and Considerations.....7-2
 - Context7-3
 - Goals and Policies7-7
- 8. Recreation** 8-1
 - Opportunities, Challenges, and Considerations.....8-2
 - Context8-4
 - Key Community Considerations8-5
 - Goals and Policies8-6
- 9. Economic Development** 9-1
 - Context9-2
 - Opportunities, Challenges, and Considerations.....9-2
 - Key Community Considerations9-5
 - Economic Development Goals and Policies9-6
- 10. Housing** 10-1
 - Context 10-2
 - Opportunities, Challenges, and Considerations..... 10-2
 - Key Community Considerations 10-5
 - Goals and Policies 10-6
- 11. Unincorporated Communities and Destination Resorts** 11-1
 - Context 11-2
 - Opportunities, Challenges, and Considerations..... 11-2
 - Key Community Considerations 11-4
 - Goals and Policies 11-4
- 12. Public Facilities** 12-1
 - Opportunities, Challenges, and Considerations..... 12-2
 - Context 12-3
 - Key Community Considerations 12-6
 - Goals and Policies 12-7
- 13. Transportation** 13-1
- 14. Energy** 14-1
 - Opportunities, Challenges, and Considerations..... 14-2
 - Context 14-3
 - Key Community Considerations 14-5
 - Goals and Policies 14-5
- Appendix A - Terrebonne Community Plan** A-1
- Appendix B - Tumalo Community Plan** B-1
- Appendix C - Transportation System Plan** C-1
- Appendix D - Newberry Country Plan** D-1
- Appendix E - Goal 5 Supplemental Sections** E-1

Introduction

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

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

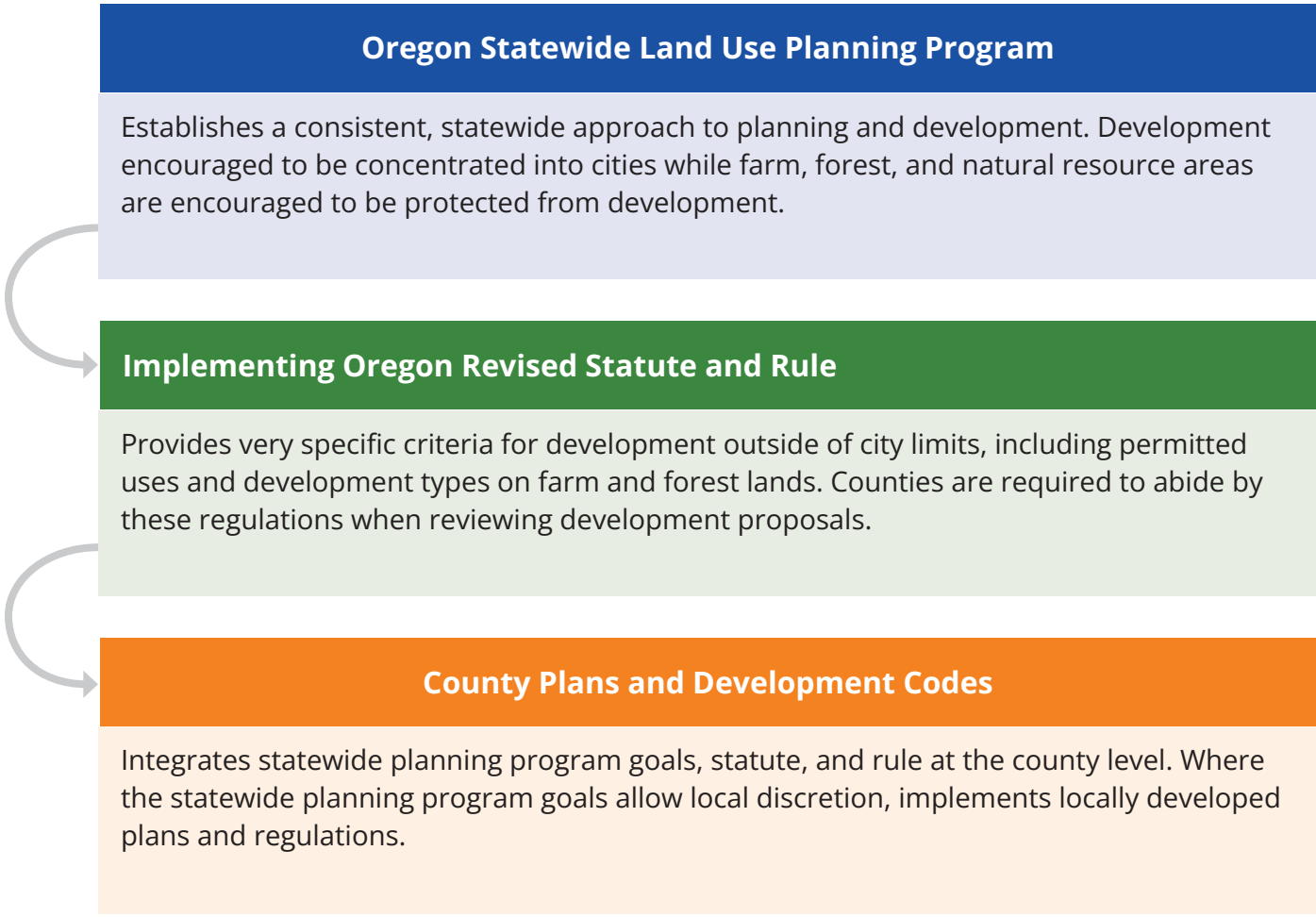
An updated Comprehensive Plan is necessary to address current needs of the communities in the County, as well as to guide the anticipated growth and development of Deschutes County over the next twenty years. Although many of the goals and policies of the 2011 Plan still hold value, fundamental data,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



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

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

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



Deschutes County Timeline



1859
Oregon Statehood



1905
City of Bend incorporated



1916
Deschutes County created from a portion of Crook County



1937
County Courthouse and most early records destroyed by fire



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



1970
"Deschutes County to 1990" Comprehensive Plan



1973
SB100 and Oregon Land Use Planning System Enacted



1979
"Deschutes County Year 2000" Comprehensive Plan



1988 to 2003
Periodic Review and updates to Comprehensive Plan



2010
"Deschutes County 2030" Comprehensive Plan Update



2023
"Deschutes 2040" Comprehensive Plan Update

City of Bend photo courtesy of DowntownBend.org

1

Community Engagement





Opportunities, Challenges, and Considerations

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

2023 Comprehensive Plan Update

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

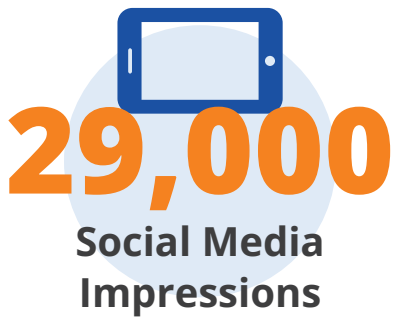
- Two phases of engagement – one focusing on long-range vision, opportunities, and challenges; and another phase focusing on important and controversial topics.
- Outreach events in all parts of the County.
- A deliberate audit of engagement activities to learn and build on successes.

Context

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

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

Summary of Engagement for the 2023 Update



Regulatory Framework

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

Statewide Planning Goal 1

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

Deschutes County’s Community Involvement Program

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

DESCHUTES COUNTY PLANNING COMMISSION

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

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

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

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

HISTORIC LANDMARKS COMMISSION

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



OTHER LAND USE RELATED ADVISORY GROUPS

Project Wildfire is a committee formed to coordinate, develop and implement strategies to mitigate the effects of losses due to natural disasters that strike Deschutes County. Project Wildfire is composed of 15 to 27 members who reside or represent agencies within Deschutes County. All members are appointed by the Board and serve four years (see also Chapter 7, Natural Hazards).

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

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

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

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





Key Community Issues

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

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

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

Goals and Policies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



2

Land Use and Regional Coordination





Opportunities, Challenges, and Considerations

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

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

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

- Implementing state policy and laws and furthering local planning goals by maintaining, updating and applying County land use policies, standards and regulations in its zoning codes and this Comprehensive Plan.
- Reviewing development and land use proposals and help applicants to navigate the application process.
- Coordinating with other local jurisdictions on issues of regional growth management, infrastructure, and public services.

- Coordinating land use and transportation planning efforts in rural areas including planning for farm and forest lands and natural resource management and protection.
- Administering land use regulations for unincorporated communities in the County.

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

Note: Official comprehensive plan and zoning maps, including overlay zone maps, are available through the Deschutes County Dial Property Information System.

Context

Comprehensive Plan Designations

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

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

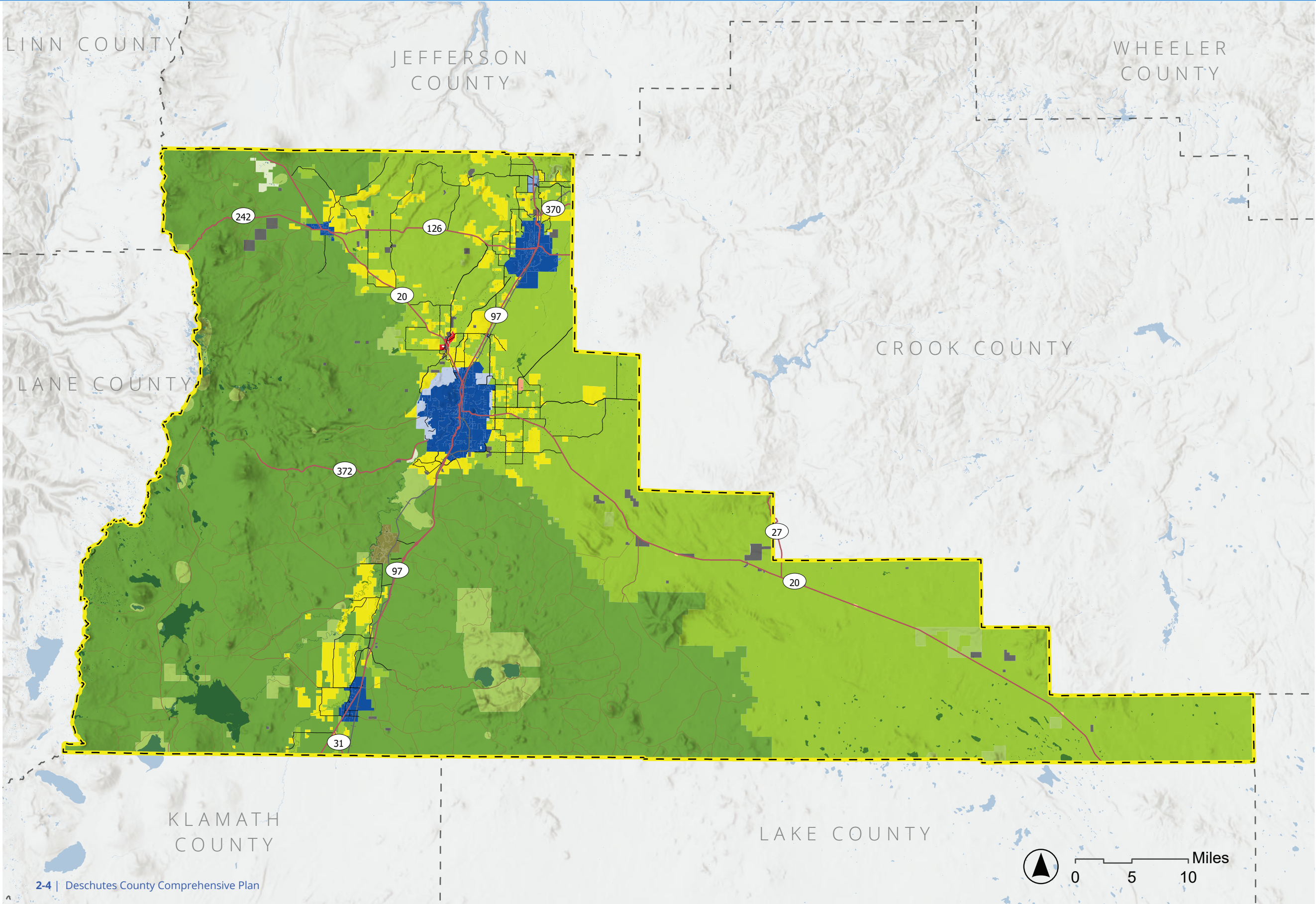
Zoning Designations

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

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

COMPREHENSIVE PLAN DESIGNATION

Map 2-1



A PLAN FOR THE FUTURE

- Water Bodies
- County Boundary

Transportation

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

Comprehensive Plan Designation

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

Other

- Urban Growth Boundary
- Urban Reserve
- Urban Unincorporated Community

Prepared by

Revised 7/31/2023

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

OVERLAY ZONES

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

- **Airport Safety:** The purpose of the AS Zone is to restrict incompatible land uses and airspace obstructions around airports in an effort to maintain an airport’s maximum benefit.
- **Destination Resort:** The purpose of the Destination Resort Combining Zone is to identify lands eligible for siting a Destination Resort and establish procedures and standards for establishing this type of development.
- **Landscape Management:** The purposes of the Landscape Management Combining Zone are to maintain scenic and natural resources of the designated areas and to maintain and enhance scenic vistas and natural landscapes as seen from designated roads, rivers, or streams.
- **Greater Sage-Grouse Combining Zone.** The purpose of the Greater Sage-Grouse Combining Zone is to fulfill obligations of OAR 660-23-0115. This state rule requires seven Oregon counties to mitigate impacts of large-scale development on sage-grouse habitat.
- **Sensitive Bird and Mammal Habitat:** The purpose of the Sensitive Bird and Mammal Combining Zone is to insure that sensitive habitat areas identified in the County’s Goal 5 sensitive bird and mammal inventory as critical for the survival of the northern bald eagle, great blue heron, golden eagle, prairie falcon, osprey, great grey owl, and the Townsend’s big-eared bat are protected from the effects of conflicting uses or activities which are not subject to the Forest Practices Act.
- **Surface Mining Impact Area:** The purpose of the SMIA zone is to protect the surface mining resources of Deschutes County from new development which conflicts with

Land Use Planning in Oregon

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

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

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

The goals relevant to Deschutes County are:

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

the removal and processing of a mineral and aggregate resource while allowing owners of property near a surface mining site reasonable use of their property.

- **Wildlife Area:** The purpose of the Wildlife Area Combining Zone is to conserve important wildlife areas in Deschutes County; to protect an important environmental, social and economic element of the area; and to permit development compatible with the protection of the wildlife resource.

CITY COORDINATION

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

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

City of Bend

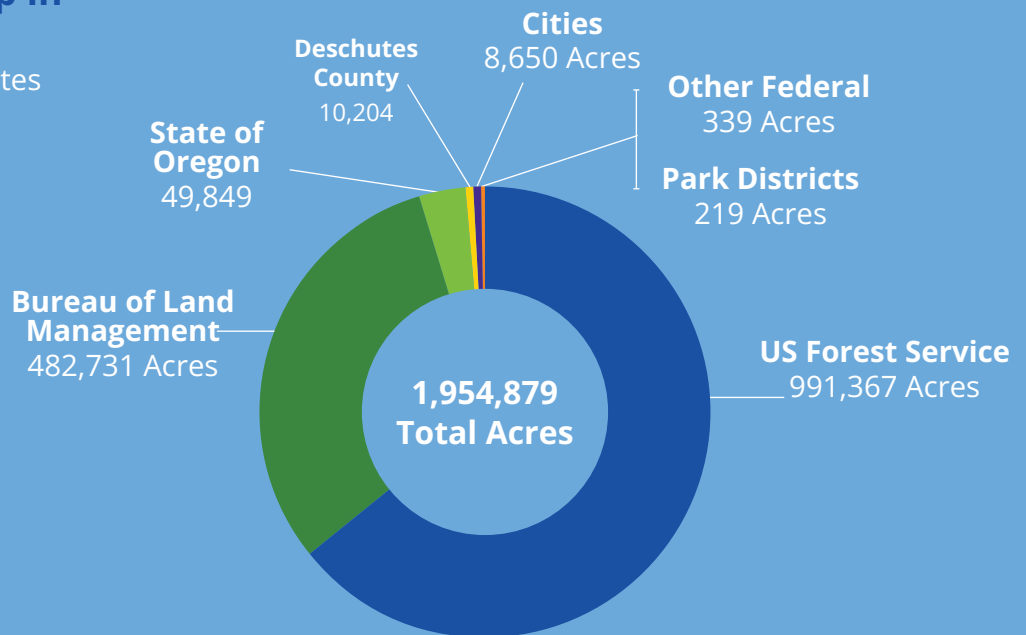
Bend is the largest incorporated area in Deschutes County. It is centrally located in the county, with Highways 20 and 97 crossing paths through the center of the city. Bend has experienced rapid growth in the last few years, accelerated by the COVID-19 pandemic and “Zoom Town” remote working trends.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

City of La Pine

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

Public Land Ownership in Deschutes County

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



City of Redmond

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

City of Sisters

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

TRIBAL COORDINATION

In the Treaty of 1855 (12 Stat. 963), the Confederated Tribes of Warm Springs ceded approximately 10.2 million acres to the United States Government and reserved the Warm Springs Reservation for its exclusive use. The Treaty further reserved to the Tribes rights to take fish at all usual and accustomed stations, and to hunt, gather roots and berries, and pasture livestock on unclaimed lands. The map on page 2-9 identifies the location of these ceded areas in Deschutes County, which primarily intersect with publicly owned lands. Coordination with the Confederated Tribes of Warm Springs on growth and development related issues is important to ensure consistency with these treaty rights.

Key Community Considerations

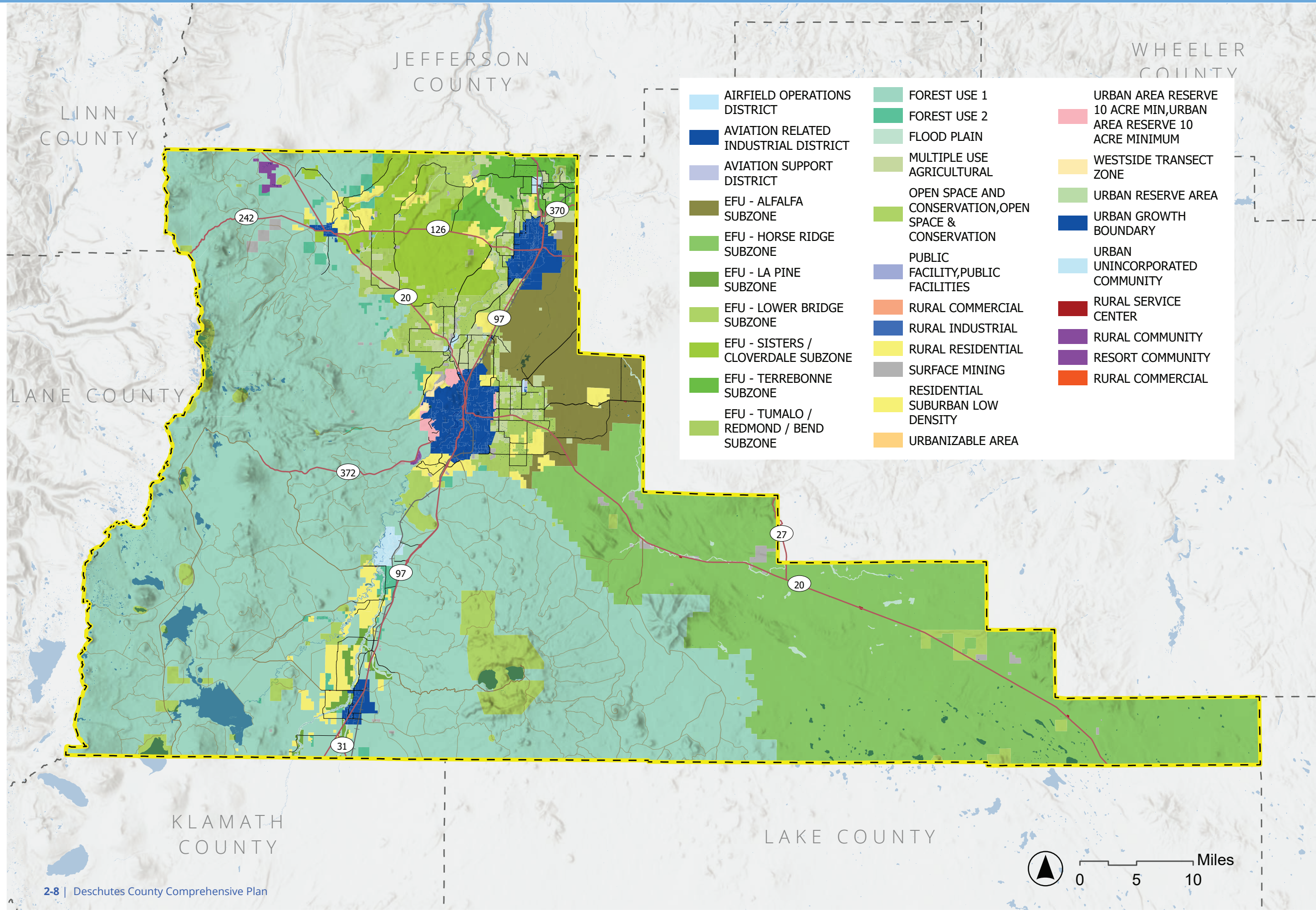
The rapid pace of growth in Deschutes County and its impacts on urban, rural, natural, and recreational areas has been one of the most significant – and at times the most controversial – topics of discussion among project participants. Some topics and comments include:

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

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



ZONING DESIGNATIONS



A PLAN FOR THE FUTURE

- Water Bodies
- County Boundary

Transportation

- State Routes
- Railroad
- County Lines



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

Goals and Policies

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

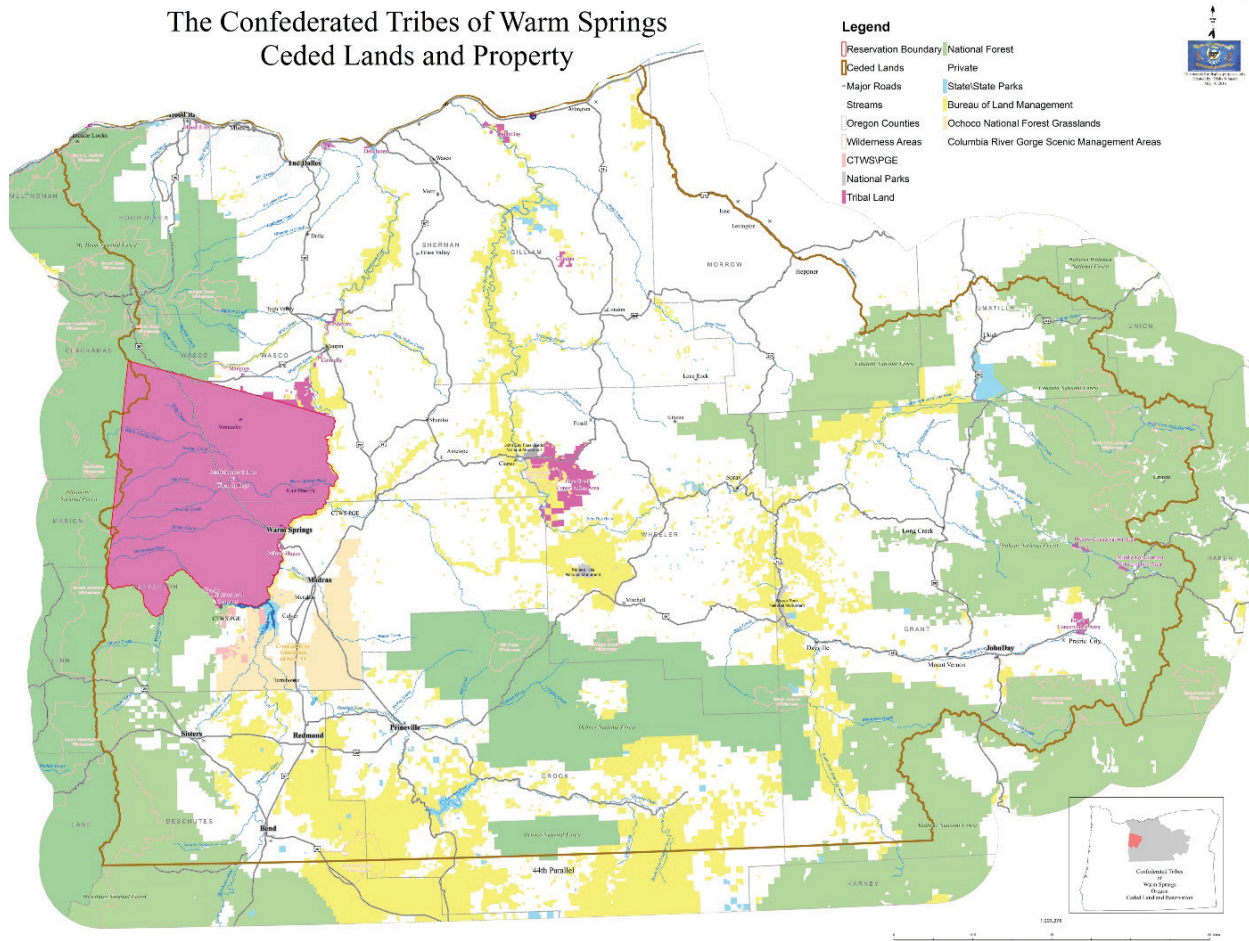
Policy 2.1.1. Balance the consideration of private property rights and the economic impacts of land use decisions on property owners with incentives to preserve agricultural and forest land, wildlife habitat, ground and surface water resources, wetlands, riparian areas, open areas and other community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

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

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

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

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



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

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

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

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

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

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

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

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

Policy 2.2.8. Support updates to unincorporated community area plans.

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



Policy 2.2.10.

Policy 2.2.11. The County and City shall periodically review the agreement associated with the Redmond Urban Reserve Area (RURA). The following land use policies guide zoning in the RURA.

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

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

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

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

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

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

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

3

Farm and Forest Resources





Photo Credit: Amanda Photographic

Opportunities, Challenges, and Considerations

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

PREVALENCE OF SMALL FARMING OPERATIONS AND HOBBY FARMS

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

MARGINAL OR LOW PRODUCTIVITY SOILS

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

FINANCIAL CHALLENGES

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

DECLINING FOREST PRODUCTS INDUSTRY

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



Photo Credit: Amanda Photographic

WATER SUPPLY AND IRRIGATION

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

CHANGES IN CLIMATE CONDITIONS

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

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

Context

Agriculture

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

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

Forest Lands

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

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

Days Above 90 Degrees in Brothers

2023

2



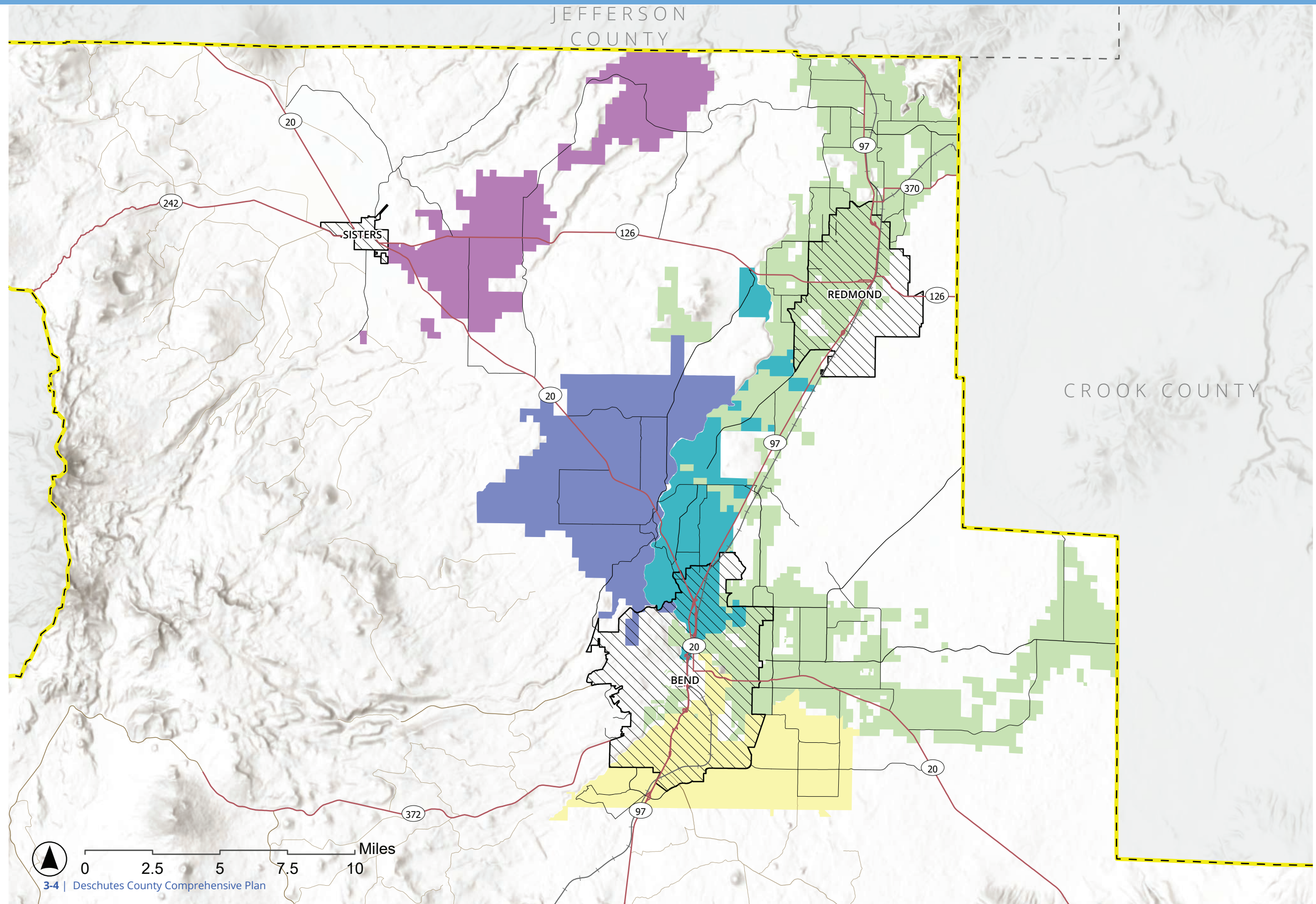
2070

24

Note: Historic data for days above 90° is not available.

IRRIGATION DISTRICTS

Map 3-1



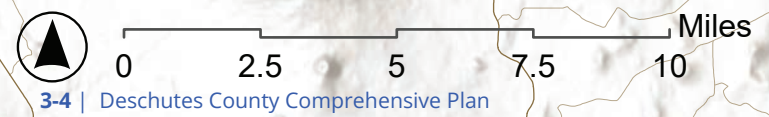
A PLAN FOR THE FUTURE

Irrigation Districts

- Three Sisters Irrigation District (est. 1891)
- Swalley Irrigation Dist (DRIC) (est. 1899)
- Arnold Irrigation District (est. 1905)
- Central Oregon Irrigation District (est. 1918)
- Tumalo Irrigation District (est. 1922)

Transportation

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



Prepared by

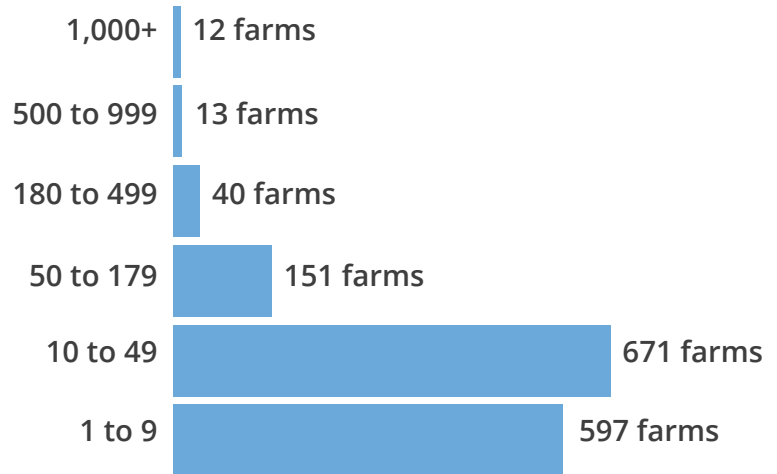
Revised 8/1/2023

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

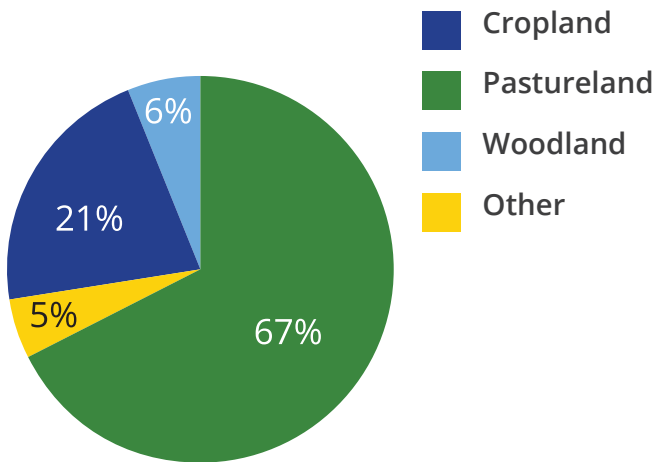
development in these areas each year. Even with this limitation on development, forest managers and service providers continue to express concern with wildfire risk associated with residential development in heavily wooded areas.

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

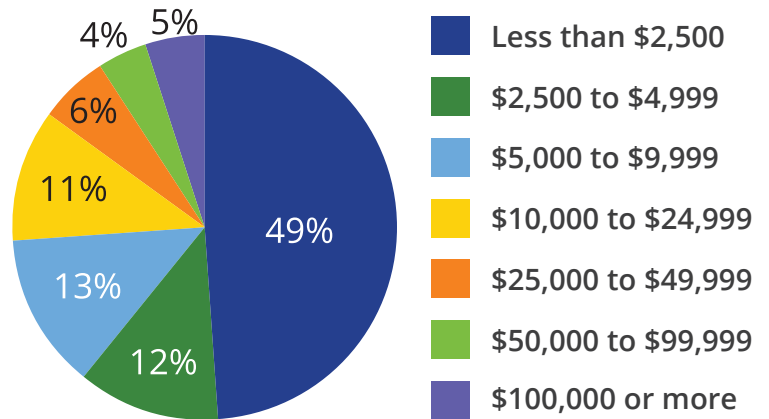
Farms By Size (acres)



Land in Farms by Use



Farms By Value of Sales



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

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

- **Secondary forest products (forest operations):** There is an increasing use of secondary forest products, such as hog fuel (chipped wood) or wood slash. This type of product is generally seen as providing dual benefit, by providing economic opportunity while also reducing wildfire risk through thinning projects.
- **Alternative Energy:** Biomass is an emerging technology for renewable energy and can also be integrated with these products. The first biomass facility in the County is currently under development through a partnership with Mt. Bachelor Ski Resort and the USFS.
- **Recreation (environmental, agricultural and recreation uses):** The proximity of federal forests for hiking, mountain biking, skiing, hunting, fishing, wildlife viewing and other outdoor recreation draws tourists and residents alike. An emerging challenge is the prevalence of houseless encampments on and adjacent to federal lands. These encampments can cause conflicts with other trail users and increase fire risk.

Key Community Considerations

Given the range of issues and conditions discussed above and, this plan includes a variety of policies to support farm and forest operations in Deschutes County. Additional related policies also are found in Chapter 2: Land Use and Regional Coordination, Chapter 7: Natural Hazards, and Chapter 9: Economic Development. These strategies are underpinned by the following results of Comprehensive Plan outreach efforts.

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



Photo Credit: Amanda Photographic

Goals and Policies

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

Policy 3.2.10. Explore program to utilize compost from Solid Waste Department on farm lands to improve soils, productivity, water, efficiency, and facilitate disposal of yard debris and compostable materials.

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

Policy 3.3.1. Identify and retain accurately designated agricultural lands.

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

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

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

- a. The large number of platted lots not meeting the minimum acreage;
- b. The need for non-farm dwellings and location requirements for farm dwellings;
- c. Concerns over the impact on private property from off-road vehicles, facilities, and trails located on adjacent public lands.

Policy 3.3.4. Work with the state to review and revise accessory farm dwelling requirements to address the needs of local farmers, including removal of parcel size restrictions.

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

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

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

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

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

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

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

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

- a. Consist predominantly of ownerships developed for residential or non-forest uses;
- b. Consist predominantly of ownerships less than 160 acres;
- c. Consist of ownerships generally contiguous to tracts containing less than 160 acres and residences, or adjacent to acknowledged exception areas; and

- d. Provide a level of public facilities and services, including roads, intended primarily for direct services to rural residences.”

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

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

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

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

Policy 3.4.6. Coordinate and cooperate with the U.S. Forest Service (USFS), the Bureau of Land Management (BLM) and other public agencies to promote sustainable forest uses, including community wildfire

protection projects, recreation facilities, habitat enhancements, and biomass facilities, on public forest land, including currently adopted Forest and Land Management Plans prepared by the USFS and BLM.

- a. Using the Deschutes National Forest Land and Resource Management Plan, or its successor, as the basis for mutual coordination and cooperation with the USFS;
- b. Using the Prineville BLM Upper Deschutes Resource Management Plan, or its successor, as the basis for mutual coordination and cooperation with the BLM.

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

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

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

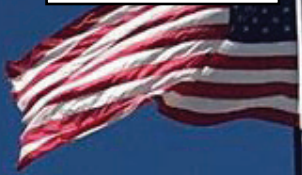
Policy 3.4.10. Coordinate with community stakeholders to support forest management plans and projects that are consistent with the policies of this chapter and with local community forest management and wildfire protection plans.

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

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

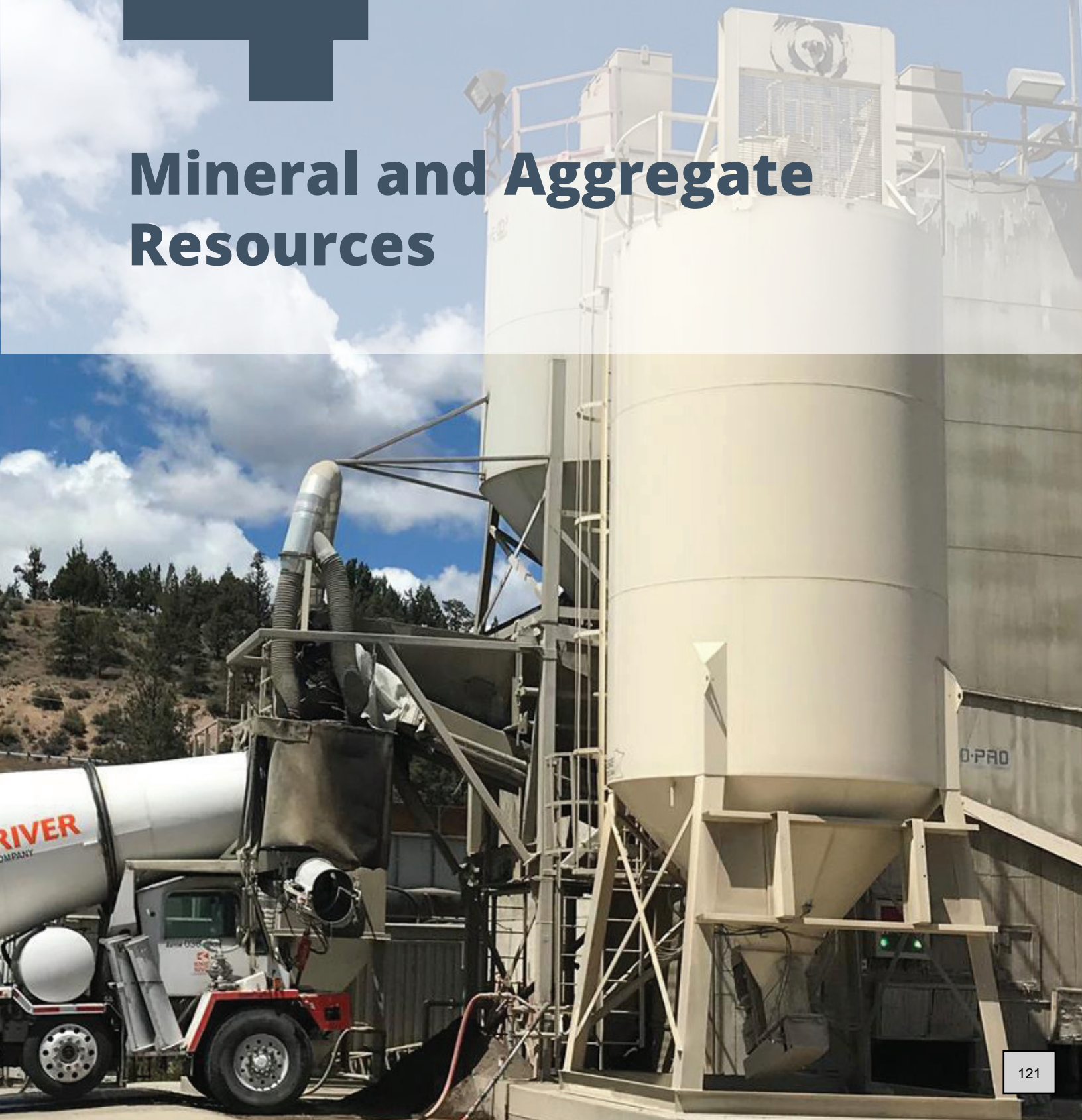


Photo Credit: Amanda Photographic



4

Mineral and Aggregate Resources





Opportunities, Challenges, and Considerations

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

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

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

Context

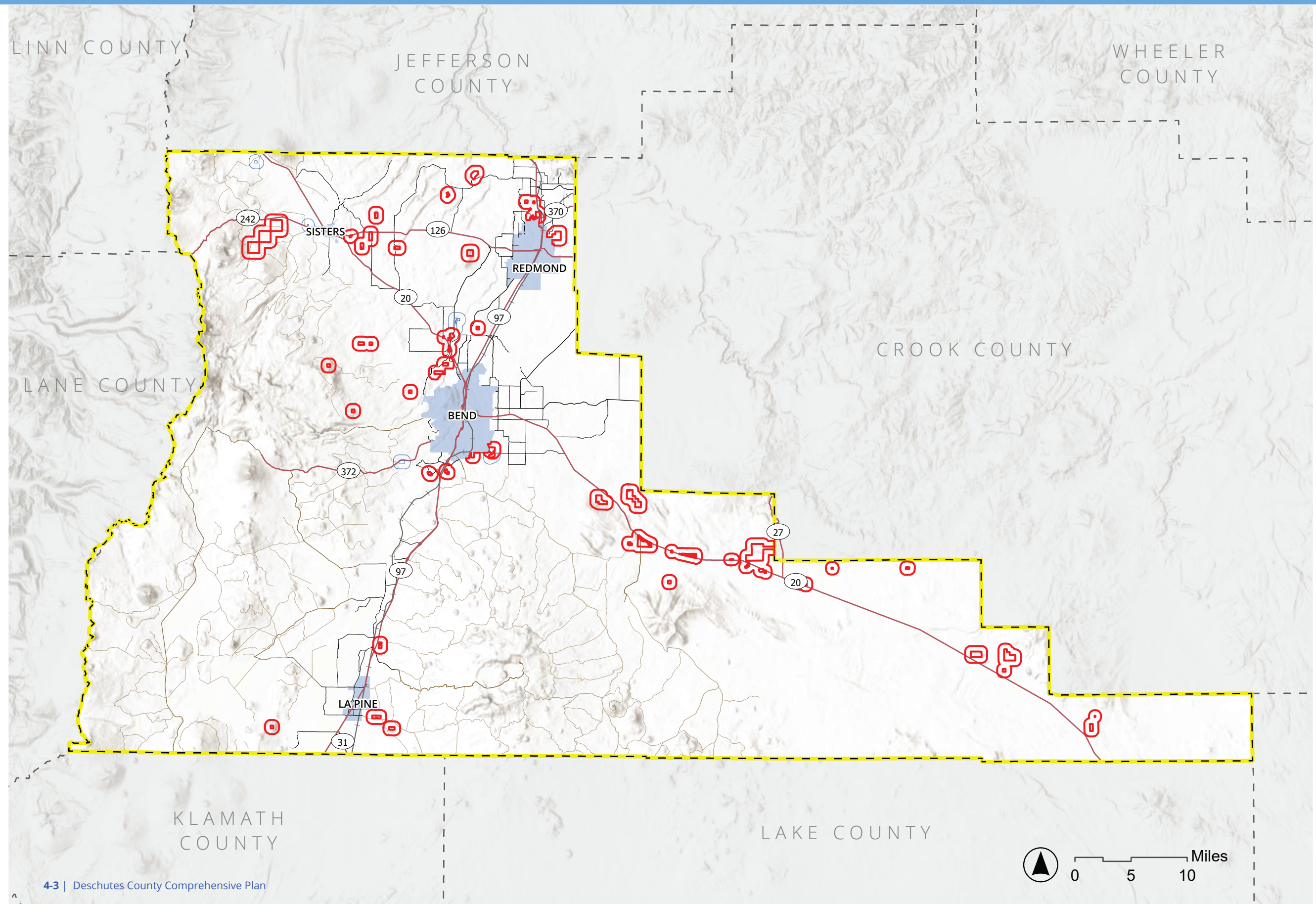
Surface mining is protected through Statewide Planning Goal 5, Natural Resources, Scenic and Historic Areas and Open Spaces and the associated Oregon Administrative Rule (OAR) 660-023 (this rule replaced 660-016 in 1996). Mineral and aggregate resources are included on the list of Statewide Goal 5 resources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

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

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

SURFACE MINING

Map 4-1



A PLAN FOR THE FUTURE

County Boundary

Urban Growth Boundaries

Zoning Surface Mining Impact Area

Surface Mining Impact Area

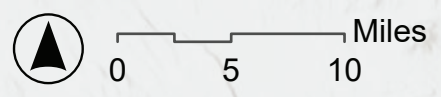
Reclaimed - Surface Mining Impact Area

Transportation

State Routes

Railroad

County Lines



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

Key Community Considerations

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

Goals and Policies

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

Policy 4.1.1. Implement adopted Goal 5 Surface Mining inventories.

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

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

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

Surface Mining in 2023

59

Active Mining Sites

8

Reclaimed Sites

9,235

Acres in Surface Mining Zone

including Black Butte Ranch Surface Mine/Limited Use Zone

58,881

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

Source: Deschutes County GIS information

5

Natural Resources





Opportunities, Challenges, and Considerations

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

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

Topics covered in this chapter include:

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

PROTECTED WILDLIFE RESOURCES

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

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

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

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

SCENIC VIEWS AND OPEN SPACE

The 2010 Greenprint¹ for Deschutes County listed protection of scenic viewsheds as one of the top five community priorities for conservation in the rural County, and the protection of open space has been one of the key topics of discussion during the most recent update of this Comprehensive Plan. The County has several designated scenic corridors, including several scenic bikeways, highways, and wild and scenic river sections.

¹ The Trust for Public Land. Oregon's Playground Prepares for the Future: A Greenprint for Deschutes County. 2010. http://cloud.tpl.org/pubs/local_or_deschutes%20greenprint.pdf

With close to 80% of the County under public ownership, many community members enjoy access to natural resources on public lands. A perennial issue among community members is preserving scenic views and open spaces closer to home on undeveloped private properties.

WATER RESOURCES

Deschutes County contains groundwater resources, defined as water that exists underground in saturated zones beneath the land surface², and surface water resources. Surface water refers to streams, lakes, rivers, and reservoirs³.

Groundwater is used for a variety of permitted and exempt activities. Residential wells in the rural county make up the largest user group of groundwater, and are exempt from any permit, provided that the property owner abides by specific standards. Water rights and or permits are required for other major use categories, such as quasi-municipal or municipal uses, pond maintenance, irrigation and other commercial and industrial activities.⁴

The Deschutes River and its tributaries serve as the region's surface water resources. Surface water rights in the Upper Deschutes Basin are fully allocated, meaning no new surface water rights can be issued. Approximately 86% of basin water rights are associated with agriculture, 12% associated with instream uses, and 2% associated with municipal uses⁵.

² US Geological Survey Definition - Groundwater
³ US Geological Survey Definition - Surface Water
⁴ Oregon Water Resources Department. 2021 Review of the Deschutes Basin Groundwater Mitigation Program. <https://www.oregon.gov/owrd/WRDReports/5YearDeschutesGWMitigationProgramReport.pdf>
⁵ Bureau of Reclamation and Oregon Water Resources Department. 2019 Upper Deschutes River Basin Study. https://cdn.prod.websitefiles.com/667093eeb1bb316e69f0e9c6/667093eeb1bb316e69f0e9d8_Upper%20Deschutes%20River%20Basin%20Study%20Final.pdf

Statewide Planning Goal 5

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

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

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



Groundwater and surface water in Deschutes County are closely tied. Numerous studies have noted the interconnections between stream flow and well levels over time in Deschutes County. Programs, such as the Deschutes Basin Groundwater Mitigation Program, seek to monitor these connections.

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

Context

Protected Wildlife Resources

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

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

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

MULE DEER

Migration corridors and winter range are essential habitats needed to support mule deer in Deschutes County. The Bend/La Pine migration corridor is approximately 56 miles long and 3 to 4 miles wide and parallels the Deschutes and Little Deschutes Rivers. The corridor is used by deer migrating from summer range in the forest along the east slope of the Cascades to the North Paulina deer winter

range. Deschutes County adopted a "Deer Migration Priority Area" based on a 1999 ODFW map submitted to the South County Regional Problem Solving Group. This specific sub-area is precluded from destination resorts.

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

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

SENSITIVE BIRDS

Nest sites for the bald eagle, osprey, golden eagle, prairie falcon, great grey owl, greater sage-grouse, and great blue heron rookeries are inventoried by the County. The area required for each nest site varies between species. The minimum area required for protection of nest sites has been identified by the ODFW in their management guidelines for protecting colony nesting birds, osprey, eagles, and raptor nests. The USFWS works closely with ODFW on eagle-related issues and enforces federal guidelines to ensure protection of bald and golden eagles.



Credit: Andrew Walch/ODFW

ELK

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

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

ANTELOPE

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

Scenic Views and Open Space

Deschutes County has a rich abundance of open space. Approximately 79% of land in Deschutes County is federally owned, providing ample open space and scenic views adjacent to these areas. Open spaces are generally undeveloped areas that are being maintained for some other purpose, such as farms, parks, forests, or wildlife habitat. Besides the value that stems from the primary use of the land, open spaces provide aesthetically pleasing undeveloped landscapes. Because these areas are undeveloped, they also provide additional benefits such as water recharge, buffers for habitat, and safety zones from natural hazards such as flooding and wildfire.

Open spaces and scenic views are an important draw for visitors and are often mentioned as important to the area's quality of life. The backdrop of the Cascade Mountains, with its vast

forest and sagebrush landscapes and riparian and wetland habitats, all provide an inspirational setting for visitors and residents alike. Statewide Planning Goal 5 recommends, but does not require, creating an inventory and protections for open spaces, scenic views and sites. Oregon Administrative Rule (OAR) 660-023 defines open space designations as parks, forests, wildlife preserves, nature sanctuaries, and golf courses.

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

Water Resources

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

REGULATORY AGENCIES

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



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

STATEWIDE PLANNING GOALS

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

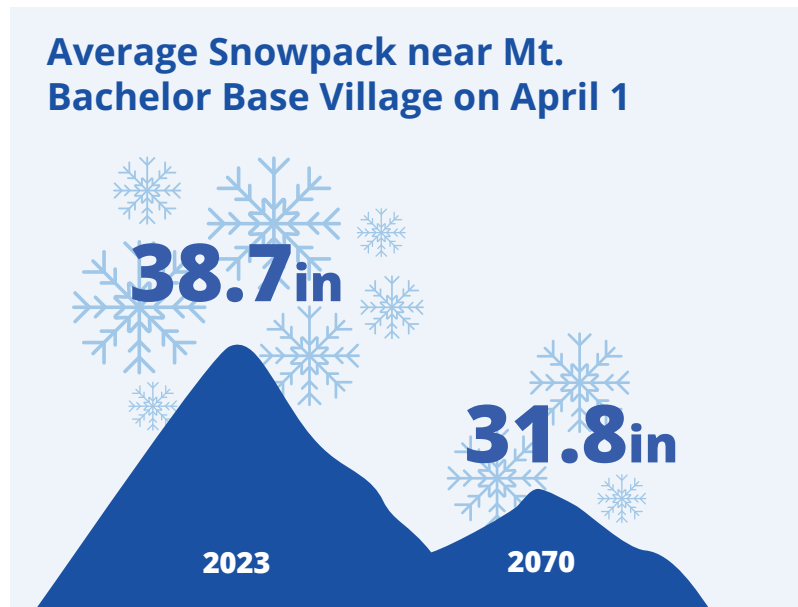
The policies in this section relating to water provide the framework for evaluating land use actions and define the responsibility of the County to work in partnership with cities, agencies, non-profits and others to achieve efficient use of water resources and effective management of water quality in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

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

SNOWPACK

Although there is expected to be a slight increase in winter precipitation by the middle of the century, snowpack is expected to decline throughout the Cascades. The decline in snowpack (which has already been observed, see figure below)⁶ is due largely to increasing temperatures causing some precipitation to fall as rain rather than snow. This has the double effect of decreasing snowfall and melting the previously fallen snow. At the Mt Bachelor Ski Resort, April snowpack is expected to decline between 11% and 18% by the middle of the century and between 18% and 43% by the end of the century.

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



LAVA SPONGE

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

GROUNDWATER USE

The groundwater aquifer is roughly 1,000 feet thick across significant parts of the basin and is replenished yearly by the Cascades' precipitation.

A report from GSI water solutions in 2022 noted the Upper Deschutes Basin receives over 4,000 cubic feet per second (cfs) of annual recharge.⁷ This recharge is primarily from in-basin precipitation, although minor amounts of recharge are attributed to interbasin flow in which water travels from the Metolius basin, and canal leakage. Groundwater pumping is equivalent to approximately 2 percent of the annual groundwater recharge. In the Deschutes Basin a small amount of groundwater is also used by farmers for crop or pasture irrigation. Groundwater is also used for "exempt" purposes including residential wells, irrigation of non-commercial lawns under a half-acre, stock watering, and fire control. Groundwater rights are commonly used by cities to support housing and development. The 2019 Upper Deschutes Basin Study estimates 40,000-acre feet are diverted each year primarily from groundwater purposes to serve municipal and quasi-municipal uses.

⁷ "GSI Solutions Understanding Upper Deschutes Basin Groundwater Levels, September 2022". https://www.oregon.gov/owrd/Documents/White%20Paper_Understanding%20Upper%20Deschutes%20Basin%20GW%20Levels_9_26_2022.pdf

Deschutes Basin Hydrogeology

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

Groundwater flows eastward from the Cascade Range through permeable volcanic rocks out into the basin and then generally northward. Groundwater recharge comes from precipitation in the Cascade Range, inter-basin flow and leaking irrigation canals. Approximately one-half of the ground water flowing from the Cascade Range discharges to spring-fed streams along the margins of the range. The remaining groundwater flows through the subsurface, and eventually discharges to streams near the confluence of the Deschutes, Crooked, and Metolius Rivers.

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

A 2021 report by the Oregon Department of Water Resources found that groundwater levels in Deschutes County are declining, by as much as 30 feet of total decline in the central part of the basin. This decline has caused wells in densely populated areas of the County to run dry, requiring extensive well deepening work. Groundwater levels are directly related to recharge rates which are directly impacted by rainfall and recharge from other sources such as flood irrigation and leaky ditches and canals. Impediments to recharge include such things as increased irrigation efficiency, large scale piping projects, and increased juniper populations. This decline is considered “excessively declined” per state statute and is attributed to a shift toward overall drier conditions since the late 1990s, expanding Juniper forests, increased groundwater pumping, a warming trend in the basin, and decreased snowpack. However, studies show that drought and groundwater levels are cyclical and may vary over the years. For example, the 1930s and 1970s were dryer than current conditions.

The State of Oregon is currently exploring measures to restrict overuse of groundwater rights through its Groundwater Allocation rulemaking. The program would limit issuance of new groundwater rights when groundwater levels are in a period of excessive decline. Because the groundwater in the Deschutes Basin is directly connected to the flow of the Deschutes River, all additional groundwater use must be mitigated by decreased use of groundwater or surface water elsewhere through the Oregon Water Resources Department’s Deschutes Groundwater Mitigation program. This can include retiring of other water rights, or the release of water into the waterway. A mitigation permit must be obtained before a new groundwater right can be accessed.⁸

⁸ Information from the Oregon Water Resources Board Mitigation Program.

Voluntary and or regulatory conservation mechanisms are needed from all users to prevent overuse of the groundwater resource at the local level and mitigate groundwater level declines.

SURFACE WATER USE

The 2019 Deschutes Basin Study found that total water inflows to the basin vary from 860,000 acre-feet to 2.3 million acre-feet, depending on how much precipitation falls in a given year or several consecutive years. Approximately 720,000 acre-feet (86%) of surface water is diverted each year for irrigation districts. The study noted that declines in flow associated with precipitation and snowpack, combined with overallocation of water rights in the basin, continues to lead to shortfalls for junior water right holders. In low water years, junior water holders in the North Unit and Arnold Irrigation Districts are not able to access water due to this shortage, negatively impacting agricultural and other operations that depend on surface water rights.

Aside from impacting operations, the reduction of surface flows can also impact wildlife habitat. The Deschutes Basin is home to the Oregon spotted frog and bull trout, which are federally listed as threatened species. To mitigate the impacts from storage, release, diversion and return of irrigation water on these species, the Deschutes Basin Habitat Conservation Plan was finalized and approved by the US Fish and Wildlife Service in 2020. The plan was developed in partnership with the Deschutes Basin Board of Control representing irrigation districts, along with tribal governments, agency staff, and other stakeholders and seeks to provide predictability to water managers of surface flows for the next 30 years. The plan outlines a combination of water management practices, funding for conservation projects, funding for instream leasing programs, and parameters for seasonal release of irrigation water, among other efforts.

Irrigation districts and other entities are engaged in ongoing efforts to pipe canals and modernize irrigation systems to increase their efficiency. Due to water transmission losses in irrigation canals from seepage into groundwater and evaporation, piped canals typically require only half the amount of water to be diverted from the river or stream to deliver the same volume of water to the end user compared to open canals.

Community members have expressed concern that piping canals may contribute to local aquifer declines due to loss of artificial recharge from leaking infrastructure. Continued education and monitoring on this topic will be helpful to best understand the actual impact of canal piping on groundwater resources.

WATER QUALITY

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



The Department of Environmental Quality (DEQ) Laboratory and Water Quality Divisions' Groundwater Quality Report for the Deschutes Basin (March 2006) identifies areas of concern for groundwater contamination based on various sources of data and groundwater quality studies. Based on collected data, development patterns and the geology of the underlying aquifer, the report makes recommendations

for a couple of areas in the County. The report notes the groundwater aquifer in the Redmond area is vulnerable to contamination from human activities and recommends further study by the DEQ. The La Pine aquifer in the southern portion of the county from the Sunriver area into Northern Klamath County between Newberry Caldera and the Cascades is an area of particular concern because of data collected through several studies and the high level of development in the area. The report also identifies underground injection systems that could contaminate the aquifer with pollutants from stormwater drywells or sewage drillholes.

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

Considerable work has gone into studying the groundwater in South County. In 1999 Deschutes County and the Department of Environmental Quality (DEQ) identified the need for a better understanding of the processes that affect the movement and chemistry of nitrogen in the aquifer underlying the La Pine area. In response, the U.S. Geological Service (USGS), in cooperation

with Deschutes County and DEQ, began a study to examine the hydrologic and chemical processes that affect the movement and chemical transformation of nitrogen within the aquifer. A primary objective was to provide tools for evaluating the effects of existing and future residential development on water quality and to develop strategies for managing groundwater quality.

Field research from the USGS study shows that in a 250-square-mile study area near La Pine the groundwater underlying the La Pine sub-basin is highly vulnerable and being polluted by continued reliance on traditional onsite systems. Environmental impacts from residential development include higher nitrate concentrations in groundwater that is tapped for domestic water supply and discharges to rivers. Nitrates are regulated by the federal Environmental Protection Agency and DEQ as a human health concern. Vulnerability of the shallow aquifer to contamination led to concern that wastewater from septic systems poses a threat to the primary drinking water supply and local river systems. The Upper Deschutes and Little Deschutes Sub-basins have abundant, natural sources of phosphorus from volcanic soils and rocks so the rivers are naturally nitrogen limited. Nitrogen-limited rivers are sensitive to low concentrations of available nitrogen until some other component becomes limiting, and that may lead to ecological impacts.

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

Many South County residents expressed concern over the costs involved with converting their

septic systems and disputed the science behind the rule. Placed on the ballot by petition, the local rule was rescinded by voters in March 2009.

As of 2010 the DEQ is leading the effort to address nitrates in South County, with the full cooperation of the County. One solution being considered is creating a sewer system or extending Sunriver's to serve some of the nearby areas. Sewer systems are tightly restricted on rural lands by Statewide Planning Goal 11 and OAR 660-11, so the Department of Land Conservation and Development is also involved in these efforts. The County and Oregon Department of Environmental Quality attempted to apply for an exception to Goal 11 to allow for a community sewer system in 2016, although the effort was overturned by the Oregon Land Use Board of Appeals.

ALGAL BLOOMS

Algal blooms have been a problem for recreational lakes in the cascade mountains in recent years. Since 2007, the Wickiup Reservoir, Crane Prairie Reservoir, and Paulina Lake have experienced algal or bacteria blooms that required a health advisory.⁹

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

⁹ <https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/RECREATION/HARMFULALGAEBLOOMS/Pages/archive.aspx>

Key Community Considerations

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

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

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

Goals and Policies

Water Goals and Policies

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

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

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

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

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

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

Goal 5.2: Increase water efficiency and conservation efforts among all users, including homeowners and businesses.

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

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

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

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

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

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

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

- a. Cooperate to improve surface waters, especially those designated water quality impaired under the federal Clean Water Act;
- b. Support research on methods to restore, maintain and enhance river and riparian ecosystems and wetlands;
- c. Support restoration efforts for river and riparian ecosystems and wetlands;

- d. Inventory and consider protections for cold water springs;
- e. Evaluate waterways in coordination with OPRD for possible designation under the Scenic Waterways program;
- f. In collaboration with appropriate federal, state, tribal and local agency resource managers stakeholders, map channel migration zones and identify effective protections;
- g. Develop comprehensive riparian management or mitigation practices that enhance ecosystems, such as criteria for removal of vegetation that adversely impacts water availability and soil health.

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

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

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

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

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

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

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

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

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

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

- a. Spawning and rearing areas for salmonid species should be considered significant habitat and should be protected in rivers and streams.
- b. Cooperate with covered parties in restoring or enhancing spawning and rearing areas for salmonid species, where feasible.

- c. Support efforts to address riparian restoration associated with streamflow management under approved plans.

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

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

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

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

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

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

Policy 5.4.10. Coordinate and work with the Oregon Department of Agriculture, agricultural uses, and available voluntary programs to support and implement proven new technologies and best practices to maintain and enhance water quality, such as minimizing nitrate contamination, maintaining streamside vegetation, reducing streambank soil erosion and runoff, reducing fish passage barriers, managing return flows, limiting livestock access to riparian areas, and minimizing weeds and bare patches in grazing areas.

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

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

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

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

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

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

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

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

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

Open Space and Scenic Views Goals & Policies

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

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

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

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

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

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

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

Wildlife Goals and Policies

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

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

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

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

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

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

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

Policy 5.8.1. Encourage responsible and sustainable wildlife related tourism, hunting, and recreation.

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

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

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

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

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

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

Environmental Quality Goals and Policies

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

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

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

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

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

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

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

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

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

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

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

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

6

Historic and Cultural Resources





Opportunities, Challenges, and Considerations

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

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

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

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



Context

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

LOCALLY SIGNIFICANT HISTORIC SITES

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

NATIONALLY REGISTERED SITES

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

Key Community Considerations

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

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

Goals and Policies

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

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

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

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

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

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

7

Natural Hazards





Opportunities, Challenges, and Considerations

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

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

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

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

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

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

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

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

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

Context

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

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

- 2021 Natural Hazards Mitigation Plan (NHMP)
- 2019 Wildfire Mitigation Advisory Committee
- Project Wildfire, a County-led wildfire education and mitigation program has been in operation since 203 and has been very successful in changing attitudes towards wildfire and prevention.
- Community Wildfire Protection Plans (CWPP) for many communities, including:
 - » Greater Bend CWPP (2016, expected revision 2021)
 - » Greater La Pine CWPP (2020, expected revision 2025)
 - » Greater Redmond CWPP (2022, expected revision 2026)
 - » Greater Sisters Country CWPP (2019, expected revision 2024)



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

The County is pursuing a process to consolidate all CWPPs into one document, to simplify the five-year update process. In addition, dozens of neighborhoods are pursuing or have received FireWise certification through the National Fire Protection Association. The County also supports the Heart of Oregon and Youth Conservation Corps crews in fuels reduction work and other mitigation efforts, with financial assistance from other entities.

Wildfire

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



By mid-century, the annual potential for very large fires is projected to increase by at least 350% over the 20th century average.¹

The annual frequency of very high and extreme fire danger days is expected to increase by 10-15 additional days per year by mid-century⁴ (up from 36 currently). These trends are due to exacerbated conditions with a combination of high air temperatures and very low fuel moisture, which increases the likelihood of fire starts that can spread. As Deschutes County communities have experienced, increased fire activity - even at quite a distance - will impact air quality, increasing public health risks and impacting aspects of everyday life.

The Wildland-Urban Interface (WUI) is defined as the area where housing and burnable vegetation meet or intermingle². Deschutes County has seen increased development in the WUI, associated with growth in the four cities and the rural county, in particular on the edge of cities adjacent to public lands. Public lands in the WUI historically had frequent low intensity fire which reduced the density of small trees and brush making the landscape less likely to produce high severity fire. Past forest management practices and exclusion of frequent, natural, low intensity fire from the landscape result in high fuel loads and high probability of severe fire. Landscapes in Deschutes County that have experienced severe fire often contain dense understory vegetation and brush, which are more susceptible to ignitions and fire spread in hot and dry climates.

Following severe wildfire events, forests experience disruption of natural growth progression, which can lead to competition among vegetative species and monoculture species growth. Significant efforts have gone into removal of these fuels at the federal, state, and local levels, including notable efforts by

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

² Community Planning Assistance for Wildfire definition for WUI

neighborhood associations and communities following fire-wise guidelines.

Home hardening at the individual household level will continue to play an important role in reducing the risk of loss from wildfire events and mitigating the spread of fire between neighboring properties. The 2020 Labor Day fires severely impacted several areas of the state. During those events, house to house ignitions amplified the spread of wildfire, causing severe loss of homes and businesses. Home hardening techniques include use of ignition resistant siding and roofing, attic ventilation devices that reduce ember intrusion, and removal of vegetation in the defensible space area surrounding structures on a property. These techniques will be crucial to reduce loss of life and property from these increasing hazard events in and adjacent to the WUI.

WILDFIRE AND HEAT

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

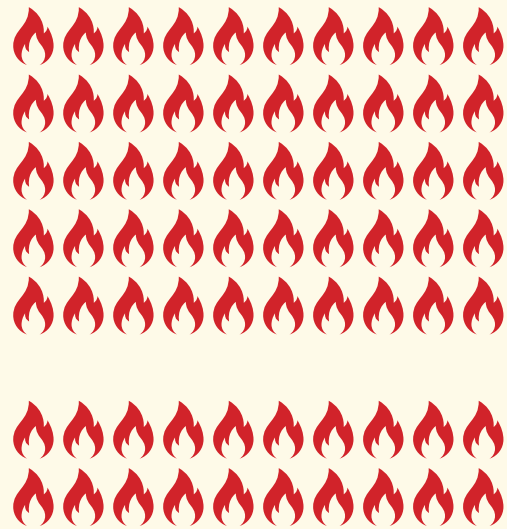
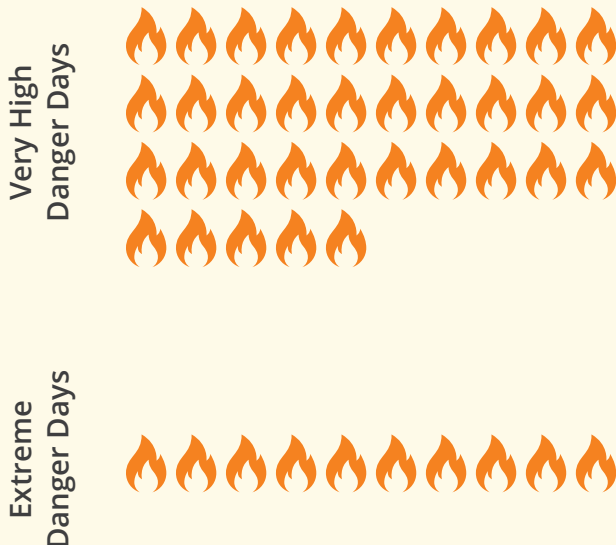
Under all change projections, there will be an increase in the number of days with a heat index above both 90° and 100°F by mid-century.³ By 2100, Deschutes County can expect summer maximum temperatures to be 12°F hotter than current highs. Overall, extreme heat is not considered a human health risk in Deschutes County because of low night-time temperatures and low humidity in the region. However, the Redmond airport, which sees the hottest temperatures in the county, will likely experience

3 Oregon Forest Resources Institute Fact Sheet

Fire Danger near Mt. Bachelor Village

2023

2070



occasional temperatures above 105° every few years by mid-century, and at least once a year by 2100. In addition, summer night-time lows are likely to increase by up to 5° degrees by mid-century, reducing the cooling effect of the high desert climate.

Key Community Considerations

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

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

Vulnerable Populations

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



Goals and Policies

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

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

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

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

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

Policy 7.1.5. Work with agency partners to mitigate impacts of episodes of poor air quality resulting from wildfires and prescribed burning in the region.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy 7.3.5. Promote and support business resilience planning.



8

Recreation





Opportunities, Challenges, and Considerations

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

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

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

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

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



Photo Credit: Ryan Westby

Future Challenges to Recreation

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

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

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

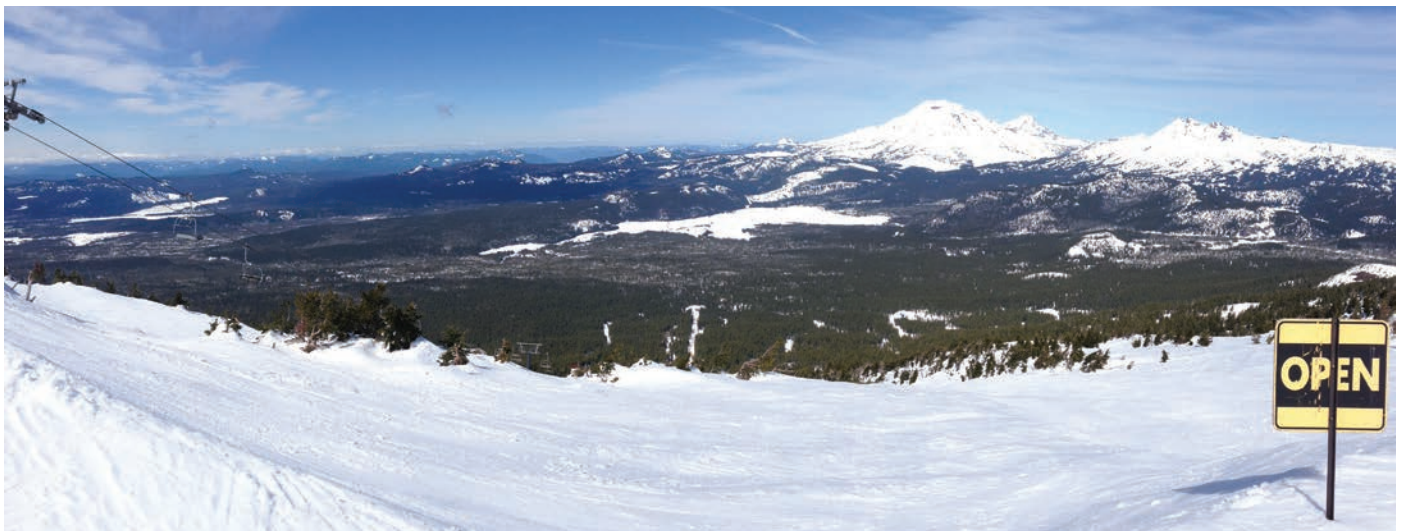
These conditions may also lead to greater frequency and severity of algal and bacterial blooms in fresh water. Algal blooms in other parts of the state have led to drinking water concerns, but Deschutes County cities are supplied by groundwater and so the risk in algal blooms is mainly to recreation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

Winter Sports

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

Summer Recreation

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



Context

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

OREGON PARKS AND RECREATION DEPARTMENT

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

THE BEND PARKS AND RECREATION SPECIAL DISTRICT (BPRD)

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

THE LA PINE PARKS AND RECREATION SPECIAL DISTRICT

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

THE REDMOND AREA PARKS AND RECREATION SPECIAL DISTRICT

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

THE SISTERS PARK AND RECREATION SPECIAL DISTRICT

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

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

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

COUNTY-OWNED OPEN SPACE

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



Photo Credit: Visit Bend (www.visitbend.com)

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

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

COUNTY FAIRGROUND AND EXPO CENTER

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

Key Community Considerations

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

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

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

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



Goals and Policies

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

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

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

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

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

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

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

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

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

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

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

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



9

Economic Development





Opportunities, Challenges, and Considerations

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

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


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

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


Context

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


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



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

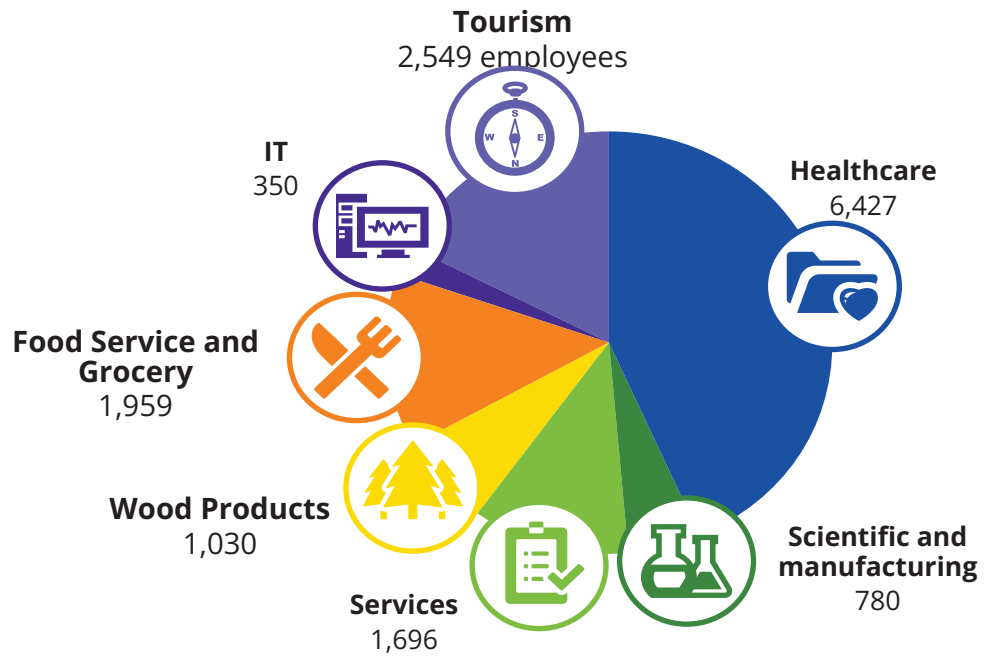


9.4%
of county population experiencing poverty
(12.1% in Oregon)



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

2022 Central Oregon Largest Private Employers by Industry



2022 Central Oregon Largest Private Employers

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

Primary Industries

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

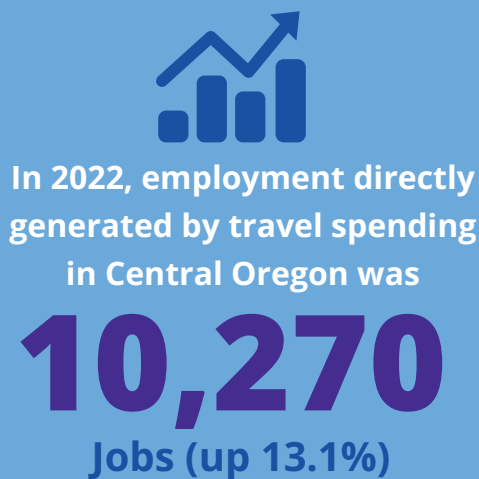
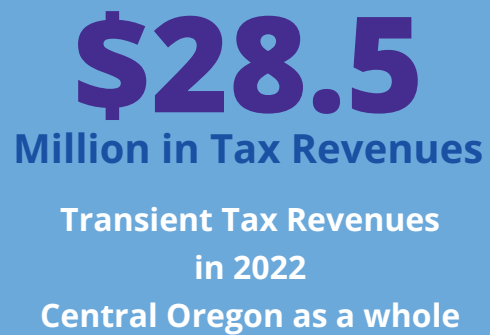
1. Trade, transportation, utilities (15,742 jobs)
2. Education/Health Services (13,479 jobs)
3. Goods-producing (13,169 jobs)
4. Leisure and hospitality (12,990 jobs)
5. Health care and social assistance (12,541 jobs)
6. Retail trade (11,714 jobs)
7. Accommodation and food services (10,718 jobs)
8. Professional/business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

Tourism

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



Tourism Impacts



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

Construction and Development

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

Coordination

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

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

Connections to Other Comprehensive Plan Chapters

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

Key Community Considerations

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

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



Economic Development Goals and Policies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy 9.2.11. Motels, hotels and industrial uses shall not be allowed. Community sewer systems shall not be allowed without exceptions to relevant statewide land use goals.

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

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

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

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

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

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

Policy 9.3.4. To ensure that the uses in Rural Industrial zone on tax lot 16-12-26C-301, as described in Exhibit "C" and depicted on Exhibit "D" attached to Ordinance 2009-007 and incorporated by reference herein, are limited in nature and scope, the Rural Industrial zoning on that site shall be subject to a Limited Use Combining Zone which will limit the uses to storage, crushing, processing, sale and distribution of minerals.

Policy 9.3.5. To ensure that the uses in Rural Industrial zone on tax lot 16-12-26C-301, as described in Exhibit "C" and depicted on Exhibit "D" attached to Ordinance 2009-007 and incorporated by reference herein, are limited in nature and scope, the Rural Industrial zoning on that site shall be subject to a Limited Use Combining Zone which will limit the uses to storage, crushing, processing, sale and distribution of minerals

Policy 9.3.6. To ensure that the uses in the Rural Industrial Zone on Tax Lot 300 on Assessor's Map 16-12-26C-300 and Tax Lot 203 on Assessor's Map 16-12-26A-300 and portions of Tax Lot 111 on Assessor's Map 16-12-26C-111 as described in Exhibit 'D' and depicted in Exhibit 'E' attached to Ordinance 2010-030 and incorporated by reference herein, are limited in nature and scope, the Rural Industrial zoning on the subject parcel shall be subject to a Limited Use Combining Zone, which will limit the uses to storage, crushing, processing, sale and distribution of minerals, subject to conditional use and site plan approval

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

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

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

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

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

Policy 9.3.12. Community sewer systems shall not be allowed in Rural Industrial zones without exceptions to relevant statewide land use goals.

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

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

Policy 9.3.15. Properties for which a property owner has demonstrated that Goals 3 and 4 do not apply may be considered for Rural Industrial designation as allowed by State Statute, Oregon Administrative rules and

this Comprehensive Plan. Rural Industrial zoning shall be applied to a new property that is approved for the Rural Industrial Plan designation.

Rural Service Center Policies

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

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

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

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

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

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

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

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

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



10

Housing





Opportunities, Challenges, and Considerations

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

Context

PROJECTED POPULATION GROWTH IN UNINCORPORATED DESCHUTES COUNTY

In 2024, Deschutes County continues to be one of the fastest growing counties in Oregon, and that trend is expected to continue. Significant growth is expected to occur in Deschutes County in the coming years (over 90,000 new residents in the next 25 years). However, the majority of this growth is forecasted to happen in urban areas with a more modest amount occurring in unincorporated parts of the County (about 5,000 additional people during the same period). (Source: Portland State University Population Research Center)

INCREASED DEMAND FOR RURAL HOUSING

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



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



soil quality for farming. This trend is likely to continue.

HOUSING AFFORDABILITY

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

STATE PLANNING REQUIREMENTS

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

WATER AVAILABILITY AND CONSUMPTION

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

Vacant Lots in Resort Areas

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

Vacant Lots in Rural Residential Areas

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

Future Opportunities for Rural Residential Lots

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

HOMELESSNESS

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

BALANCING DEVELOPMENT OPPORTUNITIES WITH VISITOR ACCOMMODATIONS

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

RECENT CHANGES IN COUNTY HOUSING RULES

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

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

What type of housing is allowed in unincorporated Deschutes County?

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

Key Community Considerations

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

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



Goals and Policies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



11

Unincorporated Communities and Destination Resorts





Opportunities, Challenges, and Considerations

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

In addition to these unincorporated communities, Resort Communities and Destination Resorts are another form of development outside of urban areas. Historically, resort-type development served as a stabilizing force in Central Oregon’s economy and drew in new residents and businesses. In recent years, development of destination resorts has become increasingly contentious, with litigation and extensive public participation in land use hearings. Many residents see value in the amenities and economic value associated with destination resorts, although have concerns regarding their natural resource impacts.

Context

Unincorporated Communities

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

In 1994, Oregon Administrative Rules (OARs) were amended to define unincorporated communities and the types of uses that could be allowed in these areas. The OARs established four types of unincorporated communities, all of which were required to be in existence at the time of the change - the Rule did not allow for new rural communities to be established. These community types are described below.

URBAN UNINCORPORATED COMMUNITY

This is a community which contains at least 150 permanent dwelling units, a mixture of land uses, and contains a community water and sewer system. Sunriver is an Urban Unincorporated community.

RURAL COMMUNITY

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

establishment of the County's subdivision ordinance.

RESORT COMMUNITY

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

RURAL SERVICE CENTER DESIGNATION

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

Destination Resorts

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

Since 1979 destination resorts have increased in importance to the economy of Deschutes County. Sunriver and Black Butte Ranch, as two of the county's original resorts, garnered a national reputation for their recreation facilities and visitor accommodations, serving as touchstones for Deschutes County's tourism industry. In 1989, recognizing the importance of tourism to the economy of the State of Oregon, the state legislature and the Land Conservation and Development Commission (LCDC) took steps to make it easier to establish destination resorts on rural lands in the state. Statewide Planning Goal 8, the recreation goal, was amended to

specify a process for locating destination resorts on rural land without taking an exception to Goals 3, 4, 11 and 14, which govern development in rural resource lands. Under these changes, destination resorts may be sited in EFU zones where they weren't previously allowed. In 1990, LCDC amended the rule for siting destination resorts on forest lands as well.

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

In 2010, Deschutes County completed an amendment to its destination resort mapping process, adding "clear and objective" requirements for eligible and ineligible sites, and the process for amending the destination resort map based on changes in state law. Since that



time, Pronghorn, Caldera Springs, and Tetherow resorts have gone through the siting process. Resorts existing prior to the legislative change, such as Black Butte, Sunriver, and the Inn of the Seventh Mountain have also expanded and been rezoned to Urban Unincorporated Community and Resort Community, respectively. Thornburgh Resort has received preliminary approvals, beginning in 2006.

Key Community Considerations

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

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

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

Goals and Policies

Goal: To provide guidance for development of unincorporated communities and destination resorts.

Resort Community Policies

General Resort Community Policies

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

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

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

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



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

Black Butte Ranch General Policies

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

Policy 11.2.2. The County supports the design review standards administered by the Black Butte Ranch Architectural Review Committee.

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

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

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

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

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

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

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

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

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

- a. Only the western most 38 acres of the site shall continue to be mined.

- b. Setbacks shall be required for potential conflicting residential and other development. A minimum 50-foot setback shall be maintained from the perimeter of tax lot 202 for all surface mining activity.
- c. Noise impact shall be mitigated by buffering and screening.
- d. Hours of operation shall be limited to between 7:00 a.m. and 6:00 p.m. weekdays. No operations shall be allowed on weekends and holidays.
- e. Processing shall be limited to 45 days in any one year, to be negotiated with Deschutes County in the site plan process in consultation with the Oregon Department of Fish and Wildlife (ODFW).
- f. The conditions set forth in the August 10, 1989, letter of ODFW shall be adhered to.
- g. Extraction at the site shall be limited to five acres at a time with on-going incremental reclamation (subject to DOGAMI review and approval).
- h. Mining operations, siting of equipment, and trucking of product shall be conducted in such a manner that applicable DEQ standards are met and minimizes noise and dust.
- i. DOGAMI requirements for a permit once mining affects more than five acres outside the 8.6-acre exemption area shall be met.
- j. A conditional use permit shall be obtained from Deschutes County, under the provisions of section 18.128.280. Surface mining of resources exclusively for on-site personal, farm or forest use or maintenance of irrigation canals, before mining activity affects more than five acres outside the 8.6-acre exempt area.

Black Butte Ranch Public Facility Policies

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

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

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

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

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

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

Inn of the 7th Mountain Widgi Creek General Policies

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

Policy 11.4.2. The County shall encourage and support land exchanges efforts by and between private property owners, public agencies, and public trusts for the purpose

of fostering public access to and protection of natural resources, such as rivers, streams, caves, areas/features of historical importance and other natural features.

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

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

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

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

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

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

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

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

Destination Resorts Policies

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

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

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

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

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

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

Policy 11.7.4. Mapping for destination resort siting.

- a. To assure that resort development does not conflict with the objectives of other Statewide Planning Goals, destination resorts shall pursuant to Goal 8 not be sited in Deschutes County in the following areas:
 - 1) Within 24 air miles of an urban growth boundary with an existing population of 100,000 or more unless residential uses are limited to those necessary for the staff and management of the resort;
 - 2) On a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service or within three miles of farm land within a High-Value Crop Area;
 - 3) On predominantly Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved Goal exception;
 - 4) On areas protected as Goal 5 resources in an acknowledged comprehensive plan where all conflicting uses have been prohibited to protect the Goal 5 resource;
 - 5) Especially sensitive big game habitat, and as listed below, as generally mapped by the Oregon Department of Fish and Wildlife in July 1984 and as further refined through development of comprehensive plan provisions implementing this requirement.
 - i. Tumalo deer winter range;
 - ii. Portion of the Metolius deer winter range;
 - iii. Antelope winter range east of Bend near Horse Ridge and Millican;
 - 6) Sites less than 160 acres.
- b. To assure that resort development does not conflict with Oregon Revised Statute, destination resorts shall not be sited in Deschutes County in Areas of Critical State Concern.
- c. To assure that resort development does not conflict with the objectives of Deschutes County, destination resorts shall also not be located in the following areas:
 - 1) Sites listed below that are inventoried Goal 5 resources, shown on the Wildlife Combining Zone, that the County has chosen to protect:
 - i. Antelope Range near Horse Ridge and Millican;
 - ii. Elk Habitat Area; and
 - iii. Deer Winter Range;
 - 2) Wildlife Priority Area, identified on the 1999 ODFW map submitted to the South County Regional Problem Solving Group;
 - 3) Lands zoned Open Space and Conservation (OS&C);
 - 4) Lands zoned Forest Use 1 (F-1);
 - 5) Irrigated lands zoned Exclusive Farm Use (EFU) having 40 or greater contiguous acres in irrigation;
 - 6) 6. Non-contiguous EFU acres in the same ownership having 60 or greater irrigated acres;
 - 7) Farm or forest land within one mile outside of urban growth boundaries;
 - 8) Lands designated Urban Reserve Area under ORS 195.145;
 - 9) Platted subdivisions;

- d. For those lands not located in any of the areas designated in Policy 3.9.5(a) though (c), destination resorts may, pursuant to Goal 8, Oregon Revised Statute and Deschutes County zoning code, be sited in the following areas:
 - 1) Forest Use 2 (F-2), Multiple Use Agriculture (MUA-10), and Rural Residential (RR-10) zones;
 - 2) Unirrigated Exclusive Farm Use (EFU) land;
 - 3) Irrigated lands zoned EFU having less than 40 contiguous acres in irrigation;
 - 4) Non-contiguous irrigated EFU acres in the same ownership having less than 60 irrigated acres;
 - 5) All property within a subdivision for which cluster development approval was obtained prior to 1990, for which the original cluster development approval designated at least 50 percent of the development as open space and which was within the destination resort zone prior to the effective date of Ordinance 2010-024 shall remain on the eligibility map;
 - 6) Minimum site of 160 contiguous acres or greater under one or multiple ownerships;
- e. The County adopted a map in 2010 showing where destination resorts can be located in the County. The map is part of the Comprehensive Plan and Zoning Ordinance and shall be the basis for the overlay zone designated Destination Resort (DR).

Policy 11.7.5. Ordinance Provisions

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

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

SUNRIVER POLICIES

General Sunriver Policies

- Policy 11.8.1.** Land use regulations shall conform to the requirements of OAR 660 Division 22 or any successor.
- Policy 11.8.2.** County comprehensive plan policies and land use regulations shall ensure that new uses authorized within the Sunriver Urban Unincorporated Community do not adversely affect forest uses in the surrounding Forest Use Zones.

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

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

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

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

Sunriver Residential District Policies

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

Sunriver Commercial District Policies

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

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

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

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

Sunriver Town Center District Policies

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

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

- a. Combine a mixture of land uses that may include retail, offices, commercial services, residential housing and civic uses to create economic and social vitality and encourage pedestrian use through mixed use and stand alone residential buildings.
- b. Develop a commercial mixed-use area that is safe, comfortable and attractive to pedestrians.
- c. Encourage efficient land use by facilitating compact, high-density development that minimizes the amount of land that is needed for development.
- d. Provide both formal and informal community gathering places.
- e. Provide visitor accommodations and tourism amenities appropriate to Sunriver.

- f. Provide design flexibility to anticipate changes in the marketplace.
- g. Provide access and public places that encourage pedestrian and bicycle travel.
- h. Provide road and pedestrian connections to residential areas.
- i. Facilitate development (land use mix, density and design) that supports public transit where applicable.
- j. Develop a distinct character and quality design appropriate to Sunriver that will identify the Town Center as the centerpiece/focal point of the community.

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



Sunriver Resort District Policies

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

Sunriver Business Park District Policies

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

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

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

Sunriver Community District Policies

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

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

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

Sunriver Airport District Policies

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

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

Sunriver Utility District Policies

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

Sunriver Forest District Policies

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

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

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

Sunriver General Public Facility Policies

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

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

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

Sunriver Water Facility Policies

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

Sunriver Sewer Facility Policies

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

Sunriver Transportation System Maintenance Policies

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

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

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

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

12

Public Facilities

**DESCHUTES
COUNTY**



Opportunities, Challenges, and Considerations

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

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

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

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

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

Context

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

County Facilities and Services

LAW ENFORCEMENT

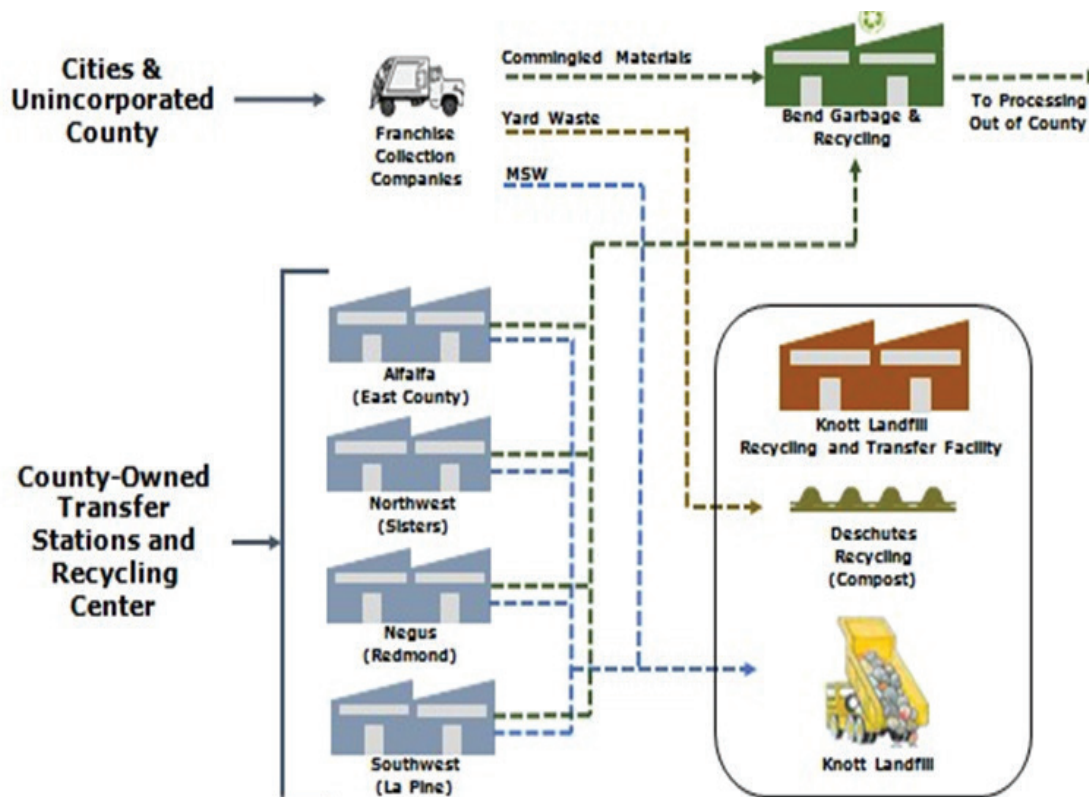
The Deschutes County Sheriff's Office is a full service organization providing patrol, traffic team, criminal investigations, corrections, civil and search and rescue. Special operations include a Marine Patrol, K-9 units, and Forest Patrol. The Sheriff is an elected public official who serves a four-year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

SOLID WASTE

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

The Deschutes County Solid Waste Department is currently undertaking a new landfill development process, which is anticipated to be completed in 2029. In the future, the County will likely need to site addition facilities to support composting, recycling, and waste stream diversion facilities.

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



COUNTY HEALTH DEPARTMENT

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

FAIRGROUNDS

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

Other Agency Facilities and Services

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

CENTRAL OREGON INTERGOVERNMENTAL COUNCIL (COIC)

COIC began serving the residents and communities of Central Oregon in 1972 as a Council of Governments organized under ORS 190 by Crook, Deschutes and Jefferson Counties and Bend, Culver, Madras, Metolius, Prineville, Redmond and Sisters. Following incorporation in 2007, the City of La Pine joined these efforts. COIC provides a wide variety of educational and economic development services such as workforce training, alternative high

school education, business loans and public transportation. COIC continues to evolve to meet the needs of Central Oregon.

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

SCHOOL DISTRICTS

There are three school districts in Deschutes County:

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

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

FIRE DISTRICTS

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

IRRIGATION DISTRICTS

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

LIBRARIES

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

HIGHER EDUCATION

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

SOIL AND WATER CONSERVATION DISTRICT

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

PUBLIC WATER SYSTEMS

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

Privately Owned Facilities and Services

UTILITIES

Electric

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

Hospitals

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

Sewer Districts

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

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

INDIVIDUAL FACILITIES AND SERVICES

Private wells

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

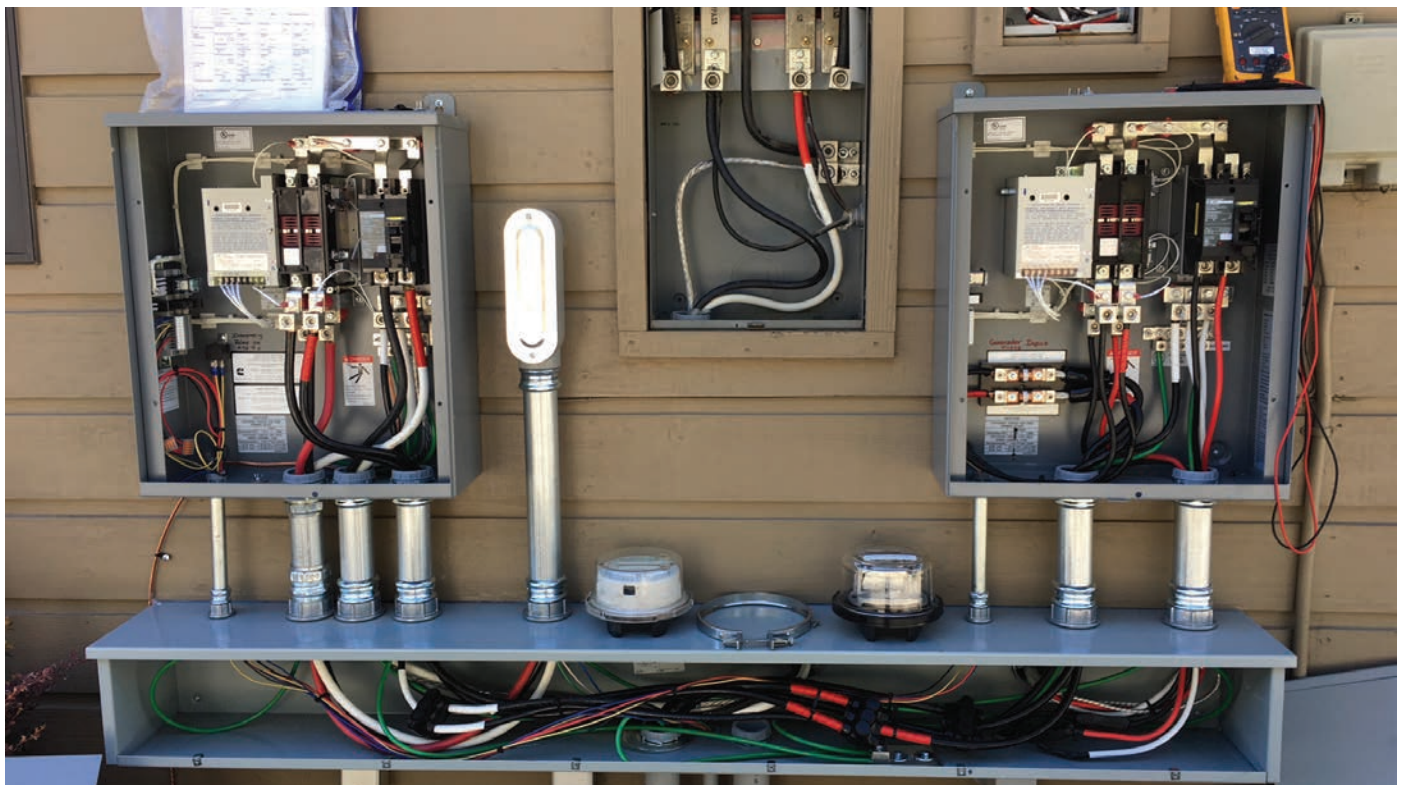
Individual septic systems

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

Key Community Considerations

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

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



Goals and Policies

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

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

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

Policy 12.1.3. Support the siting of community health clinics, hospitals, and private medical practices to serve rural residents throughout the County.

Policy 12.1.4. Continue to support the County Fairgrounds as a community gathering place, event facility and home to the annual County Fair.

Policy 12.1.5. Maintain the County Fairgrounds as an emergency readiness location and staging area in the event of a Cascadia Subduction Zone earthquake or other large disaster.

Policy 12.1.6. Prior to disposing of County-owned property, consider whether the land is appropriate for needed public projects such as schools, health clinics, fire stations, senior centers, or affordable housing.

Policy 12.1.7. Coordinate with rural service districts and providers to review development proposals.

Policy 12.1.8. Use the land use entitlement process to ensure new development addresses and mitigates impacts on existing and planned public facilities.

Policy 12.1.9. Support education districts, library districts and recreation districts in meeting community needs, such as meeting spaces.

Policy 12.1.10. Where practicable, locate utility lines and facilities within or adjacent to existing rights-of-way to avoid dividing farm or forest lands.

Policy 12.1.11. Use the development code to mitigate visual and other impacts of public facilities and cell towers.

Policy 12.1.12. Use the Comprehensive Plan and Development Code to guide rural development in a manner that supports the orderly and cost-efficient provision of public facilities and services.

Policy 12.1.13. Support siting and development of city owned water and wastewater facilities on rural lands, including innovative facilities that include additional community amenities.

Goal 12.2: Pursue sustainable, innovative, and cost-effective waste management practices.

Policy 12.2.1. Allow for siting of waste management facilities on rural lands, including but not limited to landfill facilities, transfer stations, organics management facilities, material recovery facilities, and recycling modernization facilities, in a manner that is sensitive to environmental and community concerns.

Policy 12.2.2. Provide incentives, education, and resources to promote reuse and recycling of construction waste.

Policy 12.2.3. Encourage waste reduction through community education and partnerships with community groups such as the Environmental Center

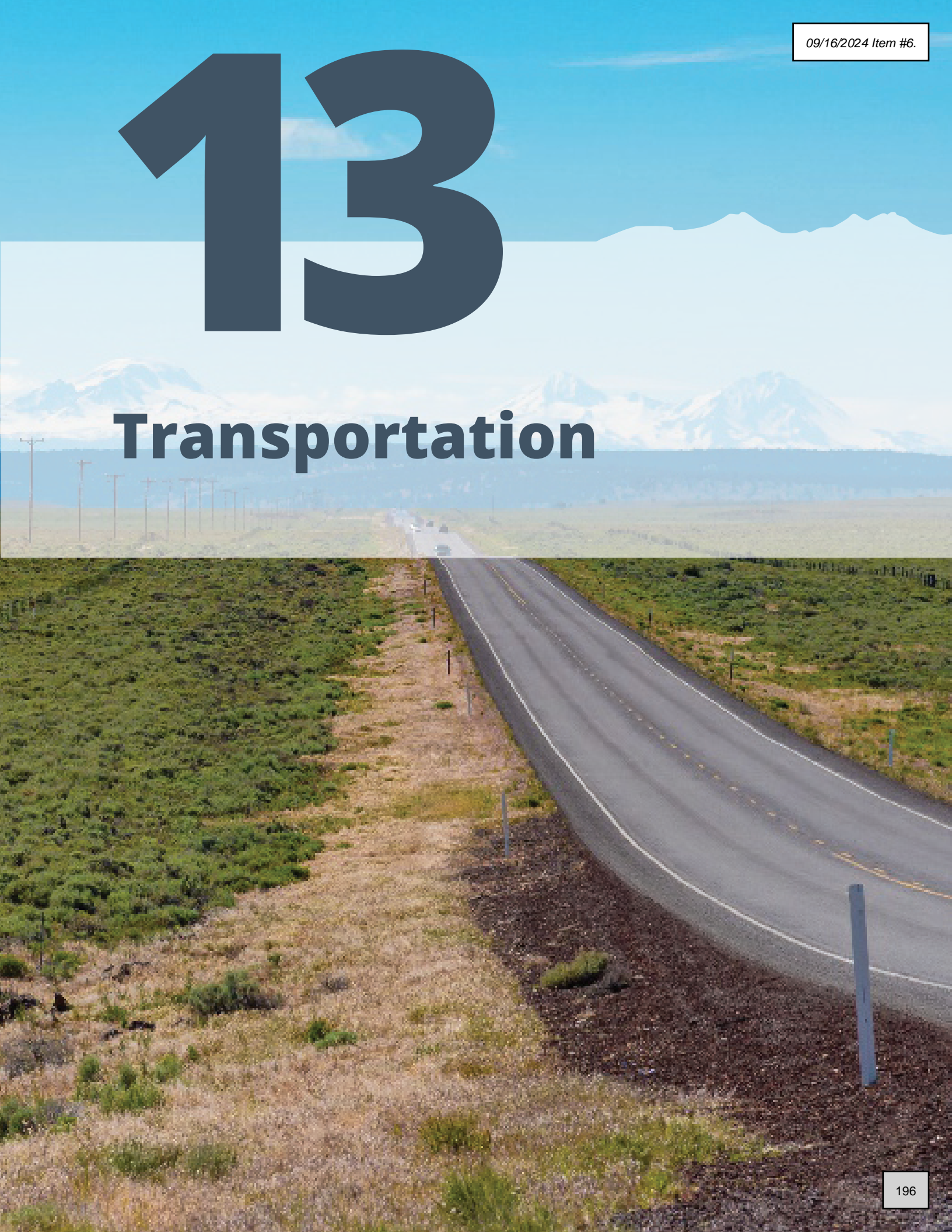
Policy 12.2.4. Support the creation of a landfill overlay zone.

Goal 12.3: Serve as a conduit for countywide resources.

Policy 12.3.1. Provide resources to connect community members with a variety of housing and health related issues in Deschutes County

13

Transportation



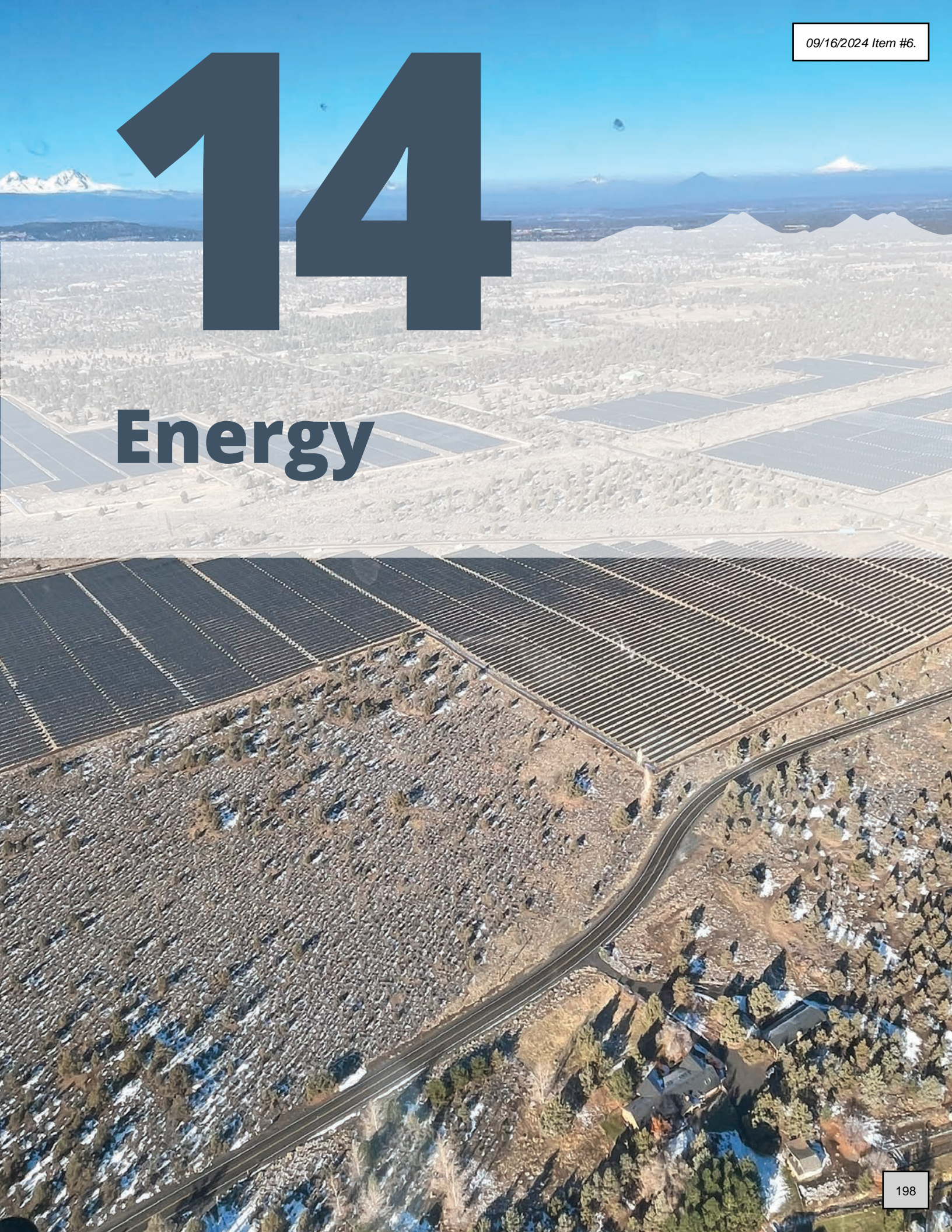


The Deschutes County transportation system includes roadways, bicycle facilities, pedestrian facilities, and transit facilities, as well as rail, air, marine, and pipeline systems. In general, the County only owns, manages, and maintains facilities in the unincorporated portions of the County. Facilities within the Urban Growth Boundaries of the incorporated cities of Bend, Redmond, Sisters, and La Pine are managed and maintained by those cities. In addition, the Oregon Department of Transportation (ODOT) owns and maintains a number of state highways throughout the County.

Information about existing conditions, planned investments, and policies related to transportation are contained in the Deschutes County Transportation System Plan (TSP), which is adopted as Appendix B of this Comprehensive Plan.

14

Energy





Opportunities, Challenges, and Considerations

The amount, source, and distribution of energy used in Deschutes County is a fundamental component of how we live our lives, and it is influenced by land use and other decisions made at the County level. The State of Oregon requires land uses to be managed with an eye to their energy impacts.

Statewide Planning Goal 13

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.



In Deschutes County, the key energy issues include:

- Community design in more urban areas to limit the need for large vehicles (generally powered with fossil fuel) for everyday tasks.
- Generating, transporting, and storing energy locally from a variety of sources, and managing the impacts of these facilities.
- Conservation of energy through building design and orientation, the use of energy-efficient technologies, and incentives/regulations/education to encourage others to do so.

Deschutes County coordinates with utility providers that serve the area, including:

- Central Electric Cooperative
- Midstate Electric Cooperative
- Pacific Power (PacifiCorps)
- Cascades Natural Gas

Context

The role of Deschutes County in planning for energy is addressed in more detail below.

SOLAR ORIENTATION

The solar orientation of structures can create significant energy savings and allows for photovoltaic energy generation. The County has long promoted energy conservation through a passive solar code that requires new structures to be sited so that they do not block the sun from falling on adjacent properties.

SITING LARGE-SCALE ENERGY FACILITIES

In general, cities and counties have siting authority over energy projects below a certain size or generating capacity. This includes individual projects powering or supplementing homes and businesses or small commercial projects which produce energy for sale. Larger facilities are regulated by the Oregon Energy Facility Siting Council. The thresholds for Siting Council jurisdiction are determined by the Legislature and are defined in Oregon Revised Statutes (ORS) 469.300. The Siting Council does not regulate hydroelectric development. Instead, the Oregon Water Resources Commission has the authority to issue licenses for hydroelectric development.

Deschutes County currently has five developed large-scale energy facilities, primarily located on the eastern side of the County, approved between 2015-2017. In 2018, the Department of Land Conservation and Development altered statewide rules related to these types of large-scale energy facilities on high value farmland, limiting development opportunities in parts of the County. Community members have expressed concern regarding impacts of these facilities on wildlife habitat and aesthetics.

In addition to solar, several irrigation districts have developed in conduit hydroelectric facilities in which existing canals are upgraded with equipment for power generation. Three of these facilities currently exist, two of which are owned

and operated by Central Oregon Irrigation District, and the third owned and operated by Three Sisters Irrigation District.

SMALL-SCALE RESIDENTIAL, BUSINESS, AND COMMERCIAL ENERGY GENERATION

The State oversees construction and approval of large commercial energy facilities, as noted above. However, there is a role for local governments to oversee smaller commercial projects. Commercial energy generation is considerably more complex than permitting small projects for homes and businesses. From a land use perspective, the scale, extended time frame, investment required and required off-site components all complicate the approval process. For example, to move the electricity generated at an alternative energy facility to market there is often a need for approval of roads, transmission lines or substations. The accessory facilities may or may not be in place at the same site as the main facility, but are an integral part of the project and are currently reviewed separately, based on State regulations.

Wind Energy Generation

Wind energy is most abundant in the eastern portion of Deschutes County. Potential impacts of this type of facility include temporary construction impacts, habitat loss and animal fatalities due to collision with turbines, visual impacts from towers and accessory structures, and noise. Deschutes County regulates small scale wind energy development generating less than 100 kilowatts of power. This allowance was added to the Deschutes County Code in 2010, although since that time no applications have been received to establish this type of facility.

Solar Energy Generation

Deschutes County is generally favorable to solar generation. Potential impacts of this type of facility include temporary construction impacts, habitat loss, animal fatalities due to reflected sunlight (for some solar facilities), and visual impacts. As noted previously, the Department

of Land Conservation and Development amended its rules in 2018 to limit solar development on high value farmland. Typically, solar developments require large acreage and relatively flat terrain for their operations. This requirement is a limiting factor in Deschutes County, as many of the properties that would meet large acreage and terrain requirements are actively used for farming purposes. The Bureau of Land Management is exploring an amendment to its rules to allow for greater opportunity for solar development in the western United States. The County anticipates limited solar development on private land going forward and an increase of leased BLM land for this type of development.

Commercial Biomass

Commercial biomass uses organic material such as wood, agricultural waste or crop residues to power boilers to generate heat. According to the Oregon Forest Resources Institute an estimated 4.25 million acres (about 15% of Oregon’s forestland) have the potential to provide useful woody biomass through thinning to reduce the risk of uncharacteristic forest fires.

Potential impacts include temporary construction impacts, transportation impacts (as materials need to be transported to a central location), visual impacts, and air quality and climate impacts due to combustion of biofuels.

The County’s first biomass facility is under construction through a partnership with the Deschutes National Forest and Mt. Bachelor Ski Resort. The project is located on federal land and outside of the purview of Deschutes County regulations.

Geothermal Energy Generation

Geothermal energy is a form of renewable energy derived from heat in the earth. This heat is transferred to water through various means and the steam produced is used to produce electricity. Geothermal energy is dependent on the location of geothermal resources; central Oregon may contain some of the best prospects for geothermal exploration in the continental United States.

Potential impacts include construction and visual impacts of geothermal facilities.

Deschutes County regulates geothermal energy in accordance with state law, although no geothermal development projects have been proposed to date.

Hydroelectric Energy Generation

Currently, Deschutes County has three approved “in conduit” hydroelectric facilities that are owned and operated by irrigation districts within existing irrigation district canals. Approval of these facilities have previously been contentious, with community members expressing concern about wildlife and impacts to other basin users. Irrigation districts have noted challenges in utilizing the existing county code for these projects, which were drafted to address “in channel” hydroelectric facilities. To promote renewable energy development using man-made waterways, irrigation districts have expressed interest in helping the County update the Deschutes County Code to more appropriately address “in conduit” hydroelectric facilities separate and apart from “in-channel” hydroelectric facilities”.

Key Community Considerations

Community discussions related to energy have revolved around the following topics:

- Interest in planning for and adapting to climate change, including using more renewable energy sources.
- Concern about the design and location of energy facilities and their impacts on environmental resources and scenic views.
- Preparation for more use of electric vehicles in the future, which often require specialized charging infrastructure.

Goals and Policies

Goal 14.1: Promote Energy Conservation and Alternative Energy Production

Policy 14.1.1. Continue to incorporate energy conservation into the building and management of all County operations and capital projects using regular energy audits to refine the results.

Policy 14.1.2. Reduce energy demand by supporting energy efficiency in all sectors of the economy.

Policy 14.1.3. Encourage energy suppliers to explore innovative alternative energy conservation technologies and provide energy audits and incentives to patrons.

Policy 14.1.4. Provide flexibility and exemptions for small properties and anomalous sites in the development code to promote energy conservation. Promote affordable, efficient, reliable, and environmentally sound commercial energy systems for individual homes, and business consumers.

Policy 14.1.5. Promote development of solar, hydropower, wind, geothermal, biomass and other alternative energy systems while mitigating impacts on neighboring properties and the natural environment.

Policy 14.1.6. Provide incentives for homes and businesses to install small-scale on-site alternative energy systems consistent with adopted County financing programs.

Policy 14.1.7. Support development of electric vehicle charging stations and facilities to help promote use of electric vehicles.

Policy 14.1.8. Use the development code to promote commercial renewable energy projects while addressing and mitigating impacts on the community and natural environment.

Policy 14.1.9. Use Oregon’s Rural Renewable Energy Development Zones to support the creation of renewable energy projects.

Policy 14.1.10. Identify, protect, and support the development of significant renewable energy sites and resources.

Policy 14.1.11. Include evaluation of adverse impacts to natural resources as part of renewable energy siting processes.



Appendix A - Terrebonne Community Plan

Appendix B - Tumalo Community Plan

Appendix C - Transportation System Plan

Appendix D - Newberry Country Plan

Appendix E - Goal 5 Supplemental Sections

Section 5.1 Introduction

Background

This chapter provides material that supplements the other chapters of the Plan. There are no goals or policies in these sections.

Purpose

The purpose of this chapter is to provide a glossary, list all acknowledged Goal 5 resources in one location (see Section 2.4) and list all Goal Exceptions and Goal 5 inventories. The final section in this Chapter is a table to track all amendments to this Plan. This table will ensure a clear legislative history is maintained.

The following information is covered in this chapter:

- Glossary and Acronyms
- Goal 5 Water Resources
- Goal 5 Wildlife Resources
- Goal 5 Open Space and Scenic Views and Sites Resources
- Goal 5 Energy Resources
- Goal 5 Wilderness, Natural Areas and Recreation Trails
- Goal 5 Surface Mining Resources
- Goal 5 Cultural and Historic Resources
- Goal Exception Statements
- Goal 5 Adopted Ordinances
- Ordinance History

Section 5.2 Glossary and Acronyms

Glossary

Note: Terms defined in Deschutes County Code 18.04 (Zoning Code) are not repeated here, but have the same meaning as DCC 18.04.

“Agricultural-tourism” or “Agri-tourism” means a commercial enterprise at a working farm or ranch, operated in conjunction with the primary farm or ranch use, conducted for the enjoyment and/or education of visitors, that promotes successful agriculture, generates supplemental income for the owner and complies with Oregon Statute and Rule.

“Aquifer” means a water-bearing rock, rock formation or a group of formations.

“Common Area” means ‘common property’ as defined in the Oregon Planned Communities Act at ORS 94.550(7).

“Comprehensive Plan” means a generalized, coordinated land use map and policy statement of the governing body of a state agency, city, county or special district that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water, transportation, educational and recreational systems and natural resources and air and water quality management programs. “Comprehensive” means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. “Generalized” means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is “coordinated” when the needs of all levels of governments, semi-public and private agencies and the citizens have been considered and accommodated as much as possible. “Land” includes water, both surface and subsurface, and the air.

“Conservation” means limiting or minimizing the use or depletion of natural resources, including such things as land, energy, water or wildlife habitat.

“Ecosystem” means the physical and biological components and processes occurring in a given area, which interact to create a dynamic equilibrium.

“Findings” means a fact, determination or reason, based on existing information, which, by itself or in conjunction with other findings, leads to a particular conclusion or course of action.

“Goal Exception” means a land use process through which a local jurisdiction justifies, based on factual evidence, that a policy embodied in a particular statewide planning goal should not apply to a particular property or set of properties.

“Green infrastructure” means design and construction practices that significantly reduce the negative impacts of buildings on the environment and occupants.

“Groundwater” means water beneath the earth's surface between saturated soil and rock that supplies wells and springs.

“Habitat” means a place that provides seasonal or year-round food, water, shelter and other necessities for an organism, community or population of plants and animals.

"In-stream" as defined in ORS 537.332, means within the natural stream channel or lake bed or place where water naturally flows or occurs.

"Instream flow" means the minimum quantity of water necessary to support the public use requested by an agency.

"Post-acknowledgement plan amendment" means an amendment to an adopted and acknowledged Comprehensive Plan.

"Regional" is used in the context of projects and collaborative efforts with impacts beyond Deschutes County.

"Riparian (zone, habitat, or vegetation)" means of, or pertaining to, the bank of a river, or of a pond or small lake. Riparian habitat is riverbank vegetative cover and food for many wildlife species.

"Rural lands" means those lands outside recognized urban growth boundaries which are necessary and suitable for such uses as:

- A. Exclusive farm use;
- B. General agriculture;
- C. Forest;
- D. Rural residential;
- E. Rural service center;
- F. Destination resort, dude ranch, planned community;
- G. Landscape management;
- H. Special interest;
- I. Open space;
- J. Fish and wildlife protective area;
- K. Recreation;
- L. Surface mining.

"Special District" means any unit of local government, other than a city or county, authorized and regulated by statute, which includes but is not limited to water control, irrigation, port districts, fire, hospital, mass transit and sanitary districts, as well as regional air quality control authorities.

"Statewide Planning Goals" means the 19 statewide planning standards adopted by the Land Conservation and Development Commission pursuant to OAR 660-015 to express Statewide policies on land use and related topics. Local comprehensive plans must be consistent with the statewide planning goals.

"Surface mining" means all or any part of the process of mining by removal of the overburden and extraction of natural mineral deposits.

"Urban Growth Boundary" (UGB) means a boundary established to identify for each city, the land area needed to accommodate 20 years of growth for the city, which is determined to be necessary and suitable for future urban uses capable of being served by urban facilities and services.

"Urbanized lands" means those lands within the urban growth boundaries which can be served by urban services and facilities and are necessary and suitable for future expansion of an urban area.

"Urban Reserve Area" means a boundary established to identify for each city, the land area needed to accommodate from 20-50 years of growth for the city.

Frequently Used Acronyms

"BLM" stands for Bureau of Land Management

"CCI" stands for Committee for Community Involvement "DCC" stands for Deschutes County Code

"DLCD" stands for Oregon Department of Land Conservation and Development. "DEQ" stands for Oregon Department of Environmental Quality

"DOGAMI" stands for Oregon Department of Geology and Mineral Industries "ESA" stands for the federal Endangered Species Act

"ESEE" stands for Economic, Social, Environmental and Energy in regards to required Goal 5 analyses

"FEMA" stands for Federal Emergency Management Agency

"LCDC" stands for Oregon Land Conservation and Development Commission "NOAA" stands for National Oceanic Atmospheric Administration

"OAR" stands for Oregon Administrative Rules

"ODFW" stands for Oregon Department of Fish and Wildlife "ORS" stands for Oregon Revised Statute

"OWRD" stands for Oregon Water Resources Department "RPS" stands for Regional Problem Solving

"TSP" stands for Transportation System Plan "UGB" stands for Urban Growth Boundary "URA" stands for Urban Reserve Area

"USFS" stands for United States Forest Service

"USFWS" stands for United States Fish and Wildlife Service "USGS" stands for United States Geological Survey

Section 5.3 Goal 5 Inventory - Water Resources

Background

This section contains information from the 1979 Deschutes County Comprehensive Plan as revised and the 1986 Deschutes County/City of Bend River Study. It lists the water resources in Deschutes County. These inventories have been acknowledged by the Department of Land Conservation and Development as complying with Goal 5. No changes have been proposed for the 2010 Comprehensive Plan update.

Goal 5 requires the following water resources be inventoried and the inventories are listed below.

- Riparian corridors, including water and riparian areas and fish habitat
- Wetlands
- Federal Wild and Scenic Rivers
- State Scenic Waterways
- Groundwater Resources

Also included in these inventories are Significant Lakes and Reservoirs.

Riparian Corridors

INVENTORIES

Table 5.3.1 Deschutes County River Miles

Waterway	Miles
Deschutes River	97
Little Deschutes River	42
Whychus Creek (lower 6 miles in Jefferson County)	39
Tumalo Creek	16
Paulina Creek	10
Fall River	8
Crooked River	7

Source: Deschutes County/City of Bend River Study 1986

Table 5.3.2 Deschutes County Goal 5 Riparian Inventory

Streams	Riparian Acres

Table 5.3.3 Deschutes County Goal 5 Floodplains Adjacent to Rivers and Streams

Deschutes River	Little Deschutes River
Crooked River	Spring River
Dry River	Paulina Creek
Indian Ford Creek	Long Prairie
Whychus Creek	

Source: 1979 Deschutes County Comprehensive Plan as revised and Federal Emergency Management Agency maps

Wetlands

Inventory: In 1992 Deschutes County Ordinance 92-045 adopted all wetlands identified on the U.S. Fish and Wildlife Service National Wetland Inventory Maps as the Deschutes County wetland inventory. Additionally, Deschutes County Ordinance 2011-008 adopted a Local Wetland Inventory (LWI) covering 18,937 acres in South Deschutes County.

Table 5.3.4 Deschutes County Goal 5 Perennial Streams

Bottle Creek	Full Creek	Spring Creek
Bridge Creek	Goose Creek	Three Creek
Brush Draw	Indian Ford Creek	SF Tumalo Creek
Bull Creek	Jack Creek	NF Whychus Creek
Cache Creek	Kaleetan Creek	Soda Crater Creek
Charlton Creek	Metolius Creek	NF Trout Creek
Cultus Creek	Park Creek EF	NF Tumalo Creek
Cultus River	Park Creek WF	MF Tumalo Creek
Deer Creek	Pole Creek	First Creek
Dry Creek	Rock Creek	Soap Creek
Fall Creek	Snow Creek	Todd Lake Creek

Note: All of these streams, except portions of Indian Ford Creek, Cache Creek and Dry Creek, are located on federal land and are subject to either the Deschutes National Forest or the Bureau of Land Management Resource Management Plans.

Source: 1979 Deschutes County Comprehensive Plan as revised

Table 5.3.5 Deschutes County Riparian Ownership

<i>River or Stream</i>	<i>Ownership</i>
Deschutes River	Private/Federal
Little Deschutes River	Private/Federal
Fall River	Private/Federal
Tumalo Creek	Private/Federal
Three Creek	Private/Federal
Whychus Creek	Private/Federal
Trout Creek	Private/Federal
Dry Creek	Private/Federal
Cache Creek	Private/Federal
Indian Ford Creek	Private/Federal
Cultus River	Federal
Charlton Creek	Federal
Deer Creek	Federal
Cultus Creek	Federal
Quinn Creek	Federal
Fall Creek	Federal
Moore Creek	Federal

Source: 1979 Deschutes County Comprehensive Plan as revised

FEDERAL WILD AND SCENIC RIVERS

Inventory: The following segments of the Deschutes River have been designated as Federal Recreation and Scenic rivers by the passage of the 1988 Omnibus Oregon Wild and Scenic Rivers Act of 1988. Congress mandates the US Forest Service to prepare a management plan for these segments of the Deschutes River.

Table 5.3.6 Deschutes County Wild and Scenic River Segments

<i>Waterway</i>	<i>Description</i>
Deschutes River	From Wickiup Dam to Fall River (22 miles)
Deschutes River	Fall River to N boundary Sun River (20 miles)
Deschutes River	N boundary Sun River to Bend UGB (13 miles)
Whychus Creek (formerly Squaw Creek)	Includes all tributaries within the Three Sisters Wilderness, Soap Creek and the main stem from the wilderness boundary to the stream flow gauge station

Source: County Ordinance 92-052

Table 5.3.8 Deschutes County Significant Lakes and Reservoirs

<i>River or Stream</i>	<i>Township</i>	<i>Range</i>	<i>Section</i>
Bobby Lake	T 22S	R 06E	14
Charlton Lake	T 21S	R 06E	14
Crane Prairie Reservoir	T 21	R 08E	16
Cultus Lake	T 20S	R 07E	24
Deer Lake	T 20S	R 07E	
Devils Lake	T 18 S	R 08E	NW1/2 SEC. 10
Davis Lake	T 22S	R 07E	
East Lake	T 21S	R 13E	31
Elk Lake	T 18S/19S	R 07E	5
Hosmer Lake	T 19S	R 08E	4
Lava Lake	T 19S	R 08E	22
Little Cultus Lake	T 20S	R 07E	
Little Lava Lak	T 19S	R 08E	22
North Twin Lake	T 21S	R 08E	28
Paulina Lake	T 21S	R 12E	84
South Twin Lake	T 21S	R 08E	28
Sparks Lake	T 18S	R 08E	23
Three Creeks Lake	T 17S	R 09E	14
Todd Lake	T 18S	R 09E	8
Upper Tumalo Reservoir	T 16S	R 11E	33
Winopee Lake	T 19S	R 11E	33
Wickiup Reservoir	T 22S	R 09E	7

Source: Deschutes County Ordinance 92-052

scenic

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Section 5.4 Goal 5 Inventory - Wildlife Habitat

Background

This section contains wildlife resource information from the 1979 Deschutes County Comprehensive Plan as revised. These inventories have been acknowledged by the Department of Land Conservation and Development as complying with Goal 5. No changes have been proposed for the 2010 Comprehensive Plan update. However, an updated inventory has been provided as described in Section 2.6 of this Plan and will be incorporated at a later date.

Bird Sites

(source: 1979 Deschutes County Comprehensive Plan as revised)

Bald Eagle Habitat Sites on Non-Federal Land or with Non-Federal Sensitive Habitat Areas.

Site #	Taxlot	Quarter Section	Site Name
DE0035-00	15-10-00-1400	23NWNE	Cloverdale NW
DE0035-01	15-10-00-1400	23NENE	Cloverdale NE

Table 5.4.1 – Bird Inventory

Birds Selected List 1992	Use Period S = Summer W = Winter X = Year round	Relative Abundance A = Abundant C = Common F = Few R = Rare U = Unknown
American Avocet	S	F
American Bittern	S	F
American Coot	X	C
American Goldfinch	S	C
American Osprey	X	C
American Widgeon	X	C
Anna's Hummingbird	S	F
Ash-throated Flycatcher	S	F
Bald Eagle	X	F
Bank Swallow	S	F
Barn Owl	X	C
Barn Swallow	S	C
Barred Owl	X	U
Belted Kingfisher	X	F
Bewick's Wren	X	F
Black-backed Woodpecker	X	F
Black-billed Magpie	X	C
Black-capped Chickadee	W	F
Black-chinned Hummingbird	S	F
Black-crowned Night Heron	S	F
Black-headed Grosbeak	S	F
Black-throated Grey Warbler	S	F
Blue Grouse	X	F
Blue-winged Teal	S	F
Bohemian Waxwing	W	F
Boreal Owl	X	F
Brewer's Blackbird	X	C
Brewer's Sparrow	S	F
Brown Creeper	X	F

Birds Selected List 1992	Use Period S = Summer W = Winter X = Year round	Relative Abundance A = Abundant C = Common F = Few R = Rare U = Unknown
Brown-headed Cowbird	S	C
Bufflehead	X	C
Burrowing Owl	S	R
California Valley Quail	X	C
Calliope Hummingbird	S	F
Canada Goose	X	C
Canyon Wren	X	C
Caspian Tern	S	F
Cassin's Finch	X	C
Cedar Waxwing	X	C
Chipping Sparrow	S	C
Chukar Partridge	X	R
California Gull	X	C
Clark's Nutcracker	X	C
Cliff Swallow	S	C
Common Bushitit	X	C
Common Crow	X	R
Common Loon	S	R
Common Merganser	X	C
Common Nighthawk	S	C
Common Raven	X	C
Common Snipe	S	F
Coopers Hawk	X	C
Dark-eyed Junco	X	A
Dipper	X	F
Double-crested Cormorant	S	C
Downy Woodpecker	X	C
Dusky Flycatcher	S	F
Eared Grebe	W	F
Eastern Kingbird	S	F
Evening Grosbeak	X	C
Ferruginous Hawk	S	F
Flammulated Owl	S	F
Fox Sparrow	S	C
Franklin's Gull	S	F
Gadwall	W	F
Golden Eagle	X	F
Golden-crowned Kinglet	X	F
Goldeneye	X	C
Goshawk	X	F
Gray Jay	X	C
Gray Partridge	X	R
House Sparrow	X	C

Birds Selected List 1992	Use Period S = Summer W = Winter X = Year round	Relative Abundance A = Abundant C = Common F = Few R = Rare U = Unknown
House Wren	S	F
Killdeer	X	C
Lark Sparrow	S	F
Lazuli Benging	S	F
Least Sandpiper	S	F
Lesser Goldfinch	X	R
Lesser Scaup	W	C
Lewis' Woodpecker	S	F
Lincoln's Sparrow	X	F
Loggerhead Shrike	X	F
Long-billed Curlew	S	R
Long-billed Marsh Wren	S	F
Long-eared Owl	X	F
MacGillivray's Warbler	S	F
Mallard	X	C
Merlin	W	R
Mountain Bluebird	X	C
Mountain Chickadee	X	C
Mourning Dove	X	C
Nashville Warbler	X	F
Northern Harrier	X	F
Northern Oriole	S	F
Northern Phalarope	S	F
Three-toed Woodpecker	X	F
Olive-sided Flycatcher	S	C
Orange-crowned Warbler	S	F
Osprey	S	C
Peregrine Falcon	X	R
Pileated Woodpecker	X	F
Pine Grosbeak	X	R
Pine Siskin	X	C
Pinon Jay	X	C
Pintail	W	C
Prairie Falcon	X	C
Purple Finch	X	F
Pygmy Nuthatch	X	C
Pygmy Owl	X	F
Red Crossbill	X	F
Red-breasted Nuthatch	X	C
Redhead	W	F
Red-shafted Flicker	X	C
Red-tailed Hawk	X	C
Red-winged Blackbird	X	C

Birds Selected List 1992	Use Period S = Summer W = Winter X = Year round	Relative Abundance A = Abundant C = Common F = Few R = Rare U = Unknown
Ring-billed Gull	X	C
Ring-neck Duck	W	F
Ring-necked Pheasant	X	F
Robin	X	C
Rock Dove	X	C
Rock Wren	S	C
Rosy Finch	X	R
Rough-legged Hawk	W	C
Rough-winged Swallow	S	F
Ruby-crowned Kinglet	X	F
Ruffed Grouse	X	F
Rufous Hummingbird	S	F
Rufous-sided Towhee	X	F
Sage Grouse	X	F
Sage Sparrow	S	R
Sage Trasher	S	C
Sandhill Crane	S	F
Song Sparrow	X	F
Sora	S	F
Spotted Owl	X	F
Spotted Sandpiper	S	F
Starling	X	C
Steller's Jay	X	F
Swainson's Hawk	S	R
Swainson's Thrush	S	F
Townsend's Solitaire	X	C
Tree Swallow	S	C
Turkey	X	C
Turkey Vulture	S	C
Varied Thrush	X	F
Vaux's Swift	S	F
Vesper Sparrow	S	F
Violet-green Swallow	S	C
Virginia Rail	S	F
Warbling Vireo	S	F
Water Pipit	X	F
Western Bluebird	S	F
Western Flycatcher	S	F
Western Grebe	S	C
Western Kingbird	S	F
Western Meadowlark	S	C
Western Sandpiper	S	F
Western Taager	S	F

Birds Selected List 1992	Use Period S = Summer W = Winter X = Year round	Relative Abundance A = Abundant C = Common F = Few R = Rare U = Unknown
Western Wood Pewee	S	F
White-breasted Nuthatch	X	F
White-crowned Sparrow	S	F
White-headed Woodpecker	X	F
Wigeon	X	F
Williamson's Sapsucker	X	F
Willow Flycatcher	S	R
Wilson's Phalarope	S	R
Wilson's Warbler	S	F
Winter Wren	X	F
Wood Duck	S	F
Yellow Warbler	S	F
Yellow-bellied Sapsucker	X	F
Yellow-headed blackbird	S	F
Yellowthroat	S	F

Source: 1979 Deschutes County Comprehensive Plan as revised

The Oregon Department of Fish and Wildlife (ODFW) has identified two bald eagle nests in Township

Table 5.4.2 – Amphibian and Reptile Inventory

Amphibians and Reptiles Selected List 1992	Use Period S = Summer W = Winter X = Year round	Relative Abundance A = Abundant C = Common F = Few R = Rare U = Unknown
Bullfrog	X	F
Cascades Frog	X	F
N. Grasshopper Mouse	X	F
Northern Water Shrew	X	F
Norway Rat	X	F
N. Pocket Gopher	X	U
Ord's Kangaroo Rat	X	C
Pacific Mole	X	U
Pallid Bat	S	U
Pine Marten	X	C
Pinon Mouse	X	F
Porcupine	X	C
Pronghorn Antelope	X	C
Raccoon	X	C
Red Fox	X	F
River Otter	X	C
Rocky Mtn Elk	X	C
Roosevelt Elk	X	C
Sagebrush Vole	X	C

Amphibians and Reptiles Selected List 1992	Use Period S = Summer W = Winter X = Year round	Relative Abundance A = Abundant C = Common F = Few R = Rare U = Unknown
Shorttail Weasel	X	F
Silver-haired Bat	S	U
Small-footed Myotis	S	U
Snowshoe Hare	X	F
Striped Skunk	X	C
Townsend Ground Squirrel	X	C
Townsend's Big-eared Bat	X	F
Trowbridge Shrew	X	F
Vagrant Shrew	X	U
Water Vole	X	C
Western Gray Squirrel	X	C
Western Harvest Mouse	X	C
Western Jumping Mouse	X	F
Western Pipistrel	S	U
Whitetail Jackrabbit	X	R
Wolverine	X	R
Yellow Pine Chipmunk	X	C
Yellow-bellied Marmot	X	F
Yuma Myotis	X	F
Common Garter Snake	X	F
Ensatina	X	R
Gopher Snake	X	C
Great Basin Spadefoot Toad	X	F
Long-toed Salamander	X	F
Night Snake	X	U
Northern alligator Lizard	X	F
Pacific Tree Frog	X	C
Racer	X	F
Red-legged Frog	X	F
Roughskin Newt	X	R
Rubber Boa	X	F
Sagebrush Lizard	X	F
Sharp-tailed Snake	X	U
Short-horned Lizard	X	R
Side-blotched Lizard	X	U
Spotted Frog	X	F
Striped Whipsnake	X	U
Tailed Frog	X	F
Western Fence Lizard	X	C
Western Rattlesnake	X	F
Western Skink	X	F
Western Toad	X	F

Source: 1979 Deschutes County Comprehensive Plan as revised

Table 5.4.3 – Goal 5 Fish Distribution Inventory

	Pacific Salmon	Coho Salmon	Rainbow Trout	Brown Trout	Cutthroat Trout	Brook Trout	Lake Trout	Dolly Varden Trout	Kokanee	Mountain Whitefish	Largemouth Bass	Bluegill	Brown Bullhead	Bridglist Sucker	Tui Chub	Gayling	Crayfish
Tyeek Creek					2												
Hell Creek					2												
Spring River				2	2			1							2		1
Tumalo Creek			1		2												
Bridge Creek					2												
Fall Creek					2												
Satan Creek					2												
Soda Creek					2												
Crater Creek					2												
Goose Creek					2												
Indian Ford Creek			1		2								2				
Trout Creek			1														
Alder Creek			1														
Whychus Creek			1		2												
Pole Creek					2												
Snow Creek			1		2												
Deschutes River		3	*	2	2			3	1						2		1
Little Deschutes River			1	2	2				1			2			2		1
Park Creek					2												
Three Creeks Creek			3		3												
Sink Creek					2												
Deer Creek			1		2												
Quinn River			*		2			2	1						2		1
Quinn Creek	3				2												
Cultus Creek			*		2												
Cultus Lake, Big			3		2	2			1						2		1
Cultus Lake, Little			2		3												
Cultus River					2			2	1								
Moore Creek					2												
Charlton Creek					2												
Long Prairie Slough												2					2
Browns Creek			2	2	2			#	1								1
Fall River			*	2	2				1						2		1
Paulina Creek			3												2		1
Cache Creek			1														
Crane Prairie Res.			*		#			2	1	2					2		1
Wickiup Reservoir		3	3	#				#	1						2		1
Three Creeks Lake			3		3												
Devil's Lake			3		2												
Hosmer Lake	3				3												1
Irish Lake					3												

- 1 - Native, naturally reproducing
- 2 - Introduced, naturally reproducing
- 3 - Introduced, periodic stocking required to maintain population
- * - 1 and 3
- # - 2 and 3

Source: 1979 Deschutes County Comprehensive Plan as revised

Table 5.4.4 Recommended Minimum Flows for Fish Life

Stream	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Deschutes River (1)	200	200	200	200	200	200	200	200	200	200	200	200
Deschutes River (2)	400	400	400	400	400	400	400	400	400	400	400	400
Deschutes River (3)	660	660	660	660	660	660	660	660	660	660	660	660
Deschutes River (4)	300	300	300	300	300	300	300	300	300	300	300	300
Deschutes River (5)	80	80	80	80	80	80	80	80	80	80	80	80
Deschutes River (6)	40	40	60	60	60	40	40	40	60	60	60	60
Whychus Creek (7)	20	10	10	10	10	10	10	10	10/20	30	20	20
Whychus Creek (8)	10	10/20	30	30	30	20	10	10	10	10	10	10
Indian Ford Creek	4	3	3	3	3	3	3	3	3/4	6	4	4
Tumalo Creek	35	35	47	47	47	5	10	10	10/35	47	35	35
Spring River	300	300	300	300	300	300	300	300	300	300	300	300
Little Deschutes River	80	80	80	200	200	150	100	100	100	100	200	200
Fall River	70	70	100	100	100	70	50	50	50	100	100	100
Browns Creek	15	15	25	25	25	15	15	15	25	25	25	25
Quinn River	20	20	20	20	20	20	20	20	20	20	20	20
Cultus Creek	20	20	32	32	32	20	5	5	5/20	32	20	20
Cultus River	50	50	50	50	50	50	50	50	70	70	70	70
Snow Creek	15	15	30	30	30	20	15	15	15	30	30	20
Quinn Creek	20	20	20	12	12	12	12	12	12/20	35	35	35
Soda Creek	20	20	20	6	6	6	6	6	6/20	31	31	31
Fall Creek	35	35	35	20	20	20	20	20	20/35	46	46	46
Goose Creek	7	7	7	4	4	4	4	4	4/7	10	10	10
Three Creek	7	7	10	10	10	7	2	2	2/7	10	7	7

¹ Flows are expressed in cubic feet per second. The recommended flows should arrive at the point of recommendation and continue to the mouth of the stream or to the next point for which a different flow is recommended. Stream flows recommended in Appendix I are designed for game fish production and are not necessarily adequate for wildlife, especially waterfowl and furbearers. Neither would they necessarily be recommended below future impoundments.

- (1) Bend to Round Butte Reservoir
- (2) L. Deschutes R. to Spring River
- (3) Spring River to Bend
- (4) Wickiup Dam to Little Deschutes River
- (5) Crane Prairie Dam to Wickiup Reservoir
- (6) At USGS Gate 14-0500
- (7) Below USGS Gage 14-0750
- (8) Below Camp Polk

Source: 1979 Deschutes County Comprehensive Plan as revised

15S, Range 10E, Section 23, Tax Lot 1400. The ODFW identifiers for these sites are DE0035-00 and DE0035-01. The sites are also known as Cloverdale. The sites are described in the Oregon Department of Fish and Wildlife Central Region Administrative Report No. 93-1. The sensitive habitat area is identified as the area east of Highway 20 that is within a 1/4-mile radius of each nest site.

Site #	Taxlot	Site Name
DE0036-00	17S-11E-26-5900	Shevlin Park

The Oregon Department of Fish and Wildlife (ODFW) has inventoried a former bald eagle nest site in Township 17S, Range 11E, Section 26, Tax Lot 5900. The ODFW identifier for this site is DE0036-00. The site is also known as Shevlin Park. The site is described in the Oregon Department of Fish and Wildlife Central Region Administrative Report No. 93-1.

Site #	Taxlot	Site Name
DE0037-00	22S-09E-04-4500	Wickiup Reservoir

Table 5.4.5 – Instream Water Right Program (3/1/92) Database Summary Report

BASIN 05	STREAM > PARENT STREAM	UPSTREAM LIMIT	DOWNSTREAM LIMIT	SPECIES	APP NO.	CERT #	DATE
05	Deschutes R > Columbia R	Crn Prairie Res	Wickiup Res	RB, BT, BR, CO, K	070764		10/11/90
05	Deschutes R > Columbia R	Little Lava Lk	Crn Prairie Res	RB, BT, K, WF	070763		10/11/90
05	Deschutes R > Columbia R	193.0	190.0		MPS	59777	11/03/83
05	Deschutes R > Columbia R	227.0	193.0		MPS	59776	11/03/83
05	Deschutes R > Columbia R	190.0	165.0		MPS	59778	11/03/83
05	Fall R > Deschutes R	Gage 14057500	Mouth	RB, BT, BR, WF	070762		10/11/90
05	Indian Ford Cr > Whychus Cr	Headwaters	Mouth	RB	070760		10/11/90
05	Little Deschutes R > Deschutes R	Crescent Cr	Mouth	RB, BT, BR, WF	070757		10/11/90
05	Metolius R > Deschutes R	Metolius Spring	Canyon Cr	BUT, K	070699		09/24/90
05	Snow Cr > Deschutes R	Headwaters	Mouth	RB, BT	070756		10/11/90
05	Whychus Cr > Deschutes R	S Fk Whychus Cr	Indian Ford Cr	RB, BT	070754		10/11/90
05	Tumalo Cr > Deschutes R	S Fk Tumalo Cr	Mouth	RB, BT, BR	070752		10/11/90

Source: 1979 Deschutes County Comprehensive Plan as revised

The Oregon Department of Fish and Wildlife (ODFW) has identified a bald eagle nest in Township 22S, Range 09E, Section 04, Tax Lot 500. The ODFW identifier for this site is DE0037-00, Wickiup Reservoir. The site is described in the Oregon Department of Fish and Wildlife Central Region Administrative Report No. 93-1.

<i>Site #</i>	<i>Taxlot</i>	<i>Site Name</i>
DE0038-00	22S-09E-34-500	Haner Park

The Oregon Department of Fish and Wildlife (ODFW) has identified a bald eagle nest in Township 22S, Range 09E, Section 34, Tax Lot 500. The ODFW identifier for this site is DE0038-00, Haner Park. The site is described in the Oregon Department of Fish and Wildlife Central Region Administrative Report No. 93-1. The sensitive habitat area includes the area within one-quarter mile of the nest site.

<i>Site #</i>	<i>Taxlot</i>	<i>Site Name</i>
DE0039-00	22S-09E-06-500	Wickiup Dam

The Oregon Department of Fish and Wildlife (ODFW) has identified a bald eagle nest in Township 22S, Range 09E, Section 06, Tax Lot 500. The ODFW identifier for this site is DE0039-00, Wickiup Dam. The site is described in the Oregon Department of Fish and Wildlife Central Region Administrative Report No. 93-1.

<i>Site #</i>	<i>Taxlot</i>	<i>Quarter Section</i>	<i>Site Name</i>
DE0046-00	20-10-34-3401	34NWSE	Bates Butte

The Oregon Department of Fish and Wildlife (ODFW) has identified a bald eagle nest in Township 20S, Range 10E, Section 34, Tax Lot 3401. The ODFW identifier for this site is DE0046-00, Bates Butte. The site is described in the Oregon Department of Fish and Wildlife Central Region Administrative Report No. 93-1. The sensitive habitat area includes the area within one-quarter mile of the nest site.

Great Blue Heron Rookery – Black Butte Ranch

The Oregon Department of Fish and Wildlife (ODFW) identified a great blue heron rookery in Township 14S, Range 9E, Section 10 SENE. The County inventoried and adopted this site as a Goal 5 resources in Ordinance 92-041.

Golden Eagle Sites

Table 5.4.6 – Golden Eagle Nest Site Inventory on Non-Federal Land or with Non-Federal Sensitive Habitat Area

<i>ODFW Site #</i>	<i>Taxlot</i>	<i>Quarter Section</i>	<i>General Location</i>
DE-0002-00	14-13-11-100	11/SENW	Smith Rock State Park
DE-0002-01	14-13-11-100	11/SENW	Smith Rock State Park
DE-0002-02	14-13-11-100	11/SENW	Smith Rock State Park
DE-0002-03	14-13-11-100	11/NWNE	Smith Rock State Park
DE-0002-04	14-13-11-100	11/NWNE	Smith Rock State Park
DE-0002-05	14-13-11-100	11/NWNE	Smith Rock State Park
DE-0002-06	14-13-11-100	11/NWNE	Smith Rock State Park
DE-0006-00	15-12-00-1502	35/SENE	Mid Deschutes
DE-0006-01	15-12-00-1502	35/SENE	Mid Deschutes
DE-0006-02	15-12-00-1502	35/SENE	Mid Deschutes
DE-0006-04	15-12-00-1502	35/SENE	Mid Deschutes
DE-0006-05	15-12-00-1503	35/NESE	Mid Deschutes
DE-0009-00	14-12-22D-300	23/NWSW	N. Odin Falls
DE-0011-00	15-12-00-100	1/NWSE	Radio Tower/Deschutes
DE-0011-01	15-12-00-100	1/NESE	Radio Tower/Deschutes
DE-0012-00	15-11-00-800	3/NENE	Upper Deep Canyon
DE-0014-00	16-11-00-7800	29/NWSE	Tumalo Dam
DE-0015-01	14-11-00-400	3/NENW	Whychus Creek
DE-0015-00	14-11-00-400	3/SESW	Rimrock Ranch
DE-0029-00	20-17-00-3801	36/NWSE	Twin Pines
DE-0034-00	15-10-00-1400	15/SENW	Lazy Z/USFS
DE-0034-01	15-10-00-1400	15/SENW	Lazy Z/USFS

Source: 1979 Deschutes County Comprehensive Plan as revised

Table 5.4.7 – Prairie Falcon Nest Site Inventory on Non-Federal Land or with Non-Federal Sensitive Habitat Area

<i>ODFW Site #</i>	<i>Taxlot</i>	<i>Quarter Section</i>	<i>General Location</i>
DE-0016-00	22-16-00-100	12/SWSE	Dickerson Flat
DE-0031-00	16-11-00-5600	20/NESE	Tumalo Dam
DE-0031-01	16-11-20-400	20/SESW	Tumalo Dam
DE-0794-01	14-13-11-100	11/NWSW	Smith Rock State Park

Source: 1979 Deschutes County Comprehensive Plan as revised

Table 5.4.8– Osprey Nest Site Inventory on Non-Federal Land or with Non-Federal Sensitive Habitat Area

<i>ODFW Site #</i>	<i>Taxlot</i>	<i>Quarter Section</i>	<i>General Location</i>
DE-0080-00	20-11-00-1300	07/NWNE	Sunriver/ Meadowland

Source: 1979 Deschutes County Comprehensive Plan as revised

Table 5.4.9 – Upland Game Bird Habitat

Ring-necked Pheasant	200
Valley Quail	10,000
Mountain Quail	50
Chukar Partridge	300
Turkey	50
Blue Grouse	900
Sage Grouse	1,800
Ruffed Grouse	100
Mourning Dove	8,000

Source: 1979 Deschutes County Comprehensive Plan as revised

Table 5.4.10 – Sage Grouse Lek Inventory on Non-Federal Lands or with Non-Federal Sensitive Habitat Areas

<i>ODFW Site #</i>	<i>Taxlot</i>	<i>Quarter Section</i>	<i>General Location</i>
DE 0994-01	20-18-00-700	05/SWSE	Circle F Reservoir
DE 0995-01	20-19-00-800	06/NWSE	Merril Rd
DE 0996-01	22-17-00-600	06/SWSW	Dickerson Well
DE 0997-01	20-16-00-2400	25/SESW	Moffit Ranch
DE 0997-02	20-16-00-2400	26/NENE	Moffit Ranch Satellite
DE 0998-01	20-14-00-400	10/NWNW	Evans Well
DE 0998-02	20-14-00-400	10/SWNW	Evans Well Satellite
DE 0999-01	19-14-00-2200	26/SESE	Millican Pit

Source: 1979 Deschutes County Comprehensive Plan as revised

Section 5.5 Goal 5 Inventory - Open Spaces, Scenic Views and Sites

Background

This section contains information from the 1979 Deschutes County Comprehensive Plan as revised. It lists the open spaces, scenic views and sites resources in Deschutes County. These inventories have been acknowledged by the Department of Land Conservation and Development as complying with Goal 5. No changes have been proposed for the 2010 Comprehensive Plan update.

To protect scenic views, landscape management areas have been defined and a combining zone created. On lands outside urban growth boundaries and rural service centers along the portions of roadways listed below, landscape management zoning applies and a case-by-case site plan review is required. The area extends ¼ mile on either side from the centerline of the roadways and includes all areas designated as State and Federal Wild, Scenic or recreational waterways and within 660 feet from either side of designated rivers and streams as measured from the ordinary high water level.

Landscape Management Roads, Rivers and Streams

Inventory: All land within one-quarter of a mile, as measured at right angles from the centerline, of any of the following designated Landscape Management Roadways. All land within the boundaries of a state scenic waterway or a federal wild and scenic river corridor; and all land within 660 feet of the ordinary high water mark of portions the following designated rivers and streams which are not designated as state scenic waterways or federal wild and scenic rivers.

Table 5.5.1 – Deschutes County Landscape Management Areas

<i>Landscape Management Roads</i>	<i>Miles</i>
U.S. Highway 97 North County line to Redmond UGB	7.5
U.S. Highway 97 Redmond UGB to Bend UGB	12
U.S. Highway 97 Bend UGB to South County line	35
U.S. Highway 20-126 North County line to Sisters UGB	11
U.S. Highway 126 Sisters UGB to Redmond UGB	21.5
U.S. Highway 20 Sisters UGB to Bend UGB	23
Smith Rock Road Highway 97 to Smith Rock	3.5
Sisemore Road Cloverdale to Bend UGB	19
Skyliner Road	15.5
Century Drive Bend to Mt Bachelor	25
South Century Drive	27
Cascade Lakes Highway	46
Waldo Lake Road	10
Cultus Lake Road	2
Little Cultus Lake Road	6

<i>Landscape Management Roads</i>	<i>Miles</i>
Twin Lakes Road	6
Keefer Road (East Crane Prairie Road)	16.5
East Deschutes Road	14
Deschutes Road	9
Wickiup Road	4
Pringle Falls Loop	8
La Pine Recreation Area Access Road	10
Paulina-East Lake Road	22.5
Lava Cast Forest Road	20.5
Highway 20 east to the County Line	25
Pine Mountain Road	7.5
Ford Road	6.5
Three Creeks Lake Road	16
Three Trappers Road	20.5
Dillon Falls Road	60
Matsen Road	2
State Highway 31	2.5
Road to Benham Falls	4.5
State Highway 242 McKenzie Highway	
<i>Landscape Management Rivers and Streams</i>	<i>Miles</i>
Deschutes River	
Little Deschutes River	43
Paulina Creek	19
Fall River	8
Spring River	1.2
Tumalo Creek	16.3
Whychus Creek (formerly Squaw Creek)	
Crooked River	10

Source: Deschutes County Ordinance 92-052

Areas of Special Concern Inventory

Inventory: The Resource Element of the Deschutes County Year 2000 Comprehensive Plan (1979) identified sites as Open Spaces and Areas of Special Concern. Table 5.5.2, lists the inventory of sites identified as Areas of Special Concern located on federal land.

Table 5.5.2 "2A" Areas of Special Concern

ID #	Name	Location
9	Bachelor Butte	T18S R09E SEC 29-32
11	Pine Mt. Observatory	T20S R15E SEC 33
13	Dry River	T19S R15E SEC 19 & 30 T19S R14E SEC 2, 11, 13, 14 & 24
14	Arnold Ice Caves	T19S R13 E SEC 22
15	Charcoal Cave	T19S R13 E SEC 22
16	Skeleton Cave	T19S R13E SESE SEC 4
17	Wind Cave	T19S R13E NW ¼ SEC 23; SW ¼ SEC 14
31	Tumalo Falls	T18S R10E NW ¼ SEC 08
33	Lava River Caves	T19S R11E SE ¼ SEC 26

ID #	Name	Location
34	Pringle Falls Experimental Forest	T21S R09E SEC 21-23, 27 & 28
39	Benham Falls	T19S R11E SW ¼ SEC 9
45	Paulina Mountain	T22S R12E SEC 1-3 & 10-12
49	Lavacicle Cave	T22S R16E SENE SEC 05
50	Lava Cast Forest	T20S R12E SEC 15, 16, 21, 22, 27-35
51	Lava Butte Geologic Area	T19S R11E SEC 18
52	Pine Mountain North Slope	T20S R15E SEC 28, 29 & 33
54	McKenzie Summit	T15S R07E SEC 17
55	Newberry Crater	T21 R12E SEC 34-36
65	Bend Watershed	T17S R09E SEC 35 & 26 T18S R09E SEC 1, 2, 3, 10, 11, & 12
66	Bat Cave	T19S R13E SE ¼ SEC 14
68	Boyd Cave	T19S R13E SENW SEC 8
69	Frederick Butte	T22S R19E SEC 32

Source: Deschutes County Ordinance 92-052

Land Needed and Desirable for Open Space and Scenic Resources

Inventory: The following list shows land needed and desirable for open space and scenic resources:

Table 5.5.3 Land Needed and Desirable for Open Spaces and Scenic Resources

State Parks	Location	Size
Smith Rock State Park	T14S, R13 E, SEC 10, 11, 14 & 15	600 acres
Cline Falls State Park	T15S, R12E, SEC 14	9.04 acres
Tumalo State Park	T17S, R12E, SEC 6	320.14 acres
Pilot Butte State Park	T17S, R12E, SEC 33 & 34	100.74 acres
La Pine State Recreation Area	T20S, R10E, SEC 33 & 34 T21S, R10E, SEC 3, 4, 8, 9, 10, 11, 12 T21S, R11E, SEC 7	2,333.12 acres

Source: Deschutes County Ordinance 92-052

Section 5.6 Goal 5 Inventory - Energy Resources

Background

This section contains information from the 1979 Deschutes County Comprehensive Plan as revised. It lists the energy resources in Deschutes County. These inventories have been acknowledged by the Department of Land Conservation and Development as complying with Goal 5. No changes have been proposed for the 2010 Comprehensive Plan update.

Hydroelectric Resources of the Upper Deschutes River Basin

Inventory: Available information is adequate to indicate that the resource is significant. The City of Bend/Deschutes County River Study inventoried 16 proposed hydroelectric project sites in Deschutes County. Twelve were located on the Deschutes River; two on Tumalo Creek; two on Whychus Creek; and one on the Crooked River in Deschutes County. For a more detailed discussion of the hydroelectric resources in Deschutes County see the Deschutes County/City of Bend River Study, April 1986 (River Study), Chapters 2, 3, and 4. Also refer to the River Study staff report. The River Study and River Study staff report are incorporated herein by reference.

Table 5.6.1 Hydroelectric Resources of the Upper Deschutes Basin*

<i>Deschutes River</i>	<i>River Mile</i>	<i>Capacity (megawatts)</i>
Crane Prairie	239	0.6
Wickiup Dam	226.8	7.0
Pringle Falls	217	1.6
Lava Diversion	182.4	11.5
Dillon Falls	177.6	7.2
Aspen Diversion	175.2	3.2
Island Diversion	174.6	7.5
Arnold Flume	174.5	4.2
COI Siphon	170.0	6.5
North Canal Dam	164.8	2.0
Bend Canal Diversion	162.4	3.0
<i>Tumalo Creek</i>	<i>River Mile</i>	<i>Capacity (megawatts)</i>
Columbia Southern	9.5	9.3
<i>Whychus Creek</i>	<i>River Mile</i>	<i>Capacity (megawatts)</i>
Whychus Creek	25	0.6
Whychus Creek	30.5	3.5
<i>Crooked River</i>	<i>River Mile</i>	<i>Capacity (megawatts)</i>
Crooked River Drop	164.8	10.7

Source: Deschutes County Ordinance 92-052

* Note that the conflicting use analysis from the River Study and subsequent amendments prohibit new hydroelectric facilities that are not physically connected to an existing dam, diversion or conduit. (Ord.86-017, 86-018, 86-019, 92-052)

* Note that the conflicting use analysis from the River Study and subsequent amendments prohibit new hydroelectric facilities that are not physically connected to an existing dam, diversion or conduit. (Ord.86-017, 86-018, 86-019, 92-052)

The prohibition refers to the following:

1. Deschutes River, from its headwaters to River Mile 227, above but not including Wickiup Dam, and from Wickiup Dam to River Mile 171 below Lava Island Falls;
2. Crooked River;
3. Fall River;
4. Little Deschutes River;
5. Spring River;
6. Paulina Creek;
7. Whychus Creek (was Squaw Creek);
8. Tumalo Creek.

Geothermal Resources

Inventory: The County adopted Ordinance 85-001 which complies with Goal 5 (OAR 660-016). The ordinance amended the Comprehensive Plan and adopted a Geothermal Resource Element including a resource inventory and ESEE analysis.

Section 5.7 Goal 5 Inventory - Wilderness, Natural Areas, and Recreation

Background

This section lists wilderness areas, natural areas and recreation trail resources in Deschutes County.

Wilderness Areas

Inventory: Wilderness areas are represented by all lands within the existing Mt. Washington and Three Sisters Wilderness Areas as shown on the Deschutes National forest Land and Resource Management Plan Map, and all lands included in the Bureau of Land Management's (BLM) State of Oregon Wilderness Status Map for Deschutes County and BLM Wilderness Study Areas (WSA) as shown on the Brothers / La Pine Resource Management Plan.

Ecologically and Scientifically Significant Natural Areas

Inventory: The following sites are the inventories ecologically significant natural areas in Deschutes

Table 5.7.1 Wilderness Areas

Name	Acres
Mt. Washington Wilderness Area	13,563
Three Sisters Wilderness Area	92,706
Badlands	32,261
Hampton Butte	10,600
Steelhead Falls	920

Source: Deschutes County Ordinance 92-052

County by the Oregon Natural Heritage Program and there is sufficient information based on site reports from the Heritage Program to complete the Goal 5 review process.

Approved Oregon Recreation Trails

None listed

Table 5.7.2 Ecologically and Scientifically Significant Natural Areas

Name	Location	Quality	Quantity
Pringle Falls Research Natural Area	T21S, R9E, SEC 3, 34 & 35	Excellent	1,160 acres
Horse Ridge Research Natural Area	T19S, R14S, SEC 15 & 22	Excellent	600 acres
West Hampton Butte	T22S, R20E, SEC 31 & 32	Good	1,280 acres
Little Deschutes River / Deschutes River Confluence	T20S, R11E, SEC 7	Excellent	400 acres
Davis Lake	T22S, R7 E, SEC 25 & 26 T22S, R8E, SEC 31	Good	4,000 acres

Source: Deschutes County Ordinance 92-052

Section 5.8 Goal 5 Inventory - Mineral and Aggregate Resources

Background

This section contains information from the 1979 Deschutes County Comprehensive Plan as revised. It lists the surface mining resources in Deschutes County. These inventories have been acknowledged by the Department of Land Conservation and Development as complying with Goal 5. No changes have been proposed for the 2010 Comprehensive Plan update.

Table 5.8.1 – Deschutes County Surface Mining Mineral and Aggregate Inventory

#	Taxlot	Name	Type	Quantity*	Quality	Access/Location
246	151010-00-00205, 207, 300, 302, 303	Tewalt	S & G	10,000	Good	Hwy 20
248	151012-00-00100	Cyrus	Cinders	30.2 M	Excellent	Cloverdale Road
251	151211-D0-01400, 151214-A0-00800	Cherry	S & G	125,000	Good	
252	151200-00-04700, 04701	Thornburgh	Rock	2.5 M	Good	
271	151036-00-00800	Deschutes County	S & G	2 M	Mixed	Harrington Loop Road
273	151117-00-00100	Deschutes County	S & G	75,000	Excellent	Fryrear Rd/Redmond-Sisters
274	151117-00-00700	Deschutes County	S & G		Excellent	Fryrear Road
275	151100-00-02400	Deschutes County	S & G	175,000	Good	Fryrear Landfill
277	151011-00-01100	Oregon State Hwy	S & G	100,000	ODOT Specs	
278	151140-A0-00901, 151211-D0-01200	State of Oregon	S & G	18,000	ODOT Specs	
282	171000-00-00100	Crown Pacific	Cinders	100,000	Fair	
283	171000-00-00100	Crown Pacific	Cinders	50,000	Fair	
288	171111-00-00700	Tumalo Irrigation	S & G	250,000	Good	
292	171112-00-00900	RL Coats	S & G	326,000	ODOT Specs	
293	17112-00-00500, 600, 700, 800	RL Coats	S & G	3 M	ODOT Specs	

#	Taxlot	Name	Type	Quantity*	Quality	Access/Location
296	171100-00-02702	Crown Pacific	Cinders	100,000	Excellent	Shevlin Park/Johnson Rd
297	171123-00-00100	Crown Pacific	Cinders	60,000		Johnson Rd/Tumalo
303	171207-00-00300	Cascade Pumice	Pumice	750,000	Good	
303	171207-00-00300	Cascade Pumice	S & G	10,000	Good	
313	171433-00-00600	Deschutes County	S & G	100,000	Good	
313	171433-00-00600, 120	Deschutes County	Storage			Dodds Road/Alfalpa
314	171332-00-01100	Deschutes County	Dirt	150,000	Good	
315	140900-00-02100	Stott	Rock	93,454 tons	ODOT Specs	Highway 20
316	140900-00-00202	Black Butte Ranch	S & G	7 M	Good	
317	140900-00-01300	Willamette Ind	Cinders	1.2 M	Good	
322	141200-00-01801	Fred Gunzner	S & G	1.5 M	Mixed	Lower Bridge/Terrebonne
322	141200-00-01801	Gunzner	Diatomite	500,000	Good	Lower Bridge/Terrebonne
324	141200-00-00702	ODVA	S & G	490,000	Good	Lower Bridge/Terrebonne
326	141236-00-00300, 301	US Bank Trust	S & G	1.5 M	Good	
330	141328-00-00702, 703	Larry Davis	Cinders	50,000	Good	
331	141329-00-00100, 103	EA Moore	Cinders	100,000	Good	
332	141329-00-00102	RL Coats	Cinders	2 M	Good	Northwest Way/Terrebonne
333	141329-00-00104	Robinson	Cinders	2.7 M	Good	
335	141333-00-00890	Erwin	Cinders	100,000	Excellent	Pershall Way/Redmond
336	141333-00-00400, 500	US Bank Trust	Cinders	4.5 M	Good	Cinder Butte/Redmond
339	141132-00-01500	Deschutes County	Dirt	200,000	Fill	Goodard Loop/Bend
341	161000-00-00106	Young & Morgan	S & G	1 M	Good	

#	Taxlot	Name	Type	Quantity*	Quality	Access/Location
342	220900-00-00203	Crown Pacific	Cinders	200,000	Good	
345	161000-00-01000	Crown Pacific	Cinders	50,000	Good	
346	161000-00-01000	Crown Pacific	Cinders	50,000	Good	
347	161101-00-00300	Deschutes County	Dirt	10,000	Good	
351	161112-00-01401, 1700, 2000	Gisler/Russell	Cinders	150,000	Good	Innes Mkt/Innes Butte
357	161136-D0-00100, 161100-00-10400, 10300	Tumalo Irrigation	Cinders	1 M		Johnson Road/Tumalo
357	161136-D0-00100, 161100-00-10400, 10300	Tumalo Irrigation	S & G	500,000	Good	
357	161136-D0-00100, 161100-00-10400, 10300	Tumalo Irrigation	Pumice	500,000	Good	
358	161231-D0-01100	Gisler	S & G	100,000	ODOT Specs	Hwy 20/Tumalo
361	161222-C0-02800	Oregon State Hwy	Cinders	700,000	Good	
366	161230-00-00000	Oregon State Hwy	S & G	40,000	ODOT Specs	
368	161220-00-00200	Bend Aggregate	S & G	570,000	Excellent	Twin Bridges/Tumalo
370	161231-D0-00400	Bend Aggregate Plant Site	Storage			
379	181100-00-01600	Oregon State Hwy	S & G	500,000	ODOT Specs	
381	181125-C0-12600, 181126-00-01600	Pieratt Bros	Cinders	50,000	Good	
390	181214-00-00500, 100	Deschutes County	Dirt	2 M		Landfill
392	181223-00-00300	Rose	Rock	10 M Est	Mixed	
392	181223-00-00300	Rose	Dirt	7.5 M	Good	

#	Taxlot	Name	Type	Quantity*	Quality	Access/Location
393	181225-00-01400	LT Contractors	Cinders	12.5 M	Good	Arnold Mkt Rd/SE of Bend
394	181200-00-04400, 04411	Windlinx	Cinders	270,000	Coarse	Hwy 97/South of Bend
395	181200-00-04300	Oregon State Hwy	Cinders		100,000	Good
400	181300-00-04501, 04502	Eric Coats	S & G	2.5 M	ODOT Specs	
404	191400-00-00200	Moon	S & G	1.3 M	Good	
404	191400-00-00200	Moon	Rock	800,000 - 2 M	Good	Hwy 20/East of Bend
405	191400-00-00600	Oregon State Hwy	Aggregate	50,000	ODOT Specs	
408	191600-00-01500	RL Coats	S & G	3 M	Good	
413	201500-00-01400	Deschutes County	S & G	30,000	Good/Excellent	Hwy 20/East of Bend
414	201500-00-01500	Deschutes County	S & G	30,000	Good/Excellent	Hwy 20/East of Bend
415	201716-00-00700	Deschutes County	S & G	30,000	Good/Excellent	Hwy 20/East of Bend
416	201716-00-00200	Deschutes County	S & G	30,000	Good/Excellent	Hwy 20/East of Bend
417	201716-00-00900	Deschutes County	S & G	30,000	Good/Excellent	Hwy 20/East of Bend
418	201716-00-01000	Deschutes County	S & G	30,000	Good/Excellent	Hwy 20/East of Bend
419	201716-00-01300	Deschutes County	S & G	30,000	Good/Excellent	Hwy 20/East of Bend
421	212000-00-00900	RL Coats	S & G	500,000	Excellent	Hwy 20/Tumalo
423	211106-C0-00700	Ray Rothbard	S & G	100,000	Good	
426	211100-00-00702	La Pine Redi-Mix	S & G	1 M	Good	
427	211100-00-00701	Bill Bagley	S & G	40,000	Good	
431	221100-00-00600	Russell	Cinders/Rock	12 M/1.2 M	Good	Finley Butte
432	221100-00-00500	State of Oregon	Cinders	160,000	Good	
433	211300-00-00101	La Pine Pumice	Lump Pumice	10 M	Excellent	
441	150903-00-00300	Willamette Ind	S & G	11 M	Good	
442	150909-00-00400	Willamette Ind	S & G	6 M	Good	

#	Taxlot	Name	Type	Quantity*	Quality	Access/Location
443	150917-00-00600	Willamette Ind	Rock	150,000	Fair	
453	161209, 10-00-00600, 301	Robert Fullhart	S & G	704,000	ODOT Specs	
459	141131-00-05200	Deschutes County	Cinders	50,000	Good	
465	141333-00-00900	Oregon State Hwy	Cinders	100,000	Good	
466	141333-00-00600	Fred Elliott	Cinders	5.5 M	Good	
467	141333-00-00601	Knorr Rock Co	Cinders	5 M	Good	
469	141131-00-00100	Deschutes County	Cinders	2 M	Fair	
475	151012-00-00600	Deschutes County	Cinders	200,000	Good	Cloverdale Road
482	151300-00-00103	Deschutes County	Dirt	2 M	Good	Negus Landfill
488	161230-00-00100, 600, 2000, 2100	Bend Aggregate	S & G	400,000	ODOT Specs	
496	191400-00-00500	Taylor	S & G	1.8 M	Mixed	Hwy 20
498	191400-00-02200	Oregon State Hwy	S & G	200,000	ODOT Specs	
499	191533-00-00200	Oregon State Hwy	S & G	50,000	ODOT Specs	
500	191500-00-00099	Oregon State Hwy	S & G	130,000	ODOT Specs	
501	191500-00-01600	Oregon State Hwy	S & G	50,000	ODOT Specs	
503	191600-00-01300	Oregon State Hwy	S & G	200,000	ODOT Specs	
505	201600-00-00400	Oregon State Hwy	S & G	275,000	ODOT Specs	
506	201600-00-00600, 700, 800	Oregon State Hwy	S & G	36,000	ODOT Specs	
508	201700-00-01000	State of Oregon	S & G	100,000	ODOT Specs	
515	201801-00-00100	Oregon State Hwy	S & G	100,000	ODOT Specs	
522	211900-00-01000	Oregon State Hwy	S & G	300,000	ODOT Specs	
524	212000-00-01900	Oregon State Hwy	S & G	300,000	ODOT Specs	
528	222110-00-00600	Oregon State Hwy	S & G	45,000	ODOT Specs	

#	Taxlot	Name	Type	Quantity*	Quality	Access/Location
529	221100-00-00300	Oregon State Hwy	S & G	31,000	ODOT Specs	
533	222100-00-00800	Oregon State Hwy	S & G	1 M	ODOT Specs	
541	141035-00-02000, 2100, 2200, 2300, 2400, 2500, 2600	Cyrus	Aggregate	528,000	Good	Inc Portions of TL 1800/1900
542	151001-00-02700	Swarens	Aggregate	80,000	Good	
543	151013-00-00100	Cyrus	Aggregate	1.1 M	Good	
600	191400-00-00700	Robinson	S & G	3.8 M	Good	Hwy 20/East of Bend
601	211100-00-00700	La Pine Redi Mix	S & G	479,000	DEQ Specs	Paulina Lake Road

* Quantity in cubic yards unless otherwise noted

Source: 1979 Deschutes County Comprehensive Plan as revised

Table 5.8.2 – Deschutes County Non-Significant Mining Mineral and Aggregate Inventory

Site #	Taxlot	Name	Type	Quantity*	Comments
100	15-10-14-700	Whychus Creek Irrigation District—Watson Reservoir I.	Silt, sand, & dirt	200,000 cy	Reservoir Size is 80 acres.
101	15-10-14-700	Whychus Creek Irrigation District—Watson Reservoir II.	sand & dirt	600,000 cy	Reservoir size is 40 acres.
102	14-11-33-500	Whychus Creek Irrigation District—McKenzie Reservoir	Silt, sand, & dirt	100,000 cy	Reservoir size is 12 acres
103	14-11-33-500	Whychus Creek Irrigation District—McKenzie Reservoir	Sand & dirt	250,000 to 300,000 cy	Reservoir expansion size is 20 acres

Site #	Taxlot	Name	Type	Quantity*	Comments
		Expansion			

* Quantity in cubic yards unless otherwise noted

Source: 1979 Deschutes County Comprehensive Plan as revised

Section 5.9 Goal 5 Inventory - Cultural and Historic Resources

Background

This section lists Locally Significant Historic Resources and National Register Resources in rural Deschutes County. These inventories are acknowledged by the Department of Land Conservation and Development. In 2020, Deschutes County's inventories were updated to comply with Oregon Administrative Rule (OAR) 660-023-0200, Historic Resources. OAR 660-023-0200 was amended in 2017.

Locally Significant Historic Resources

1. Alfalfa Grange: Grange building and community center, built in 1930, located on Willard Road, Alfalfa. 17-14-26 TL 400.
2. Allen Ranch Cemetery: Oldest cemetery in Deschutes County. 30' by 40' fenced cemetery plot. Situated 100 yards west of South Century Drive, one-half mile south of Road 42. Two marble gravestones, two wooden markers. 20-11-7 TL 1700.
3. Fall River Fish Hatchery "Ice House": The hatchery "Ice House" dates from the beginning of fishery management in Oregon, circa 1920. It is an 18 foot by 18 foot improvement, the only original building remaining on the property, and the only significant building or structure on the site. Located at 15055 S. Century Drive, E½; NE¼; Section 32, Township 20S, Range 10 E, Tax Lot 100. (Ordinance 94-006 §1, 1994).
4. Long Hollow Ranch – Black Butte: Headquarters complex of historic ranch, located on Holmes Road in Lower Bridge area, including headquarters house, ranch commissary, equipment shed, barn and bunkhouse. 14-11-1 TL 101.
5. Swamp Ranch – Black Butte: The present day site of the Black Butte Ranch was part of the vast holdings of the Black Butte Land and Livestock Company in 1904. No buildings from the period exist. 14-9-10A, 10B, 15B, 15C, 16A, 21A, 21B, 21C, 22A, 22B.
6. Brothers School: Only one-room schoolhouse currently in use in Deschutes County, located on Highway 20 in Brothers. 20-18-00 TL 3200.
7. Bull Creek Dam: The Bull Creek Dam, a component of the Tumalo Irrigation Project was constructed in 1914 to form a water storage reservoir to increase the amount of irrigated acreage at Tumalo. It is a gravity type of overflow dam. Two cut off walls are extended into solid formation, one at the upper toe and the other at the lower toes of the concrete dam. The dam proper is about 17 feet high from the foundation, although the completed structure is about 25 feet. Located on Tumalo Reservoir-Market Road. 16-11-33 TL 2700 SW-¼; SW-¼.
8. Bull Creek Dam Bridge (Tumalo Irrigation Ditch Bridge): Built in 1914, the bridge, which spans the dam, consists of five continuous filled spandrel, barrel-type concrete deck arch spans, each 25 feet long. The concrete piers are keyed into notches in the arch structure. The structure is the oldest bridge in Deschutes County. On Tumalo Reserve-market Road. 16-11-33 TL 2700/ SW-¼; SW-¼.

9. Camp Abbot Site, Officers' Club: Officers' Club for former military camp, currently identified as Great Hall in Sunriver and used as a meeting hall. 20-11-5B TL 112.
10. Camp Polk Cemetery: One of the last remaining pioneer cemeteries, located off Camp Polk Road near Sisters. The site is composed of a tract of land, including gravestones and memorials, containing 2.112 acres in the Southwest Quarter of the Southeast Quarter of Section 27, Township 14 South, Range 10 E.W.M., TL 2100, described as follows: Beginning at a point North 20 degrees 06' 20" West 751 feet from the corner common to Sections 26, 27, 34 and 35 in Township 14 South Range 10 E.W.M. and running thence

South 88 degrees 30' West 460 feet; thence North 1 degree 30' East 460 feet; thence South 1 degree 30' 200 feet to the point of beginning.
11. Camp Polk Military Post Site: One of the oldest military sites in Deschutes County. Located on Camp Polk Cemetery Road. Site includes entire tax lots, listed as follows 14- 10-00 TL 2805 & 14-10-34 TL 100, 300.
12. Cloverdale School: School building in Cloverdale, located near 68515 George Cyrus Road. First building built in Cloverdale. 15-11-7 TL 600.
13. Eastern Star Grange: Grange hall for earliest grange organized in Deschutes County, located at 62850 Powell Butte Road. 17-13-19 TL 1900.
14. Enoch Cyrus Homestead Hay Station and Blacksmith Shop: The Enoch Cyrus Homestead was the original homestead of Oscar Maxwell, built in 1892 and purchased in 1900 by Enoch Cyrus. Important stage/store stop for early travelers. The homestead house, including a back porch and cistern, and the Blacksmith Shop are designated. 15-11-10 TL 700.
15. Fremont Meadow: A small natural meadow on Tumalo Creek in Section 34, Township 17 South, Range 11 East, lying within Shevlin Park. TL 5900. Campsite for 1843 Fremont expedition. 17-11-34 TL 5900.
16. Harper School: One-room schoolhouse, located west of South Century Drive, south of Sunriver, moved halfway between the Allen Ranch and the Vandever Ranch from the former townsite of Harper. 20-11-17 TL 1200.
17. Improved Order of Redmond Cemetery: Historic cemetery used by residents of La Pine/Rosland area. Located on Forest Road 4270, east of Highway 97. A 40-acre parcel described as: The Southwest one-quarter of the Southeast one-quarter (SW-¼; SE-¼) Section 7, Township 22 south, Range 11, East of the Willamette Meridian, Deschutes County, Oregon.
18. Laidlaw Bank and Trust: One of the few remaining commercial buildings from the community of Laidlaw, located at 64697 Cook Avenue, Tumalo. 16-12-31A TL 2900.
19. La Pine Commercial Club: Building was built in 1912 as a community center, serving as a regular meeting place for civic organizations and occasionally served as a church. One of the oldest and continuously used buildings in La Pine. Located at 51518 Morrison Street, La Pine. 22-10-15AA TL 4600.

20. Lynch and Roberts Store Advertisement: Ad advertising sign painted on a soft volcanic ash surface. Only area example of early advertising on natural material. Lynch and Roberts established mercantile in Redmond in 1913. Roberts Field near Redmond was named for J.R. Roberts. Site includes the bluff. 14-12-00 TL 1501.
21. Maston Cemetery: One of the oldest cemeteries in County. Oldest grave marker is 1901. About one-half mile from site of Maston Sawmill and Homestead. Site includes the gravestones and memorials and the entire tax lot, identified as 22-09-00 TL 1800.
22. George Millican Ranch and Mill Site: Ranch established in 1886. Well dug at or near that date. Remains of vast cattle ranching empire. 19-15-33 Tls 100, 300.
23. George Millican Townsite: Town established 1913. Site includes store and garage buildings, which retain none of the architectural integrity from era. 19-15-33 TL 500.
24. Petersen Rock Gardens: The Petersen Rock Gardens consist of stone replicas and structures erected by Rasmus Petersen. A residence house and museum are part of the site. The site has been a tourist attraction for over 60 years. Located at 7930 SW 77th, Redmond. Site includes entire tax lot. 16-12-11 TL 400.
25. Pickett's Island: After originally settling in Crook County, Marsh Awbrey moved to Bend and then homesteaded on this island in the Deschutes River south of Tumalo. The site was an early ford for pioneers. Located in Deschutes River near Tumalo State Park. 17- 12-6 NE-¼ TL 100. Portion between Deschutes River and Old Bend Road is designated.
26. Rease (Paulina Prairie) Cemetery: Historic cemetery on Elizabeth Victoria Castle Rease and Denison Rease's homestead. Earliest known grave is of their son, George Guy Rease, born in 1879, who was also a homesteader on Paulina Prairie. George Guy Rease died of smallpox on the Caldwell Ranch on May 2, 1903. Other known burials are William Henry Caldwell, 1841-October 15, 1910, died on the Caldwell Ranch of injuries sustained on a cattle drive; Melvin Raper, 1892-1914, died in a tent of tuberculosis; Addie Laura Caldwell, 1909-November 16, 1918, died of the Spanish influenza epidemic; and Emma Nimitz Deedon, 1886-April 15, 1915, died of complications from a pregnancy. There are several unmarked graves. The cemetery is a county-owned one-acre parcel on the north edge of Paulina Prairie, two miles east of Highway 97. 210-11-29, SE-¼; NW-¼ TL 99.
27. Terrebonne Ladies Pioneer Club: The Club was organized in 1910. The building has been a community-meeting place since 1911. Located at 8334 11th Street, Terrebonne. 14-13- 16DC TL 700.
28. Tetherow House and Crossing: Site is an excellent example of an early Deschutes River crossing. Major route from Santiam Wagon Road to Prineville. Tetherow House was built in 1878. The Tetherows operated a toll bridge, store and livery stable for travelers. Oldest house in County. Site includes house and entire tax lot. 14-12-36A TL 4500.
29. Tumalo Creek – Diversion Dam The original headgate and diversion dam for the feed canal was constructed in 1914. The feed canal's purpose was to convey water from Tumalo Creek to the reservoir. The original headworks were replaced and the original 94.2 ft low overflow weir dam was partially removed in 2009/2010 to accommodate a new fish screen and fish ladder. The

- remaining original structure is a 90 foot (crest length) section of dam of reinforced concrete. Tax Map 17-11-23, Tax Lot 800 & 1600.
30. Tumalo Community Church: The building is the oldest church in the County, built in 1905. It stands in the former town of Laidlaw, laid out in 1904. Located at 64671 Bruce Avenue, Tumalo. 16-12-31A TL 3900.
 31. Tumalo Project Dam: Concrete core, earth-filled dam 75 feet high. First project by State of Oregon to use State monies for reclamation project. On Tumalo Creek. 16-11-29.
 32. William P. Vandever Ranch Homestead House: The Vandever Ranch House stands on the east bank of the Little Deschutes River at 17600 Vandever Road near Sunriver. The homestead was established in 1892, and has been recently relocated and renovated. Vandever family history in the area spans 100 years. 20-11-18D TL 13800.
 33. Kathryn Grace Clark Vandever Grave: Kathryn Grace Vandever, daughter of William P. Vandever, died of influenza during the epidemic of 1918. Her grave is located across a pasture due south of the Vandever House, 50 feet east of the Little Deschutes River. Site includes gravestone and fenced gravesite measuring is approximately 15 feet by 25 feet. 20-11-00 TL 1900.
 34. Young School: Built in 1928, it is an excellent example of a rural "one-room" school which served homesteaders of the 1920s. Located on Butler Market Road. 17-13-19 TL 400.
 35. Agnes Mae Allen Sottong and Henry J. Sottong House and Barn: House and barn are constructed with lumber milled on the property in a portable sawmill run by the Pine Forest Lumber Company in 1911. Henry was awarded homestead patent 7364 issued at The Dalles on Dec 1, 1904. Henry was president of the Mountain States Fox Farm. A flume on the Arnold Irrigation District is named the Sottong Flume. The structures are also associated with William Kuhn, a president of the Arnold Irrigation District; Edward and Margaret Uffelman, who were part of the group that privatized and developed the Hoo Doo Ski Resort; and Frank Rust Gilchrist, son of the founder of the town of Gilchrist and Gilchrist Mill and president of the Gilchrist Timber Company from the time of his father's death in 1956 to 1988. Frank R. Gilchrist served on the Oregon Board of Forestry under four governors and was appointed by the governors to serve as a member of the Oregon Parks and Recreation Advisory Committee. He served on the Oregon State University's Forest Products Research Lab and was a director and president of the National Forest Products Association. T18 R12 Section 22, 00 Tax lot 01600.

Inventory note: Unless otherwise indicated the inventoried site includes only the designated structure. No impact areas have been designated for any inventoried site or structure.

National Register Resources listed before February 23, 2017

36. Pilot Butte Canal: A gravity-flow irrigation canal constructed in 1904 that diverts 400 cubic feet of Deschutes River water per second. The canal conveys water through a 225- miles-long distribution system of successively narrower and shallower laterals and ditches on its way to those who hold water rights, serving about 20,711 acres by 1922. The canal was built in an area that had a population of 81 people when it was constructed. The historic district measures 7,435 feet long and encompasses 50 feet on either side of the canal centerline to create a 100-foot corridor. The district has a character-defining rocky, uneven bed, and highly irregular slopes, angles, cuts, and embankments.

37. Elk Lake Guard Station: A wagon road built in 1920 between Elk Lake and Bend sparked a wave of tourism around the scenic waterfront. To protect natural resources of the Deschutes National Forest and provide visitor information to guests, the Elk Lake Guard Station was constructed in 1929 to house a forest guard.
38. Deedon (Ed and Genvieve) Homestead: The homestead is located between the Deschutes River and the Little Deschutes River. All of the buildings were constructed between 1914 and 1915.
39. Gerking, Jonathan N.B. Homestead: Jonathan N.8. Gerking, "Father of the Tumalo Irrigation Project," played a crucial role in getting the project recognized and funded.
40. McKenzie Highway: The McKenzie Salt Springs and Deschutes Wagon Road, a predecessor to the modern McKenzie Highway, was constructed in the 1860s and 1870s.
41. Paulina Lake Guard Station: The station typifies the construction projects undertaken by the Civilian Conservation Corps and signifies the aid to the local community provided by the emergency work-relief program through employment of youth and experienced craftsmen, purchase of building materials and camp supplies, and personal expenditures of enrollees.
42. Paulina Lake I.O.O.F Organization Camp: The Paulina Lake I.O.O.F. Organization camp was constructed during the depression era and are the result of cooperative efforts by nonprofessional builders. Such camp buildings are important in Oregon's recreational history as an unusual expression of both its rustic style and its vernacular traditions.
43. Petersen Rock Gardens: The Petersen Rock Gardens consist of stone replicas and structures erected by Rasmus Petersen. The site has been a tourist attraction for over 60 years.
44. Rock O' the Range Bridge: Rock O' The Range is the only covered span east of the Cascades in Oregon. To gain access to his property, William Bowen instructed Maurice Olson – a local contractor – to build a bridge inspired by Lane County's Goodpasture Bridge.
45. Skyliners Lodge: The Skyliners are a Bend-based mountaineering club organized in 1927. In 1935, the group started building the Skyliners Lodge with help from the Deschutes National Forest, the Economic Recovery Act and the City of Bend.
46. Santiam Wagon Road: The Santiam Wagon Road went from Sweet Home to Cache Creek Toll Station. The road was conceived of in 1859 to create a route across the Cascades. By the 1890s, the road had become a major trade route.
47. Wilson, William T.E. Homestead: This homestead house was built in 1903 and has an "American Foursquare" architectural style.

National Register Resources listed on / after February 23, 2017

48. Central Oregon Canal: A gravity-flow irrigation canal constructed in 1905 and enlarged in 1907 and 1913. The canal retains its impressive historic open, trapezoidal shape, dimensions and characteristics. It is characterized by the volcanic rock flows, native materials, rocky bed and sides, and its hurried hand-hewn workmanship. The historic district is 3.4 miles long, crossing rural land between the Ward Road Bridge on the western edge and the Gosney Road Bridge on the eastern edge. In the historic district, the canal ranges in width from 34' to 78', averaging around 50', and

its depth varies from 1' to 9', averaging around 4' deep, depending on the amount of volcanic lava flows encountered, the terrain, and slope. The canal through the historic district carries nearly the full amount of water diverted from the Deschutes River, 530 cubic feet per second during the irrigation season, April through October. The historic district encompasses 50' on either side of the canal centerline to create a 100' corridor that includes the whole of the easement held by COID, and all the contributing resources. (Date listed: 03/18/2019)

Section 5.10 Goal Exception Statements

Background

The purpose of this section is to identify the lands where Deschutes County demonstrated an exception to meeting the requirements of the Statewide Planning Goals. The intent of goal exceptions is to allow some flexibility in rural areas under strictly defined circumstances. Goal exceptions are defined and regulated by Statewide Planning Goal 2 and Oregon Administrative Rule 660-004 (excerpt below).

660-004-0000(2) An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals in accordance with the process specified in Goal 2, Part II, Exceptions. The documentation for an exception must be set forth in a local government's comprehensive plan. Such documentation must support a conclusion that the standards for an exception have been met.

Statewide Planning Goals with Deschutes County Exceptions

- Goal 3 Agricultural Lands
- Goal 4 Forest Lands
- Goal 11 Public Facilities and Services
- Goal 14 Urbanization

Three types of exceptions are permitted by Oregon Administrative Rule 660-004

- Irrevocably committed
- Physically developed
- Reasons

The summary below identifies approved goal exceptions and identifies the adopting ordinance for those interested in further information. The ordinances listed are incorporated by reference into this Plan.

1979 Exceptions

Comprehensive Plan entire County – PL 20 - 1979

During the preparation of the 1979 Comprehensive Plan it was apparent that many rural lands had already received substantial development and were committed to non-resource uses. Areas were examined and identified where Goal 3 and 4 exceptions were taken. At this time exceptions to Goals 11 and 14 were not required.

The total area excepted was 41,556 acres. These lands were residentially developed, committed to development or needed for rural service centers.

Additional Exceptions

Bend Municipal Airport – Ordinances 80-203, 1980 and 80-222, 1980

The Bend Municipal Airport received an exception to Goal 3 to allow for the necessary and expected use of airport property.

La Pine UUC Boundary – Ordinance 98-001, 1998

Exceptions to Goals 3, 11 and 14 were taken to allow lands to be included in the La Pine UUC boundary and planned and zoned for commercial use.

Spring River Rural Service Center – Ordinances 90-009, 1990; 90-010, 1990; 96-022, 1996; 96-045, 1996

A reasons exception was taken to Goal 14 to allow the establishment of the Spring River Rural Service Center on residentially designated lands.

Burgess Road and Highway 97 – Ordinance 97-060, 1997

An exception was taken to Goal 4 to allow for road improvements.

Rural Industrial Zone – Ordinances 2010-030, 2010; 2009-007, 2009

Two separate ordinances for rural industrial uses. The 2009 exception included an irrevocably committed exception to Goal 3 and a reasons exception to Goal 14 with a Limited Use Combining Zone for storage, crushing, processing, sale and distribution of minerals. The 2010 exception took a reasons exception to Goal 14 with a Limited Use Combining Zone for storage, crushing, processing, sale and distribution of minerals.

Prineville Railway – Ordinance 98-017

An exception was taken to Goal 3 to accommodate the relocation of the Redmond Railway Depot and the use of the site for an historic structure to be utilized in conjunction with the Crooked River Dinner Train operations.

Resort Communities – Ordinance 2001-047, 2001

An exception was taken to Goal 4 for Black Butte Ranch and Inn of the 7th Mountain/Widgi Creek during the designation of those communities as Resort Communities under OAR 660- 22.

Barclay Meadows Business Park – Ordinance 2003-11, 2003

A reasons exception was taken to Goal 3 to include certain property within the Sisters Urban Growth Boundary.

Sisters School District # 6 – Ordinance 2003-11, 2003

A reasons exception was taken to Goal 3 to include certain property within the Sisters Urban Growth Boundary.

Sisters Organization of Activities and Recreation and Sisters School District #6 – Ordinance 2003-017, 2003

A reasons exception was taken to Goal 4 to include certain property within the Sisters Urban Growth Boundary.

Oregon Water Wonderland Unit 2 Sewer District – Ordinances 2010-015, 2010; 2003-015, 2003

A reasons exception was taken to Goals 4 and 11 to allow uses approved by the Board of County Commissioners in PA-02-5 and ZC-02-3 as amended by PA-09-4.

City of Bend Urban Growth Boundary Amendment (Juniper Ridge) – Ordinance 97-060. 1997

An exception was taken to Goal 3 to allow an amendment of the Bend Urban Growth Boundary to incorporate 513 acres for industrial uses.

Joyce Coats Revocable Trust Johnson Road and Tumalo Reservoir Road Properties – Ordinance 2005- 015, 2005

An irrevocably committed exception was taken to Goal 3 to allow a change of comprehensive plan designation from Surface Mining to Rural Residential Exception Area and zoning from Surface Mining to Multiple Use Agriculture for Surface Mine Sites 306 and 307.

Watson/Generation Development inc – Ordinance 2005-015

An exception was taken to Goal 3 to include a portion of agricultural property.

Oregon Department of Transportation – Ordinance 2005-019, 2005

An exception was taken to Goal 3 to include a portion of agricultural property.

Conklin/Eady Property – Ordinance 2005-035, 2005

An exception was taken to Goal 3 to include a portion of agricultural property.

City of Sisters Property – Ordinance 2005-037, 2005

An exception was taken to Goal 4 to include a portion of forest property.

McKenzie Meadows Property – Ordinance 2005-039, 2005

An exception was taken to Goal 4 to include a portion of forest property.

Bend Metro Park and Recreation District Properties – Ordinance 2006-025

A reasons exception was taken to Goal 3 to include a portion of agricultural property.

Harris and Nancy Kimble Property and Portion of CLR, Inc Property A.K.A. the Klippel Pit Property – Ordinance 2008-001, 2008

An irrevocably committed exception was taken to Goal 3 to allow reclassification and zoning from Surface Mine to Rural Residential Exception Area and Rural Residential 10 acre for Surface Mine Site 294.

Sunriver Service District, Sunriver Fire Department – Ordinance 2014-021, 2014

A reasons exception was taken to Goal 4 to include a portion of forest property. To ensure that the uses in the Sunriver Utility District Zone on the approximate 4.28 acre site of Tax Lot 102 on Deschutes County Assessor's Map 19-11-00 are limited in nature and scope to those justifying the exception to Goal 4 for the site, the Sunriver Forest (SUF) zoning on the subject site shall be subject to a Limited Use Combining Zone, which will limit the uses on the subject site to a fire training facility and access road for the Sunriver Service District and Sunriver Fire Department.

Frances Ramsey Trust Property – Ordinance 2014-027, 2014

An "irrevocably committed" exception was taken to Goal 14 to allow for reclassification and rezoning from agricultural property to Rural Industrial for a 2.65 acre portion of a parcel zoned EFU/RI.

Section 5.11 - Goal 5 Adopted Ordinances

As noted in Chapter 5 of this Plan, adopted and acknowledged Goal 5 inventories, ESEEs and programs are retained in this Plan. Generally the Goal 5 inventories and ESEEs were adopted into the previous Comprehensive Plan or Resource Element and the Goal 5 programs were adopted into the Zoning Code. The County does not have a complete listing of Goal 5 inventory and ESEE ordinances, but will continue to research those ordinances. The following list is a start in listing all Goal 5 ordinances that are retained in this Plan.

- 80-203 Misc. Goal 5
- 85-001 Geothermal Resources
- 86-019 Deschutes River Corridor
- 90-025 Mining
- 90-028 Mining
- 90-029 Mining
- 92-018 Historic and Cultural
- 92-033 Open Space, LM
- 92-040 Fish and Wildlife
- 92-041 Fish and Wildlife (wetlands and riparian)
- 92-045 Wetlands RE
- 92-051 Misc. including Goal 5
- 92-052 Misc. Goal 5
- 92-067 Mining
- 93-003 Misc. Goal 5
- 94-003 Misc. Goal 5
- 94-006 Historic and Cultural
- 94-007 Wetlands and Riparian areas
- 94-050 Mining
- 95-038 Misc. Goal 5
- 95-041 Mining
- 96-076 Mining
- 99-019 Mining
- 99-028 Mining
- 2001-027 Mining
- 2001-038 Mining
- 2001-047 Mining
- 2001-018 Fish and Wildlife
- 2003-019 Mining
- 2005-025 Historic and Cultural
- 2005-031 Mining
- 2007-013 Mining
- 2008-001 Mining
- 2011-008 South Deschutes County LWI
- 2011-014 Mining

Section 5.12 - Legislative History

Background

This section contains the legislative history of this Comprehensive Plan.

Ordinance	Date Adopted/ Effective	Chapter/Section	Amendment
2011-003	8-10-11/11-9-11	All, except Transportation, Tumalo and Terrebonne Community Plans, Deschutes Junction, Destination Resorts and ordinances adopted in 2011	Comprehensive Plan update
2011-027	10-31-11/11-9-11	2.5, 2.6, 3.4, 3.10, 3.5, 4.6, 5.3, 5.8, 5.11, 23.40A, 23.40B, 23.40.065, 23.01.010	Housekeeping amendments to ensure a smooth transition to the updated Plan
2012-005	8-20-12/11-19-12	23.60, 23.64 (repealed), 3.7 (revised), Appendix C (added)	Updated Transportation System Plan
2012-012	8-20-12/8-20-12	4.1, 4.2	La Pine Urban Growth Boundary
2012-016	12-3-12/3-4-13	3.9	Housekeeping amendments to Destination Resort Chapter
2013-002	1-7-13/1-7-13	4.2	Central Oregon Regional Large-lot Employment Land Need Analysis
2013-009	2-6-13/5-8-13	1.3	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2013-012	5-8-13/8-6-13	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Bend Urban Growth Boundary
2013-007	5-29-13/8-27-13	3.10, 3.11	Newberry Country: A Plan for Southern Deschutes County
2013-016	10-21-13/10-21-13	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Sisters Urban Growth Boundary
2014-005	2-26-14/2-26-14	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Bend Urban Growth Boundary
2014-012	4-2-14/7-1-14	3.10, 3.11	Housekeeping amendments to Title 23.
2014-021	8-27-14/11-25-14	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Sunriver Urban Unincorporated Community Forest to Sunriver Urban Unincorporated Community Utility

Ordinance	Date Adopted/ Effective	Chapter/Section	Amendment
2014-021	8-27-14/11-25-14	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Sunriver Urban Unincorporated Community Forest to Sunriver Urban Unincorporated Community Utility
2014-027	12-15-14/3-31-15	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Industrial
2015-021	11-9-15/2-22-16	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Surface Mining.
2015-029	11-23-15/11-30-15	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Tumalo Residential 5-Acre Minimum to Tumalo Industrial
2015-018	12-9-15/3-27-16	23.01.010, 2.2, 4.3	Housekeeping Amendments to Title 23.
2015-010	12-2-15/12-2-15	2.6	Comprehensive Plan Text and Map Amendment recognizing Greater Sage-Grouse Habitat Inventories
2016-001	12-21-15/04-5-16	23.01.010; 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from, Agriculture to Rural Industrial (exception area)
2016-007	2-10-16/5-10-16	23.01.010; 5.10	Comprehensive Plan Amendment to add an exception to Statewide Planning Goal 11 to allow sewers in unincorporated lands in Southern Deschutes County
2016-005	11-28-16/2-16-17	23.01.010, 2.2, 3.3	Comprehensive Plan Amendment recognizing non- resource lands process allowed under State law to change EFU zoning
2016-022	9-28-16/11-14-16	23.01.010, 1.3, 4.2	Comprehensive plan Amendment, including certain property within City of Bend Urban Growth Boundary
2016-029	12-14-16/12/28/16	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from, Agriculture to Rural Industrial
2017-007	10-30-17/10-30-17	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2018-002	1-3-18; 1-25-18	23.01, 2.6	Comprehensive Plan Amendment permitting churches in the Wildlife Area Combining Zone
2018-006	7-23-18/7-23-18	23.01.010, 5.8, 5.9	Housekeeping Amendments correcting tax lot numbers in Non-Significant Mining Mineral and Aggregate Inventory; modifying Goal 5 Inventory of Cultural and Historic Resources

Ordinance	Date Adopted/ Effective	Chapter/Section	Amendment
2018-011	9-12-18/12-11-18	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2018-005	9-19-18/10-10-18	23.01.010, 2.5, Tumalo Community Plan, Newberry Country Plan	Comprehensive Plan Map Amendment, removing Flood Plain Comprehensive Plan Designation; Comprehensive Plan Amendment adding Flood Plain Combining Zone purpose statement.
2018-008	9-26-18/10-26-18	23.01.010, 3.4	Comprehensive Plan Amendment allowing for the potential of new properties to be designated as Rural Commercial or Rural Industrial
2019-002	1-2-19/4-2-19	23.01.010, 5.8	Comprehensive Plan Map Amendment changing designation of certain property from Surface Mining to Rural Residential Exception Area; Modifying Goal 5 Mineral and Aggregate Inventory; Modifying Non-Significant Mining Mineral and Aggregate Inventory
2019-001	1-16-19/4-16-19	1.3, 3.3, 4.2, 5.10, 23.01	Comprehensive Plan and Text Amendment to add a new zone to Title 19: Westside Transect Zone.
2019-003	02-12-19/03-12-19	23.01.010, 4.2	Comprehensive Plan Map Amendment changing designation of certain property from Agriculture to Redmond Urban Growth Area for the Large Lot Industrial Program
2019-004	02-12-19/03-12-19	23.01.010, 4.2	Comprehensive Plan Map Amendment changing designation of certain property from Agriculture to Redmond Urban Growth Area for the expansion of the Deschutes County Fairgrounds and relocation of Oregon Military Department National Guard Armory.
2019-011	05-01-19/05-16/19	23.01.010, 4.2	Comprehensive Plan Map Amendment to adjust the Bend Urban Growth Boundary to accommodate the refinement of the Skyline Ranch Road alignment and the refinement of the West Area Master Plan Area 1 boundary. The ordinance also amends the Comprehensive Plan designation of Urban Area Reserve for those lands leaving the UGB.
2019-006	03-13-19/06-11-19	23.01.010,	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area

Ordinance	Date Adopted/ Effective	Chapter/Section	Amendment
2019-016	11-25-19/02-24-20	23.01.01, 2.5	Comprehensive Plan and Text amendments incorporating language from DLCD's 2014 Model Flood Ordinance and Establishing a purpose statement for the Flood Plain Zone.
2019-019	12-11-19/12-11-19	23.01.01, 2.5	Comprehensive Plan and Text amendments to provide procedures related to the division of certain split zoned properties containing Flood Plain zoning and involving a former or piped irrigation canal.
2020-001	1-8-20/4-20-20	23.01.01, 2.6, 3.5, 5.2	Comprehensive Plan and Text amendments relating to Religious Institutions to ensure compliance with RLUIPA.
2020-002	2-26-20/5-26-20	23.01.01, 4.2, 5.2	Comprehensive Plan Map Amendment to adjust the Redmond Urban Growth Boundary through an equal exchange of land to/from the Redmond UGB. The exchange property is being offered to better achieve land needs that were detailed in the 2012 SB 1544 by providing more development ready land within the Redmond UGB. The ordinance also amends the Comprehensive Plan designation of Urban Area Reserve for those lands leaving the UGB.
2020-003	02-26-20/05-26-20	23.01.01, 5.10	Comprehensive Plan Amendment with exception to Statewide Planning Goal 11 (Public Facilities and Services) to allow sewer on rural lands to serve the City of Bend Outback Water Facility.
2020-008	06-24-20/09-22-20	23.01.010, Appendix C	Comprehensive Plan Transportation System Plan Amendment to add roundabouts at US 20/Cook-O.B. Riley and US 20/Old Bend-Redmond Hwy intersections; amend Tables 5.3.T1 and 5.3.T2 and amend TSP text.
2020-007	07-29-20/10-27-20	23.01.010, 2.6	Housekeeping Amendments correcting references to two Sage Grouse ordinances.
2020-006	08-12-20/11-10-20	23.01.01, 2.11, 5.9	Comprehensive Plan and Text amendments to update the County's Resource List and Historic Preservation Ordinance to comply with the State Historic Preservation Rule.
2020-009	08-19-20/11-17-20	23.01.010, Appendix C	Comprehensive Plan Transportation System Plan Amendment to add reference to J turns on US 97 raised median between Bend and Redmond; delete language about disconnecting Vandevent Road from US 97.

Ordinance	Date Adopted/ Effective	Chapter/Section	Amendment
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
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)
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
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
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
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)
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
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
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
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
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
2024-001	01-31-24/4-30-24	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area

Appendix E - Goal 5 Supplemental

09/16/2024 Item #6.

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
2023-017	3-20-24/6-18-24	23.01(D) (repealed), 23.01(BL) (added), 3.7 (amended), Appendix C	Updated Transportation System Plan
2023-016	5-8-24/8-6-24	23.01(BM) (added), 4.7 (amended), Appendix B (replaced)	Updated Tumalo Community Plan

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

Exhibit “C” to Ordinance 2024-007 – Comprehensive Plan Section 5.12

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.

Exhibit “C” to Ordinance 2024-007 – Comprehensive Plan Section 5.12

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

Exhibit “C” to Ordinance 2024-007 – Comprehensive Plan Section 5.12

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.

Exhibit “C” to Ordinance 2024-007 – Comprehensive Plan Section 5.12

2019-003	02-12-19/03-12-19	23.01.010, 4.2	Comprehensive Plan Map Amendment changing designation of certain property from Agriculture to Redmond Urban Growth Area for the Large Lot Industrial Program
2019-004	02-12-19/03-12-19	23.01.010, 4.2	Comprehensive Plan Map Amendment changing designation of certain property from Agriculture to Redmond Urban Growth Area for the expansion of the Deschutes County Fairgrounds and relocation of Oregon Military Department National Guard Armory.
2019-011	05-01-19/05-16/19	23.01.010, 4.2	Comprehensive Plan Map Amendment to adjust the Bend Urban Growth Boundary to accommodate the refinement of the Skyline Ranch Road alignment and the refinement of the West Area Master Plan Area I boundary. The ordinance also amends the Comprehensive Plan designation of Urban Area Reserve for those lands leaving the UGB.
2019-006	03-13-19/06-11-19	23.01.010,	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2019-016	11-25-19/02-24-20	23.01.01, 2.5	Comprehensive Plan and Text amendments incorporating language from DLCDD’s 2014 Model Flood Ordinance and Establishing a purpose statement for the Flood Plain Zone.

Exhibit “C” to Ordinance 2024-007 – Comprehensive Plan Section 5.12

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.

Exhibit “C” to Ordinance 2024-007 – Comprehensive Plan Section 5.12

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)

Exhibit “C” to Ordinance 2024-007 – Comprehensive Plan Section 5.12

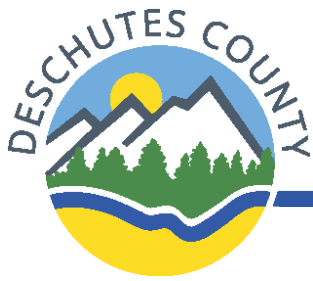
2021-005	06-16-21/06-16-21	23.01.01, 4.2	Comprehensive Plan Map Amendment Designation for Certain Property from Agriculture (AG) To Redmond Urban Growth Area (RUGA) and text amendment
2021-008	06-30-21/09-28-21	23.01.01	Comprehensive Plan Map Amendment Designation for Certain Property Adding Redmond Urban Growth Area (RUGA) and Fixing Scrivener’s Error in Ord. 2020-022
2022-001	04-13-22/07-12-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2022-003	04-20-22/07-19-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2022-006	06-22-22/08-19-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area (RREA) to Bend Urban Growth Area
2022-011	07-27-22/10-25-22 (superseded by Ord. 2023-015)	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) To Rural Industrial (RI)
2022-013	12-14-22/03-14-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)

Exhibit “C” to Ordinance 2024-007 – Comprehensive Plan Section 5.12

2023-001	03-01-23/05-30-23	23.01.010, 5.9	Housekeeping Amendments correcting the location for the Lynch and Roberts Store Advertisement, a designated Cultural and Historic Resource
2023-007	04-26-23/6-25-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-010	06-21-23/9-17-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-018	08-30-23/11-28-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-015	9-13-23/12-12-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Industrial (RI)
2023-025	11-29-23/2-27-24	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area (RREA) to Bend Urban Growth Area
2024-001	1-31-24/4-30-24	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area (RREA) to Bend Urban Growth Area

Exhibit “C” to Ordinance 2024-007 – Comprehensive Plan Section 5.12

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
<u>2024-007</u>	<u>TBD/TBD</u>	<u>23.01(A)(repealed)</u> <u>23.01(BK) (added)</u>	<u>Repeal and Replacement of 2030 Comprehensive Plan with 2040 Comprehensive Plan</u>



STAFF FINDINGS

FILE NUMBER(S): 247-23-000644-PA

APPLICANT: Deschutes County Planning Division

REQUEST: Repeal and Replace 2030 Comprehensive Plan with Deschutes 2040 Comprehensive Plan.

STAFF CONTACT: Nicole Mardell, AICP, Senior Planner
 Phone: 541-317-3157
 Email: nicole.mardell@deschutes.org

RECORD: Record items can be viewed and downloaded from:
www.deschutes.org/2040 by clicking on the "Hearing Page" link

I. APPLICABLE CRITERIA

Deschutes County Code (DCC)
 Title 22, Deschutes County Development Procedures Ordinance
 Chapter 22.012, Legislative Procedures
 Oregon Administrative Rule (OAR)
 OAR 660-015, Statewide Planning Goals and Guidelines

II. BASIC FINDINGS

PROPOSAL

This is a legislative plan and text amendment to replace the 2030 Deschutes County Comprehensive Plan with the Deschutes 2040 Comprehensive Plan. The proposal does not seek to replace the Tumalo Community Plan, Terrebonne Community Plan, Newberry Country Plan, nor the Transportation System Plan. This proposal does not include any amendments to the County's Goal 5 Inventory. The proposal does not include any Comprehensive Plan or Zoning Map amendments.

BACKGROUND

The Board of County Commissioners initiated the process to update the County's Comprehensive Plan in November 2021. Staff worked extensively with the project consultant, Moore Iacofano and Goltsman (MIG, Inc.), on creating the project scope and budget for this process. Over the last 18 months, staff has conducted widespread community engagement and analysis of existing

conditions and projected trends. This in turn, has informed updates to chapter narrative, goal, and policy language to provide an up-to-date approach to managing growth and development in rural Deschutes County.

REVIEW CRITERIA

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative plan and text amendment. Nonetheless, since Deschutes County is initiating one, the County bears the responsibility for justifying that the amendments are consistent with Statewide Planning Goals and the County’s Comprehensive Plan.

III. FINDINGS & CONCLUSIONS

CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.
Hearing Required

FINDING: This criterion is met. Public hearings were held before the Deschutes County Planning Commission on October 26, November 9, and December 14, 2023, and before the Board of County Commissioners on April 10, April 23, April 30, and May 8, 2024, allowing for ample opportunity for public testimony to be gathered.

Section 22.12.020, Notice
Notice

A. Published Notice

- 1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.**
- 2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.**

FINDING: This criterion is met as notice was published in the Bend Bulletin newspaper on October 13, 2023, for the Planning Commission public hearing and on March 27, 2024 for the Board of County Commissioners’ initial public hearing.

B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.

FINDING: Posted notice was determined by the Planning Director not to be necessary.

C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.

FINDING: Given the proposed legislative amendments do not apply to any specific property, no individual notices were sent.

D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.

FINDING: Notice was provided to the County public information officer for wider media distribution. Staff provided additional notice beyond the legal requirements. This was done through the project's constant contact mailing list, including 530 contacts, press releases, and coordination with community organizations. This criterion is met.

Section 22.12.030 Initiation of Legislative Changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.

FINDING: The application was initiated by the Deschutes County Planning Division at the direction of the Board of County Commissioners and has received a fee waiver. This criterion is met.

Section 22.12.040. Hearings Body

A. The following shall serve as hearings or review body for legislative changes in this order:

- 1. The Planning Commission.**
- 2. The Board of County Commissioners.**

B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.

FINDING: The Planning Commission held public hearings and issued a recommendation of approval to the Board of County Commissioners. The Board held a second round of public hearings and served as the final review body for the proposal. This criterion is met.

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance.

FINDING: The proposed legislative changes will be implemented by ordinance 2024-007, upon approval and adoption by the Board of County Commissioners. This criterion will be met.

OAR 660-015, Statewide Planning Goals and Guidelines

Goal 1: Citizen Involvement:

FINDING: The development of the Deschutes County 2040 Comprehensive Plan document was a multi-year process with significant public outreach and community member involvement.

The following is a short summary of engagement leading up to the initial public hearing:

- o Established a project email list with over 500 contacts.

- Provided 7 project update emails.
- Established a new, user-friendly website.
- Received over 29,000 social media impressions.
- Coordinated with media on 13 news stories.
- Held 66 small group meetings with over 400 participants.
- Held 8 open houses with 296 attendees.
- Held an online open house with 361 survey responses.
- Hosted a virtual and interactive forum with over 100 responses.
- Held 11 planning commission meetings.
- Provided incentives through a raffle, prizes, and food and beverages.

Community member input was essential to the development of the resulting Deschutes County 2040 document and staff utilized several novel and innovative techniques to reach rural residents. Chapter 1 of the plan, Community Engagement, outlines numerous policies that reduce barriers to and support community involvement throughout planning processes.

Key Policy Changes

Comprehensive Plan - 2030: Chapter 1, Section 1.2

Deschutes County 2040 Plan: Chapter 1 - Community Engagement

Amendments: Citizen involvement (now Community Engagement) was completely rewritten.

The section listed above and this Plan as a whole, complies with Goal 1, Citizen Involvement, as described:

- The adoption process for these amendments included public hearings before the Planning Commission (Committee for Citizen Involvement) and before the Board of County Commissioners.
- The updated goal and policies were created through an extensive two-year public and Planning Commission process. The process generated considerable public input which has been incorporated throughout this Plan.
- The new policies recognize the Planning Commission as the required Committee for Community Involvement.
- This section complies with the following six components of Statewide Goal 1:
 - Policies 1.1.1-1.1.8 promote opportunities to involve community members at all stages of planning processes by providing adequate opportunities for input, promoting two-way communication, and continuously improving on outreach activities.
 - Policies 1.2.1-1.2.6 support the activities and funding of the Committee for Community Involvement.
 - Policies 1.1.2 and 1.1.4 ensure technical information is available in an understandable form

Consistency with Goal 1 is thereby met.

Goal 2: Land Use Planning:

FINDING: The purpose of the chapter is to ensure the Comprehensive Plan was built with a factual base and will be followed when making future land use decisions. In updating this plan document, information was gained from numerous studies, technical documents, and subject matter experts.

ORS 197.610 prescribes the process for local governments to initiate post-acknowledgement plan amendments. 45-day notice was provided to the Oregon Department of Land Conservation (DLCD) and Development on August 30, 2023.

The draft Plan contains detailed, factual background information in each chapter narrative to provide context for the goals and policies. The Deschutes County 2040 plan update does not propose any changes to Comprehensive Plan designations or zoning designations, nor the County's Goal 5 inventories or community plans as part of this update.

Key Policy Changes

Comprehensive Plan – 2030: Chapter 1, Section 1.3 and Chapter 5, Section 5.10
Deschutes County 2040 Plan: Chapter 2 Land Use and Regional Coordination

Amendments: Land use (previously Section 1.3) was completely rewritten.

The sections listed above, and this Plan update as a whole, comply with Statewide Planning Goal 2 as described:

- Policies 2.1.1 and 2.1.5 recognize that when making land use regulations, private property rights, economic impacts, sustainability and carrying capacity all need to be considered.
- Policy 2.1.2 and 2.1.4 recognize the importance of implementing the plans recommendations through the annual department work plan process and updating the document to incorporate new information.
- Policy 2.1.3 clarifies the official Comprehensive Plan map is retained as an electronic layer with the Deschutes County GIS system.
- Goal 2.2 and its associated policies support regional coordination and partnership on regional issues and are further discussed under Goal 14 – Urbanization.
- Policies 2.3.1-2.3.2 speaks to coordination and management of County owned land use for park purposes.
- Policies 2.4.1-2.4.2 recognize the importance of reducing onerous barriers to land use and planning applications.
- There are no amendments to Comprehensive Plan map designations incorporated into this Plan update, although definitions of existing designations are provided.

Consistency with Goal 2 is thereby met.

Goal 3: Agricultural Lands:

FINDING: Goal 3 seeks to preserve and maintain agricultural lands. Deschutes County inventoried agricultural lands as required by Goal 3 in 1979 and refined the agricultural land designations as a result of a farm study in 1992. This plan update does not propose to rezone or redesignate any agricultural lands. Staff finds that the goals and policies within the document are supportive of retaining productive and valuable lands for agricultural uses within Deschutes County and reducing barriers to a healthy agricultural economy.

Key Policy Changes

Comprehensive Plan – 2030: Chapter 2, Section 2.2

Deschutes County 2040 Plan: Chapter 3 - Farm and Forest Resources

Amendments: Chapter 2, Section 2.2 Agricultural Lands and Section 2.3 Forest Lands were combined and rewritten, although existing designations and regulations were retained.

The section listed above, and this Plan update as a whole, complies with Statewide Planning Goal 3 as described:

- Policies 3.1.1-3.1.2 retain the existing Exclusive Farm Use Zoning and subzones. No map changes are proposed as part of this Plan update.
- Policy 3.1.4 ensures the County's farm policies and codes remain compliant with State regulations.
- Policies 3.2.1-3.2.9 support the business of agriculture and review of county regulations to reduce common issues that impact farming operations and activities.
- Policies 3.1.3, 3.3.1, 3.3.2, and 3.3.6 support the accurate designation of agricultural lands in compliance with State rules, while responding to local concerns that there are Deschutes County farmlands that are incorrectly designated.
- Policy 3.3.4 seeks to remove unnecessary local barriers to establishing an accessory farm dwelling where otherwise allowed by state law..
- Policy 3.3.5 encourages coordination between farmers and fish/wildlife managers.

Consistency with Goal 3 is thereby met.

Goal 4: Forest Lands:

FINDING: Goal 4 seeks to conserve forest lands. Deschutes County inventoried forest lands as required by Goal 4 in 1979 and refined the forest land designations to conform to OAR 660-006. Deschutes County is not proposing to rezone or redesignate any forest lands as part of this update process. Staff consolidated the goals that were previously in Section 2.3 Forest Lands into *Chapter 3 – Farm and Forest Resources*.

Key Policy Changes

Comprehensive Plan – 2030: Chapter 2, Section 2.3
Deschutes County 2040 Plan: Chapter 3 - Farm and Forest Lands

Amendments: Forest Lands (previously Section 2.3) was rewritten and combined into the same chapter as agricultural lands, although existing designations and regulations were retained.

The section listed above, and this Plan update as a whole, comply with Statewide Planning Goal 4 as described:

- Goal 3.4 and Policies 3.4.1-3.4.4 provide the characteristics and criteria for the County's Forest Zones. These policies remain unchanged from the previous 2010 plan.
- Policy 3.4.5 ensures forest codes are compliant with State regulations.
- Policies 3.4.6-3.4.7, 3.4.9, and 3.4.10 recognize the need for coordination with federal agencies and tribal government in forest management.
- Policy 3.4.8 supports economic opportunities within forest zoned lands while meeting other community goals.
- Policy 3.4.11 recognizes the need to review and revisit county code to reduce impacts from development on forest health and dependent species.

Consistency with Goal 4 is thereby met.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources:

FINDING: Statewide Planning Goal 5 addresses natural resources, historic and cultural resources, and mineral and aggregate resources. In this update, these topics were divided into three chapters to ensure adequate depth and policy response to each particular topic.

Key Policy Changes

Comprehensive Plan – 2030: Chapter 2, Sections 2.4-2.7 and 2.10-2.11 and Chapter 5, Sections 5.3-5.9, 5.11

Deschutes County 2040 Plan: Chapter 4 - Mineral and Aggregate Resources, Chapter 5 - Natural Resources, Chapter 6 - Historic Resources

Amendments: The narratives for each topic were rewritten. The Goal 5 inventories for these resources (as well as ESEEs and programs) are retained and remained unchanged in Appendix A.

The sections listed above, and this Plan update as a whole, comply with Statewide Planning Goal 5 as described:

Chapter 5 – Natural Resources

- Water Goals and Policies
 - Policies 5.1.1 directs the county to participate in statewide regional and water planning efforts including implementation of the Upper Deschutes Basin Study, Habitat Conservation Plan, and Biological Opinion.
 - Policy 5.1.2 supports grants for improvements, upgrades, or expansions to water systems.
 - Policies 5.1.3-5.1.4 promote increased consideration of water quality, water availability, and treaty rights of Confederated Tribes of Warm Springs in the land use review process.
 - Policies 5.2.1-5.2.3 support water conservation efforts through a mixture of incentives, educational opportunities and partnerships with local and regional organizations and agencies.
 - Policies 5.3.1-5.3.4 seek to maintain a healthy ecosystem in the Deschutes River Basin including partnerships with agencies, implementation of study recommendation, and education.
 - Policies 5.4.1-5.4.11 seek to maintain and enhance fish and riparian dependent wildlife habitat. These polices address coordination with agencies and organizations during land use review process, implementation of Habitat Conservation Plans and other scientific studies, and additional regulations and educational programs to limit impacts to riparian areas.
 - Policies 5.5.1-5.5.7 aspire to coordinate land use and water policies to address water allocation and management. These policies address coordination, support to revisit Oregon Water Resources Departments Groundwater Allocation and Mitigation Rules, improvement of stormwater and wastewater facilities, and consideration of hydrology during land use review process.

- Open Spaces and Scenic Views

- Policies 5.6.1-5.6.4 recognize the importance of working with stakeholders to establish and maintain connected open spaces and scenic view areas.
- Policies 5.6.5-5.6.6 support protection for visually significant areas.
- Wildlife Habitat
 - Policy 5.7.1 promotes stewardship of wildlife habitat.
 - Policy 5.7.2 is directed at updating wildlife habitat inventories and protections through future public processes, informed by public process, expert sources, and current or recently updated plans.
 - Policy 5.7.3 and 5.7.4 seek to incentivize or require greater compatibility between development and habitat areas, including clustering of development.
 - Policy 5.7.5 directs the County to coordinate with Confederate Tribes of Warm Springs on co-management on wildlife resources.
 - Policies 5.8.-5.8.3 seek to balance the economic and recreation benefits of wildlife with the protection of these resources.
 - Policies 5.9.1-5.9.3 address federal and state protected species.

Chapter 4 - Mineral and Aggregate Resources

- Policies 4.1.1-4.1.3 seek to implement the Goal 5 program for mineral and aggregate sites.
- Policy 4.1.4 supports reclamation of sites following exhaustion of mineral or aggregate resources.

Chapter 6 - Historic and Cultural Resources

- Policies 6.1.1- 6.1.3 define roles of the County in promoting a historic landmarks program, including coordination with the State Historic Preservation office and the Confederated Tribes of Warm Springs.

Consistency with Goal 5 is thereby met.

Goal 6: Air, Water and Land Resources Quality:

FINDING: Goal 6 instructs local governments to consider protection of air, water, and land resources from pollution and pollutants when developing Comprehensive Plans. This chapter supports maintaining and improving air, water and land quality, which goes beyond the requirements of Goal 6 to comply with State and Federal regulations. Staff notes that there are no comprehensive map or zoning changes associated with this amendment, nor are any amendments to the County’s Goal 5 inventory proposed.

Key Policy Changes

Comprehensive Plan – 2030: Chapter 2, Section 2.5 and 2.9
Deschutes County 2040 Plan: Chapter 5 - Natural Resources

Amendments: This section was entirely rewritten, the policies pertaining to Air, Water, and Land Resources Quality have been integrated into an “Environmental Quality” section of the larger natural resources chapter.

The sections listed above, and this Plan update as a whole, comply with Statewide Planning Goal 6 as described:

- Policies 5.10.1 and 5.11.2 promote use of environmentally friendly building practices in County operations and on public property.
- Policy 5.10.2 supports implementation of a dark skies program to impacts of light pollution.
- Policies 5.10.3-5.10.4, and Policy 5.11.2 promote public education regarding controlled burning, noxious weeds, and reuse and recycling.
- Policies 5.11.3-5.11.4 support the process for siting new waste management facilities and implementing best practices in solid waste management.
- Policy 5.11.5 seeks to develop and implement a Climate Action Plan to mitigate impacts of climate change in Deschutes County.
- Policy 5.11.6 promotes green infrastructure to improve stormwater.

Consistency with Goal 6 is thereby met.

Goal 7: Areas Subject to Natural Disasters and Hazards:

FINDING: Goal 7 requires comprehensive plans to address Oregon’s natural hazards. Deschutes County has been proactive in addressing natural hazards, through periodic updates to the County’s Natural Hazards Mitigation Plan (NHMP). That Plan provides extensive information on natural hazards in Deschutes County and detailed recommendations to protect people and property. The information below supplements the NHMP.

Key Policy Changes

Comprehensive Plan – 2030: Chapter 3, Section 3.5
Deschutes County 2040 Plan: Chapter 7 - Natural Hazards

Amendments: Natural hazards (now Chapter 7) was completely rewritten.

The section listed above, and this Plan update as a whole, comply with Statewide Planning Goal 7 as described:

- Policies 7.1.1-7.1.3, and 7.2.4 promote coordination agency partners to regularly update the NHMP, update hazard risk maps, review land use applications, and clarify responsibilities pertaining to natural hazard events.
- Policy 7.1.4 seeks to utilize development code provisions to manage development in hazard prone areas.
- Policies 7.1.5 – 7.1.10 aspires to address wildfire risk and mitigate impacts to wildlife and people.
- Policy 7.1.11 provides recommendations to review and revise County code to address common hazard risk issues.
- Policies 7.2.1-7.2.2 mitigate risk to essential infrastructure following natural hazard events.
- Policy 7.2.3 supports the establishment of a regional emergency services training facility.
- Policy 7.2.5-7.2.7 provides required and incentivized standards to mitigate risk for new development in hazard prone areas.
- Policy 7.2.8 provides compliance with the FEMA flood insurance program.
- Policies 7.3.1-7.3.5 promote development of programs to inform the public of increased risk of natural hazards.

Consistency with Goal 7 is hereby met.

Goal 8: Recreational Needs:

FINDING: Goal 8 requires local governments to plan for the recreation needs of their residents and visitors. Unlike cities, the County is not required to adopt a parks master plan, but instead coordinate recreational activities among government and private agencies in the rural portions of the County.

Key Policy Changes

Comprehensive Plan – 2030: Chapter 3, Section 3.8
Deschutes County 2040 Plan: Chapter 8 - Recreation

Amendments: This section was completely rewritten.

The sections listed above, and this Plan update as a whole, comply with Statewide Planning Goal 8 as described below.

- Goal 8.1 and policies 8.1.1-8.1.6 address the need for cooperation in recreation planning.
- Policy 8.1.7 discusses working with Unincorporated Communities that express interest in parks.
- Policy 8.1.8 refers to integrating trail designs from other agencies within the Transportation System Plan where appropriate.
- Policy 8.1.9 explores an increased role of the County in parks and recreation to serve rural areas not already within a parks and recreation district.
- Policy 8.1.10 supports the community effort to acquire and manage Skyline Forest as a community asset.
- Policy 8.1.11 speaks to balancing new recreational opportunities with the integrity of the natural environment.

Consistency with Goal 8 has been met.

Goal 9: Economic Development:

FINDING: Goal 9 seeks to provide adequate opportunities for economic development throughout the state. Goal 9 primarily applies to urban development within acknowledged growth boundaries. The County is not required to provide an economic feasibility study or designate land to fulfill employment needs. Rather, these policies are intended to provide guidance for regional economic development activities and rural economic activities allowed under state law.

Key Policy Changes

Comprehensive Plan – 2030: Chapter 3, Section 3.4
Deschutes County 2040 Plan: Chapter 9 - Economic Development

Amendments: The economy chapter was completely rewritten.

The section listed above, and this Plan update as a whole, comply with Statewide Planning Goal 9 as described:

- Policy 9.1.1 speaks to promote rural economic initiatives, while balancing impacts to rural livability and natural resources.
- Policy 9.1.2 supports Economic Development for Central Oregon as the regional coordinator for economic development.
- Policy 9.1.3 supports growth and expansion of higher education in Central Oregon to support the regional workforce.
- Policy 9.1.4 supports renewable energy generation as an economic tool, with consideration for community concerns or goals such as livability and impact on natural resources.
- Policy 9.1.5 promotes master planning for airport facilities to reduce noise and safety concerns as the region grows.
- Policy 9.1.6 speaks to allowing local oriented rural commercial uses as state law allows.
- Policy 9.1.7-9.1.10 addresses planning for economic development lands, including large lot industrial lands, supporting childcare, and expansion of internet infrastructures.
- Policies 9.2.1-9.3.15 are retained from the 2011/1979 Plan. These policies govern existing Rural Commercial and Rural Industrial designated properties. These properties were previously evaluated under OAR 660-023 and determined to have pre-existing commercial or industrial uses that do not fit into any of the unincorporated community categories.

Consistency with Goal 9 is met.

Goal 10: Housing:

FINDING: Goal 10 directs cities to provide an adequate supply of housing for their residents. Unlike cities, Counties are not required to comply with the requirements of Goal 10 to provide a 20-year supply of housing for its community members, nor undertake any analysis pertaining to housing demand and supply. The County does not have any statutory obligations in providing findings to Goal 10. Instead, staff and community members identified important emerging issues that pertain to rural housing and drafted aspirational policies to address these issues.

Key Policy Changes

Comprehensive Plan – 2030: Chapter 3, Section 3.3
Deschutes County 2040 Plan: Chapter 10 - Housing

Amendments: Housing (now Chapter 10) was completely rewritten.

The policies below and this section as a whole complies with statewide land use Goal 10 as described:

- Goal 10.1 was refined from the previous Comprehensive Plan and speaks to balancing housing choice for rural residents with health, safety, environmental, and resource land impacts.
- Policy 10.1.1 speaks to establishing a tracking system for cumulative impacts associated with rural housing development.
- Policy 10.1.2 addresses health and safety issues associated with housing.
- Policy 10.1.3 encourages subdivisions alternative development patterns for subdivisions (such as clustering) to mitigate community and environmental impacts.
- Policies 10.1.4-10.2.2 speak to providing affordable housing options and alternatives in Deschutes County and exploring programs to support housing where allowed by state law in rural areas.

- Policies 10.3.1-10.3.7 provide guidance for development in the Westside Transect Zone.
- Policies 10.4.1-10.4.6 support coordination with cities on affordable housing.

Consistency with Goal 10 is thereby met.

Goal 11: Public Facilities and Services:

FINDING: Goal 11 directs local governments to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for rural development. The County does not provide any water or sewer services. The primary services related to growth and development provided by Deschutes County, aside from Transportation (which is addressed in the County’s Transportation System Plan) pertains to waste management. The County may also serve as a conduit for other resources and may support other local governments in siting of regional facilities.

Key Policy Changes

Comprehensive Plan – 2030: Chapter 3, Section 3.6
Deschutes County 2040 Plan: Chapter 12 - Public Facilities

Amendments: Public facilities and services (now Chapter 12) was completely rewritten.

The section listed above, and this Plan update as a whole, comply with Statewide Planning Goal 11 as described:

- Goal 12.1 and policies 12.1.1-12.1.13 supports orderly, efficient and cost-effective siting of rural public facilities and services including natural hazard preparedness, intergovernmental coordination, and reduction of impact to natural and community resources.
- Goal 12.2 and policies 12.2.1-12.2.4 promote sustainable, innovative, and cost-effective waste management practices.
- Goal 12.3 and Policy 12.3.1 encourages the County to be a conduit for resources.

Consistency with Goal 11 is met.

Goal 12: Transportation:

FINDING: The Deschutes County 2040 plan does not directly address transportation, but rather refers directly to an appendix for the County’s Transportation System Plan. The adoption of the 2020-2040 Transportation System Plan is still under review and is required to comply with this goal and applicable statute and implementing rule.

Goal 13: Energy Conservation:

FINDING: Goal 13 aspires to conserve energy, by maximizing land and uses to maximize conservation of all forms of energy. This section primarily provides guidance for conservation and alternative energy production in the rural county, as allowed by state law.

Key Policy Changes

Comprehensive Plan – 2030: Chapter 2, Section 2.8
Deschutes County 2040 Plan: Chapter 13 - Energy

Amendments: Energy (now Chapter 13) was completely rewritten as a standalone chapter.

The sections listed above, and this Plan update as a whole, comply with Statewide Planning Goal 13 as described:

- Goal 14.1 promotes energy conservation and alternative energy production.
- Policies 14.1.1-14.1.3 aspire to reduce energy usage in County operations and support working with energy suppliers to promote energy efficiency in all economic sectors.
- Policies 14.1.4-14.1.10 seek to promote development of renewable energy projects at a commercial and personal scale, including development of vehicle charging stations, while balancing environmental and community resources.

Consistency with Goal 13 is thereby met.

Goal 14: Urbanization:

FINDING: Two chapters within the 2040 Plan touch on the topic of urbanization - Land Use and Regional Coordination, and Unincorporated Communities and Destination Resorts. Staff notes the key policies pertaining to urbanization below. Staff notes that the unincorporated community policies pertain to those designated under OAR 660-022. Rural industrial and rural commercial policies are noted in review of Goal 9 above. More specific policies for the unincorporated communities of Tumalo and Terrebonne are included in the small area plans included as appendices to this document. The community plans are not updated or amended through the Deschutes County 2040 update process.

Key Policy Changes

Comprehensive Plan – 2030: Chapter 4, Sections 4.2-4.4 and 4.57-4.8

Deschutes County 2040: Chapter 2 - Land Use and Regional Coordination, Chapter 11 - Unincorporated Communities and Destination Resorts

Amendments: Urbanization (now retitled and reorganized into the two chapters above) was completely rewritten. Urban Unincorporated Communities, Resort Communities and Rural Service Centers (previously Sections 4.4, 4.7, 4.8) have been moved to Chapter 11.

The sections listed above, and this Plan update as a whole, comply with Statewide Planning Goal 14 as described below.

Chapter 2 - Land Use and Regional Coordination

- Goal 2.2 seeks to coordinate regional planning efforts between the local, regional, and state governments.
- Policies 2.2.1-2.2.4, 2.2.10 and 2.2.11 encourage periodic review of intergovernmental and urban management agreements, coordination on land use actions, and support the use of land for public purposes as needed.
- Policy 2.2.5 encourages cities to conduct urban reserve planning in partnership with the County.
- Policies 2.2.6 and 2.2.7 encourage collaboration with federal agencies and tribal governments on key land management issues.

- Policy 2.2.8 seeks to support regional infrastructure projects with community benefit, while mitigating negative impacts.
- Policy 2.2.9 supports updates to unincorporated community area plans.

Chapter 11- Unincorporated Communities and Destination Resorts

- Policies 11.1.1 -11.1.5 are general resort community policies and remain unchanged through this update.
- Policies 11.2.1-11.3.6 govern the Black Butte Ranch resort community and remain unchanged.
- Policies 11.4.1-11.5.7 pertain to Inn of 7th Mountain and Widgi Creek. These policies are unchanged.
- Destination Resort Goal 11.6, 11.7 and Policies 11.6.1-11.7.1, 11.7.4-11.7.5 remain unchanged. The goals and policies were moved from the rural recreation element of the 2011 Comprehensive Plan to Chapter 11 – Unincorporated Communities and Destination Resorts and reorganized for consistency.
- Policy 11.7.3 seeks to integrate affordable housing for workers within or near destination resorts.
- Policies 11.8.1-11.20.4 provide guidance for the unincorporated community of Sunriver and are unchanged through this proposal.

Consistency with Goal 14 is thereby met.

Goals 15 through 19

FINDING: These goals are not applicable to the proposed plan and text amendments because the County does not contain these types of lands.

IV. CONCLUSION

The proposed Deschutes County 2040 Comprehensive Plan complies with all relevant Deschutes County and OAR requirements.



BOARD OF
COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: September 16, 2024

SUBJECT: Legislative Priorities Review for 2025 Legislative Session

BACKGROUND AND POLICY IMPLICATIONS:

A draft list of 2025 legislative priorities has been created for the Board's consideration. This draft list was compiled from conversations with Department Heads and discussions at BOCC and Budget Committee meetings, and is intended as a starting point to develop the County's legislative priorities for the upcoming 2025 Legislative Session.

ATTENDANCE:

Jen Patterson, Strategic Initiatives Manager
Doug Riggs, County Lobbyist

DRAFT

2025 Deschutes County Legislative Priorities

Department: 9-1-1

Priorities:

- EMS Modernization

Department: BOCC

Priorities:

- Discussion about legislative change to allow managed homeless camps in the unincorporated county; legislative changes that could assist the proposal on the Gales' property
- Measure 118 Position
 - Sales tax on gross receipts of businesses with more than \$25 million in annual sales
 - Oregon Business and Industry oppose
- Legislative fix to create a "used system" path for Orenco ATT septic systems (Commissioner DeBone)
 - DEQ
- CORE3
- Cannabis Advisory Panel requirements

Department: CDD

Priorities:

- ADUs
 - There are structural inconsistencies with how other residential properties are regulated
 - ADUs in high hazard areas must be fire armed
 - ADUs in Wildland-Urban Interfaced (WUI) are subject to defensible space
 - ADU clarification language on attached/shared wall vs, standalone structures
- Cost of appealing a land use decision does not cover the cost of a hearing
 - Currently it costs a flat fee of \$250 to appeal a land use decision
 - Previously CDD could pass the fees onto the applicant for cost of hearing
 - Recommending fee should be raised to an amount the reflects the actual cost of hearing
- NFIP/Endangered Species Act Implementation
 - Implementing clear and objective standards (legislative clarification)
 - Changes to ORS 197A.400
- DEQ's onsite wastewater management program is conducting a rulemaking to address legislative recommendations, enhance environmental protection in high-risk areas, and to modernize and clarify existing rule language.

Department: Community Justice**Priorities:**

- Community Corrections/Parole & Probation Funding
- Diversion and treatment options for Juveniles with possession of controlled substances as defined in HB 2002
- Adolescent Behavioral Health – Residential Resources
- Opening up the Diversion state pass through dollars to be used with non-adjudicated youth, as well as adjudicated youth at county's discretion.
- Impacts Grants “Governor’s request for \$15 Million”
- \$2 Million for Juvenile Justice Information System Modernization
- Aid & Assist
- Medical Examiner System Workgroup
- Community Corrections
 - Cost study

Department: District Attorney’s Office**Priorities:**

- Discovery costs

Department: Finance**Priorities:**

- CAFFA Funding
 - Additional funding for assessing taxation to provide essential services
 - Possibly withhold a small % of taxes to pay for the services
- HB 4056 – Foreclosed properties (Finance & Property Management)
 - Support HB 4056 DOR Workgroup Letter
 - What are the requirements? – Need clarification
 - Support two separate bills, look back and looking forward
 - State housed one website (new concept) vs each County hosted website
 - Dept of Treasury taking on an active role in the process
 - County does not have the funds for any potential reimbursement – State needs to provide the funds for look backs
 - Consistent guidelines

Department: Health Services – Behavioral Health**Priorities:**

- Funding for Health Services programming
 - Including deflection and stable funding for crisis services
- OAR changes related to credentialing and who can perform specific BH work
- HB 4002 implementation
 - Deflection dollars coming in
- Child Psychiatric Services in Deschutes County

Department: Health Services – Public Health**Priorities:**

- Public Health modernization including investments at the local level

Department: Road

Priorities:

- Transportation Funding Package
 - Protect 50-30-20 State Highway Fund Allocation
 - Account for significant inflation since 2017 (HB 2017)
- SRS and PILT Advocacy (Federal)

Department: Natural Resources

Priorities:

- Wildfire hazard maps
 - WUI

DRAFT



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: September 16, 2024

SUBJECT: Planning Division Work Plan Update / Long Range Planning / FY 2024-2025

RECOMMENDED MOTION:

No motion needed. Seeking general Board direction.

BACKGROUND AND POLICY IMPLICATIONS:

The adopted Community Development Department (CDD) FY 2024-25 Work Plan contains several discretionary long range planning projects varying in complexity. The attached memorandum summarizes upcoming projects and asks for any comments and revisions from the Board. The purpose is to ensure that the Planning Division, which has emerging capacity following completion (or near completion) of prior projects (e.g., the Comprehensive Plan Update 2040), implements the Board's priorities within available resources.

BUDGET IMPACTS:

The Urbanization Coordination for Land Divisions near Urban Growth Boundaries optional project includes \$25,000 in Department of Land Conservation and Development (DLCD) grant dollars.

ATTENDANCE:

Will Groves, Planning Manager
Peter Gutowsky, AICP, Director



COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Board of Commissioners
FROM: Will Groves, Planning Manager
Peter Gutowsky, AICP, Director
DATE: September 16, 2024
SUBJECT: Planning Division Work Plan Update / Long Range Planning / FY 2024-2025

I. WORK PLAN DIRECTION

The adopted Community Development Department (CDD) FY 2024-25 Work Plan contains several discretionary long range planning projects varying in complexity. This memorandum summarizes upcoming projects and asks for any comments and revisions from the Board of County Commissioners (Board). The purpose is to ensure that the Planning Division, which has emerging capacity following completion (or near completion) of prior projects (Comprehensive Plan Update 2040), implements the Board's priorities within available resources. Tables 1-2, starting on page 2, list projects that are ongoing, and yet to be initiated. High profile projects anticipated for FY 24-25 include:

- Clear and Object Standards for Housing
• Newberry Country Plan Update
• Dark Skies
• FEMA BiOp Code Updates

Request

Staff requests the Board acknowledge their priority projects for the remainder of the fiscal year, including specific guidance for the Urbanization Coordination for Land Divisions near Urban Growth Boundaries (UGB) project.

II. BACKGROUND

Each spring, CDD prepares an annual work plan describing proposed projects for the coming fiscal year. A review of the draft work plan enables the Planning Commission, County Administration, CDD's customers, partner agencies, and the Board the opportunity to provide input, including additions,

1 https://www.deschutes.org/sites/default/files/fileattachments/community_development/page/18781/2023-24_work_plan_annual_report.pdf. Pages 35-38.

2 Newberry Country Plan has been delayed as CDD awaits the results of the EPA Community Change Grant application.

3 Following a Board directed request for this project, DLCDC just alerted CDD that a \$25,000 grant is available.

modifications, and possible re-prioritization. The work plan describes the most important projects in each CDD division based on:

1. Board annual goals and policies;
2. Carry-over projects from current or prior years;
3. Changes in state law;
4. Grants/funding sources; and
5. Public comments.

It also serves as the context within which new projects that arise during the fiscal year are prioritized and undertaken. The Planning Division Work Plan consistently generates public interest.

III. ONGOING LONG RANGE PLANNING PROJECTS

Staff is currently processing or coordinating several long range land use projects noted in Table 1.

Table 1 – Ongoing Planning Projects

Project	Summary	Status
City of Bend Coordination	Coordinate with City of Bend on growth management issues.	<u>Ongoing</u> . Coordinate on growth management issues, including future UGB updates, improvements to the Outback water treatment facility, and technical analyses related to housing, and employment needs.
City of La Pine Coordination	Participate with Property Management and the City of La Pine to update and amend the County owned Newberry Neighborhood comprehensive plan designations, master plan and implementing regulation. Participate in La Pine 2045 Comprehensive Plan Update process.	<u>Ongoing</u> . Staff is coordinating with the Property Manager and Strategic Initiatives Manager.
City of Redmond Coordination	Coordinate with City of Redmond on growth management issues.	<u>Ongoing</u> . Coordinate to implement their Comprehensive Plan Update. Coordinate on CORE3, a multi-stakeholder regional emergency coordination center. Coordinate to update the Joint Management Agreement and UH-10 zone lands per HB 3197. Coordinate planning efforts for McVey interchange on South Highway 97 to access Large Lot Industrial Lands.
City of Sisters Coordination	Coordinate with City of Sisters on growth management issues.	<u>Ongoing</u> . Participate in the implementation of Sisters Country Vision Plan, their Comprehensive Plan Update, and UGB Expansion process.

Project	Summary	Status
<i>Clear and Object Standards for Housing</i>	Initiate amendments in coordination with consultants funded through a Department of Land Conservation Development (DLCD) grant. The Oregon Legislature recently enacted HB 3197 into law. It requires counties to adopt and apply clear and objective standards, conditions, and procedures regulating housing in unincorporated communities, Rural Residential Exception Areas, and nonresource lands. It has an effective date of July 1, 2025.	<u>Ongoing.</u> Together with the consultant (MIG), staff is developing draft updates to Titles 17 and 18. Legislative amendments with the Planning Commission will begin in this fall or early winter.
<i>Comprehensive Plan Update (2040)</i>	Staff-initiated amendment to its Comprehensive Plan. This update provides overarching policy guidance on land use and planning related issues for the years 2020-2040. A draft has been released for public review.	<u>Ongoing.</u> The Board is scheduled to complete deliberations and first reading on September 16. Staff will then bring forward the action plan for recognition by the Planning Commission and Board.
<i>Coordination Projects</i>	Destination Resort Overnight Lodging Unit Annual Reporting Marijuana Annual Reporting / Inspections Portland State University Annual Population Estimate	<u>Ongoing.</u> Staff coordinates with relevant stakeholders for these tasks and reports results to the Board annually.
<i>CORE 3 (Regional Emergency Training Center)</i>	Applicant-initiated UGB amendment for a 300-acre regional emergency training center in Redmond.	<u>Ongoing.</u> The Minor Partition application was approved in October 2023. The initial Hearing's Officer hearing was conducted on August 8, 2024 and a recommendation of approval to the Board was issued on August 30, 2024. Board hearing to be scheduled for fall 2024.
<i>Dark Skies</i>	Revisiting the County's existing Outdoor Lighting ordinance and public education/outreach.	<u>Ongoing.</u> Staff is preparing a summary report of steering committee comments and recommendations for the Board's consideration.
<i>EPA Community Change Grant</i>	Submission of \$20 million grant application to the U.S. Environmental Protection Agency (EPA) to fund activities in economically disadvantaged census block groups near La Pine. Activities include community engagement associated with the Newberry Country Plan update, fuels treatment on county owned lands, septic system upgrades, well deepening, and home weatherization.	<u>Ongoing.</u> Staff submitted the grant application in July. EPA notified staff in early August that the application is complete and would move forward for review. If the grant is awarded, significant staff time will need to be allocated for community engagement and project management activities.
<i>FEMA BiOp Code Updates</i>	Following the outcome of a 2016 Federal Emergency Management Agency (FEMA) Biological Opinion and associated litigation, Deschutes County is required to update its Floodplain ordinance. This update, prescribed by FEMA, is required to continue participation in the National Flood Insurance program. The new measures are intended to provide greater protection for endangered salmon and steelhead populations.	<u>Ongoing.</u> Staff is coordinating with FEMA and DLCD on a draft model code.

Project	Summary	Status
Growth Management Committees	Coordinate and/or participate on Deschutes County Bicycle and Pedestrian Committee (BPAC), Project Wildfire, Mitigation and Enhancement Committee, and Bend MPO Technical Advisory Committee (TAC).	<u>Ongoing</u> . These meetings occur monthly except for the Mitigation and Enhancement Committee, which is annual, and Bend MPO TAC meetings which are quarterly.
Historic Preservation	Administer 2024-25 Certified Local Government Grant from SHPO. Coordinate and participate in Historic Landmarks Commission meetings, develop agendas, train commissioners, manage recruitment as needed.	<u>Ongoing</u> . HLC meetings are held quarterly, with additional meetings as needed.
Housekeeping Amendments	Initiate housekeeping amendments to ensure County Code complies with State law and/or fix scrivener's errors to maintain code consistency.	<u>Ongoing</u> . The Board will hold a public hearing on September 25.
Legislative Session	Participate in legislative or rulemaking work groups to shape state laws to benefit Deschutes County.	<u>Ongoing</u> . Coordination with Administration, Board, and Association of Oregon Counties occurs every fall and during the short and regular legislative sessions. Monitor rulemaking as it pertains to Goal 5 - Cultural Areas, Farm and Forest Conservation Program Improvements, and Eastern Oregon Solar Siting.
Mini-Storage Text Amendments	Two applicant-initiated amendments to allow storage units in the Multiple Use Agricultural-10 zone in certain areas adjacent to Highway 97 and Highway 20, respectively.	<u>Ongoing</u> . The Board held a hearing on August 28 to consider the Highway 20 proposal and will hold a hearing on September 25 to consider the Highway 97 proposal. Deliberations are anticipated for early October on each one.
Nonresource Land Amendments	Applicant-initiated Plan Amendment and Zone Change applications to change Exclusive Farm Use (EFU) zoning. Staff is currently processing six applications, with 1,363 proposed rezoned acres.	<u>Ongoing</u> . Deschutes County has a long-standing policy to timely process applicant-initiated plan amendment, zone changes. These plan amendments and zone changes require significant resources and are becoming increasingly common.
Recreational Vehicles as Rental Dwellings Amendments	Staff-initiated amendments based on Senate Bill 1013 authorizing counties to allow an owner of a lot or parcel in a rural area to site on the property one recreational vehicle that is used for residential purposes and is subject to a residential rental agreement and additional criteria.	<u>Ongoing</u> . The Board held a public hearing on May 8 and began deliberating on June 10. On August 14, the Board reopened the record until November 1 to receive additional input. Staff anticipates continued deliberations on November 13.

Project	Summary	Status
Road Naming	Process Road Naming requests associated with certain types of development on a semi-annual basis.	<u>Ongoing</u> . Coordination with relevant fire protection districts is currently underway to identify high priority roads requiring new names. Coordination efforts with Redmond Fire District will take place in winter 2024-25 to identify potential for text amendments to DCC 16.16 for Road Naming requests within Redmond Fire & Rescue boundaries.
2024 Rural Housing Profile	Update of 2020 Rural Housing Profile report, which summarized recent demographics pertaining to housing in the rural county, vacant lands, market trends, and current and future Deschutes County housing initiatives.	<u>Ongoing</u> . Staff is currently updating the report with recent data and will share with the Board in November.
Sage Grouse Coordination	Participate as a cooperating agency with the Bureau of Land Management (BLM) to evaluate alternative management approaches to contribute to the conservation of sagebrush habitats on federal lands. In December 2023, the Oregon Fish and Wildlife Commission adopted updated habitat maps for sage-grouse. DLCD will adopt rulemaking in 2024 to require local governments to recognize these new maps.	<u>Ongoing</u> . Staff will continue to represent the County at multi-agency coordination meetings as part of the BLM's Greater Sage Grouse planning process. Following rulemaking from DLCD, staff will initiate a plan and map amendment for the Greater Sage-Grouse Combining Zone.
Wildfire Mitigation	Certain properties in rural Deschutes County will be subject to new wildfire mitigation measures as approved under Senate Bill (SB) 762 and ultimately amended pursuant to SB 80. One of the primary pieces of SB 762 and SB 80 is the creation of a comprehensive Statewide Wildfire Hazard Map to guide new wildfire regulations for development.	<u>Ongoing</u> . Staff in coordination with the County Forester is monitoring and will provide regular updates to the Board when the final State Wildfire Hazard Map is released on October 1, 2024. Staff anticipates all relevant regulations associated with the Hazard Map will become effective in Spring 2025.

IV. PROJECTS NOT YET INITIATED

Table 2 lists long range planning projects that have not been initiated. It recognizes staffing resource requirements for each project. They range from “minor” to “significant” as noted below:

- A “minor” rating (2 to 6 months)
- A “moderate” rating (4 to 8 months)
- A “significant” rating (6 to 12 months)

Table 2 – Non-initiated Long Range Planning Projects

Project	Summary	County Resources
Newberry County Plan Update	Develop a scope of work to update the Newberry Country Plan. Public engagement will kick-off in fall 2024 or winter 2025.	Significant

Project	Summary	County Resources
Terrebonne Community Plan Update	Develop a scope of work to update the Terrebonne Community Plan. Public engagement could kick-off in 2026.	Significant
Urbanization Coordination for Land Divisions near UGBs	Numerous land use applications for plan amendment/zone changes have resulted in significant areas being rezoned from EFU to rural residential (either RR-10 or MUA-10). For properties closer to the Bend UGB, it is important to anticipate future urbanization to ensure orderly development once those properties are annexed into the City of Bend. This project would explore code amendments that require land divisions to be completed as cluster developments within a certain distance-likely two miles-of a UGB. This change could allow some rural development now while retaining the greater proportion of a site for future urban development. \$25,000 in DLCD grant support is available.	Moderate
Zoning Amendments⁴	<ul style="list-style-type: none"> Minor variance 10% lot area rule for farm and forest zoned properties. (Attachment A) 	Minor
	<ul style="list-style-type: none"> Outdoor Mass Gatherings update. (Attachment B) 	Moderate
	<ul style="list-style-type: none"> Lot Line Adjustments and Re-platting. (Attachment C) 	Moderate
	<ul style="list-style-type: none"> Sign code to become consistent with federal law. (Attachment D) 	Moderate
	<ul style="list-style-type: none"> Accessory structure amendments clarifying they must be built concurrent with or after the establishment of a primary residence. Specify allowed facilities (baths, cook tops, wet bar) in residential accessory structures. (Attachment E) 	Moderate
	<ul style="list-style-type: none"> Section 6409(a) of the Spectrum Act. (Attachment F) 	Minor
	<ul style="list-style-type: none"> Define family for unrelated persons HB 2538, Non-familial Individuals. (Attachment G) 	Moderate
	<ul style="list-style-type: none"> Allow "self-serve" farm stands in Rural residential Exception Areas. (Attachment H) 	Minor
	<ul style="list-style-type: none"> Comply with House Bill 3109 (2021) pertaining to establishment of childcare facilities in industrial zones. (Attachment I) 	Minor
	<ul style="list-style-type: none"> Medical Hardship Dwellings—review for consistency with state law. (Attachment J) 	Minor
	<ul style="list-style-type: none"> Title 19, 20, 21—Language related to Class I, II, and III road projects as allowed uses. (Attachment K) 	Minor
	<ul style="list-style-type: none"> Title 22—Procedures Ordinance for consistency with state law and planning department interpretations. (Attachment L) 	Minor
	<ul style="list-style-type: none"> Wetland Regulation Clarification for Irrigation or Artificially Created Wetlands. (Attachment M) 	Significant
<ul style="list-style-type: none"> Improve internal and statutory consistency for Forest Zoning Code (Attachment N) 	Moderate	

V. BOARD DIRECTION

Staff requests the Board acknowledge their priority projects for the remainder of the calendar year, including specific guidance for the Urbanization Coordination for Land Divisions near UGB project.

Given the level of interest in the work plan, the Board may decide to provide direction to CDD at a subsequent meeting.

⁴ Detailed descriptions of Zoning Amendment projects are provided as attachments to this memo, as noted.

Attachments

- A. Minor Variance /10% Lot Area Rule
- B. Outdoor Mass Gathering Update
- C. Lot Line Adjustment and Replatting
- D. Sign Code
- E. Accessory Structures
- F. Spectrum Act / Section 6409(a)
- G. Family Definition for Unrelated Persons (HB 2538)
- H. Self-serve Farm Stands
- I. Childcare Facilities
- J. Medical Hardship Dwellings
- K. Title 19, 20, 21 and Road Projects
- L. Procedures Ordinance and Interpretations
- M. Wetland Regulation Clarification
- N. Forest Zoning Code Update
- O. Urbanization Coordination for Land Divisions near UGBs



Attachment A- Minor variance 10% lot area rule for farm and forest zoned properties

BACKGROUND & OVERVIEW

Lot line adjustments have been used to circumvent lot-area-based development standards both under local code and state statute. In 1991, County Code was amended (Ord. 91-038) to limit area reduction of lots that are currently smaller than the minimum lot size (to a maximum reduction of ten percent) without a more complicated variance review process.

In the past two decades, state statute (ORS 92.192) has been updated to include protections for lot-area-based standards that are more robust and nuanced than the County Code provision. Currently both the state and county protections apply. However, because the County provisions are more of a “blunt instrument”, they cause unexpected problems for operators of large farms. Specifically, because the minimum lot size for most farm-zoned properties is 80 acres, the transfer of sub-80 acre pieces between neighboring farm operations is needlessly complicated by County Code.

CURRENT PROCESS & CHANGES

Potential text amendments would remove the conflict between DCC and ORS by changing DCC 18.132.025 to exclude farm and forest zone properties from the County’s ten-percent reduction limitation.

Key Amendment Concerns	
Staff Effort/Resources	Medium/Low
Legal Complexity	Low
Implementation Urgency	Medium/Low



Attachment B - Outdoor Mass Gathering – Revise County Code to Reflect Changes in State Statute

BACKGROUND & OVERVIEW

Multi-day festivals have long been held in Oregon and multi-day music festivals became especially popular in Deschutes County in the mid-2000s. Between 2013 and 2022, the County processed 12 Outdoor Mass Gathering (OMG)¹ applications including Board Hearings on the dozen applications. Many of these applications were for the Four Peaks Music Festival. Issues for the OMG permits ranged from noise to traffic to incompatibility with adjacent land uses. The applicable review and approval criteria for Outdoor Mass Gatherings (OMG) are found in Deschutes County Code (DCC) 8.16 (Events, Parades, Funeral Processions, and Outdoor Mass Gatherings) specifically DCC 8.16.010 and DCC 8.16.150 through 8.16.340. This code language must be consistent with state statute, specifically Oregon Revised Statute (ORS) 433.735 to 433.770 (Regulation of Outdoor Mass Gatherings)

Concerns about the effects of OMGs as well as a patchwork approach in statute to outdoor events eventually led the Legislature to approve HB 2790 (2019) to modify Oregon Revised Statute (ORS) 433.735 to ORS 433.770. Previously, OMGs were regulated only for health and safety under ORS 433.750 and were not land use decisions under ORS 197.015(10)(d). HB 2790 made local review of a permit for a single gathering of more than 3,000 people and lasting more than 120 hours into a land use decision.

OMGs that are not a land use decision, but regulated by health and safety regulations only:

- Events of less than 3,000 people lasting up to 120 hours
- Events of more than 3,000 people, but lasting less than 24 hours
- Events of more than 3,000 people lasting up to 120 hours

CURRENT PROCESS & CHANGES

Under DCC 8.16.170(A), the County requires permits for OMGs and Extended OMGs with public hearings before the Board for OMGs and the Planning Commission for Extended OMGs. Under HB

¹ Defined in ORS 433.375(2) as a gathering in an open space with actual or reasonably anticipated attendance of more than 3,000 people and lasting between 24 and 120 hours and occurs once within a three-month period. DCC 8.16.010 defines an OMG sets actual or expected attendance of between 500 and 3,000 people and last for between more than 4 and less than 24 hours. DCC 8.16.010 defines an Extended OMG as attendance expected of more than 3,000 people or more than 500 persons for an event that last more than 240 hours, including set-up and breakdown.

2790, an application for an OMG becomes a land use decision – thus following the requirements of Title 22 - and the decision can be made administratively or before a hearings officer, and is appealable to the Board and ultimately the Land Use Board of Appeals (LUBA). Changes would need to be made to DCC 8.16 to reflect changes in definitions and processes.

Key Amendment Concerns	
Staff Effort/Resources	Medium
Legal Complexity	Low
Implementation Urgency	Low



Attachment C - Replatting and Property Line Adjustment Amendments

BACKGROUND & OVERVIEW

Property owners have two primary options for adjusting the boundaries of properties created through subdivisions or partitions:

1. Replats
2. Property line adjustments/consolidations

Simple lot line adjustments involving a single property line are adequately regulated under statute (ORS 92.192). Significant reconfiguration of partitions and subdivisions are regulated under replatting standards, which are more comprehensive and take into account how reconfiguration of properties might affect surrounding roads, emergency access, and infrastructure capacity. However, the Deschutes County Code contains ambiguous language defining when applicants should utilize replatting standards versus property line adjustments and property line consolidations.

CURRENT PROCESS & CHANGES

As noted by the by the Deschutes County Road Department, under current county code, the potential exists for an applicant to apply for a series of property line adjustments to convert adjoining undevelopable properties into developable properties without any consideration for transportation infrastructure impacts. This potential is particularly present in undeveloped portions of subdivisions platted prior to the statewide land use program. Notable examples include portions of the Hillman, Millican, Centralo, and Laidlaw townsite plats. While the Road Department does not have specific recommendations to correct these issues, they outline the following possibilities:

- Property line adjustments that would reconfigure existing adjoining undevelopable units of platted land into a certain number of developable units of land shall be processed as a replat.
- Property line adjustments that would allow for development that is not subject to site plan review with the potential to generate a certain number of weekday PM peak-hour trips shall be processed as a replat.

Code amendments to address these issues would allow a more clear understanding of the thresholds for applying replatting standards versus more simplified property line adjustment

standards. While generally uncommon, staff has encountered high profile applications wherein definitional clarity between these two application types would have avoided additional legal or consultant fees for the applicant while also addressing the impact concerns of the Road and Community Development Departments.

Key Amendment Concerns	
Staff Effort/Resources	Medium
Legal Complexity	Medium
Implementation Urgency	Medium



Attachment D - Sign Code Amendments

BACKGROUND & OVERVIEW

Currently, Deschutes County Code includes limitations on signs based on their content. In *Reed v. Town of Gilbert (2015)*, the U.S. Supreme Court found a content-based sign ordinance may impede on an applicant’s First Amendment right to Freedom of Speech based on the content of a given sign. Building on *Reed*, the Court reviewed a separate sign code-based case under *City of Austin v. Reagan National Advertising of Austin (2022)*. In *Austin*, the U.S. Supreme Court found that certain sign code provisions (such as requiring advertising signs to be placed on the premises of the entity being advertised) can be considered content-neutral under the right to Freedom of Speech under the First Amendment of the U.S. Constitution.

Deschutes County currently implements its Sign Code through Deschutes County Code Title 15.08. *Reed* implies that Deschutes County should ensure that their Sign Code provisions are “content-neutral” or else be subject to “strict scrutiny” under the First Amendment. *Austin* implies that not all provisions of a given sign code are automatically “content-based” and, therefore, some sign code provisions are subject to “intermediate scrutiny” rather than “strict scrutiny” under the First Amendment. In *Austin*, the U.S. Supreme Court found that, in order to survive intermediate scrutiny, a restriction on speech or expression must be “narrowly tailored to serve a significant government interest”.

CURRENT PROCESS & CHANGES

Revisions to the Sign Code could ultimately bring Title 15.08 into compliance with Federal case law and interpretations around sign content and Freedom of Speech included in *Reed (2015)* and *Austin (2022)*. Staff foresees working closely with County Legal Counsel to review the existing Sign Code, ensuring that content-based provisions are designed to be content-neutral.

Key Amendment Concerns	
Staff Effort/Resources	Medium/High
Legal Complexity	Medium/High
Implementation Urgency	Medium



Attachment E - Accessory Structure Amendments

BACKGROUND & OVERVIEW

The County regularly receives requests for residential accessory buildings with many of the features of dwelling units (e.g. kitchen-like areas, multiple full-baths, wet bars). Despite careful communication with developers, these residential accessory buildings are often converted to illegal dwelling units or are misrepresented as ADUs to subsequent buyers of the property.

The Deschutes County Code (DCC) lacks provisions common in other Counties' code such as:

- 1) Specification of allowed plumbing and other dwelling-like features permissible in residential accessory buildings,
- 2) A requirement for a recording to the property title, alerting future buyers that the residential accessory building is not an ADU, or
- 3) A requirement that that the dwelling (primary use) must be constructed first (or at the same time) as residential accessory buildings.

CURRENT PROCESS & CHANGES

The Board has expressed interest in creating clarity within the County Code around these potentially ambiguous provisions. As one example, the City of Bend currently utilizes a code system that provides specific definitions of certain improvement types, and clear standards of when and where these improvements are allowed. City of Bend also provides accessory structure-related code language, clearly specifying that primary uses must be established prior to accessory structures. Revisions to County Code related to residential accessory buildings could offer more clarity for residential property owners looking to develop and could help with the differentiation between primary and accessory structures.

Key Amendment Concerns	
Staff Effort/Resources	Medium
Legal Complexity	Medium
Implementation Urgency	Medium/High



Attachment F - Spectrum Act - Wireless Telecommunication Amendments

BACKGROUND & OVERVIEW

On February 22, 2012, the Middle Class Tax Relief and Job Creation Act of 2012 became law. Section 6409(a) of the act, also known as the Spectrum Act, was intended to advance wireless broadband service for public safety and commercial purposes and to provide for the creation of a broadband communications network for first responders. Along with Section 704 of the Telecommunications Act of 1996 (Public Law 104-104), the Spectrum Act can be viewed as part of the ongoing effort by the wireless industry to achieve federal preemption over local telecommunications zoning regulations. As such, Deschutes County (along with many other State and local governments) must alter existing telecommunication regulations which do not align with certain aspects of the Spectrum Act.

The Spectrum Act and corresponding Federal Communications Commission (FCC) rulings outline the following standards:

- Applies to collocations, removals, or modification of equipment on wireless towers or base stations;
- Mandates that a State or local government “may not deny, and shall approve” any application covered by section 6409(a);
- Does not apply to collocation on a structure that is not a wireless tower or base station; and
- Does not apply if action substantially changes the physical dimensions of a tower or base station.

Regarding the process for reviewing an application under Section 6409(a), the FCC also provides that:

- A State or local government may only require applicants to provide documentation that is reasonably related to determining whether the eligible facilities request meets the requirements of Section 6409(a);
- A state or local government must approve an application covered by Section 6409(a) within 60 days from the date of filing, subject to tolling; the running of the period may be tolled by mutual agreement or upon notice that an application is incomplete, but not by a moratorium (an incomplete notice must be provided according with the same deadlines and requirements applicable under Section 704 of the Telecommunications Act of 1996, codified as 47 U.S.C. § 332(c)(7)); and

- An application filed under Section 6409(a) is deemed granted if a State or local government fails to act on it within the requisite time period;

In the summary, Section 6409(a) restricts local land use review of modifications and collocations by establishing a “substantial change” test as the primary eligibility determinant for review exemptions afforded by the Spectrum Act and reduces the application processing “shot clock” from 90 days to 60 days.

CURRENT PROCESS & CHANGES

Deschutes County Code (DCC) Section 18.116.250 contains provisions which directly contradict the standards of the Spectrum Act described above. However, the Community Development Department (CDD) currently evaluates and approves applications for non-substantial changes to physical portions of existing wireless telecommunication facilities (such as collocations of infrastructure) pursuant to the standards of Section 6409(a).

However, code amendments would allow a more seamless understanding of the Spectrum Act approval standards for both staff and applicants by codified the Spectrum Act standards in formal Deschutes County documents and ordinances. Any proposed amendments would ultimately include an objective set of standards for what constitutes “substantial changes” to existing wireless telecommunication facilities.

Key Amendment Concerns	
Staff Effort/Resources	Medium/Low
Legal Complexity	Medium
Implementation Urgency	Medium/Low



Attachment G - Amend County Code to define family for unrelated persons, Non-familial Individuals (HB 2583)

BACKGROUND & OVERVIEW

Until the passage of House Bill 2583 in 2021, local law in Oregon dictated residential occupancy limits based on “family” or “related” persons, essentially limiting how many unrelated people could share a home, regardless of dwelling type, size, or ownership status. This restriction served to unnecessarily limit housing choices—a particular pressure point in the current housing crisis.

HB 2583 now precludes the “family” clause from single-family occupancy requirements, stating:

“A maximum occupancy limit may not be established or enforced by any local government, as defined in ORS 197.015, for any residential dwelling unit, as defined in ORS 90.100, if the restriction is based on the familial or nonfamilial relationships among any occupants.”

CURRENT PROCESS & CHANGES

Deschutes County Code (DCC) Section 18.04.030, Definitions, currently defines “family” as:

“an individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship living together as one housekeeping unit using a common kitchen and providing meals or lodging to not more than three additional unrelated persons, excluding servants; or a group of not more than five unrelated persons living together as one housekeeping unit using a common kitchen.”

This allows a total of five people if the residents are unrelated, but an undetermined number if the dwelling houses a family (which could be any size) as well as three unrelated persons.

Staff is investigating how other Oregon Counties have approached House Bill 2583. Clackamas County, for example, allows a total of 15 persons, regardless of relationship.

Utilizing a flat occupancy rate (like Clackamas County) means that a small home would have the same occupancy limit as a large home, which seems relatively illogical and could result in overcrowding of smaller dwellings as well as overloading of septic systems. Relating occupancy to number of bedrooms appears reasonable in that the occupancy limits would relate to the size of the dwelling. However, this could also lead to complications with respect to what is considered a

bedroom. Often, rooms are used as bedrooms by residents even if they do not meet the definition in the building code with respect to windows, egress, and size.

This amendment would require choosing a policy direction for a preferred definition as it relates to occupancy.

Key Amendment Concerns	
Staff Effort/Resources	Medium/Low
Legal Complexity	Low
Implementation Urgency	Medium/Low



Attachment H - Self Service Farm Stands

BACKGROUND & OVERVIEW

“Self-Service” farm stands are starting to pop up in commercial areas (Tumalo, outside of Redmond) and rights of way. It could be valuable to streamline requirements for certain farm stands with limited impacts to support agriculture while reducing impacts to farmlands and residential uses. A simple permitting process could allow for the uses while controlling for health/safety issues. A main concern from the Oregon Department of Agriculture (ODA) is ensuring these don’t end up being the neighborhood grocery store.

CURRENT PROCESS & CHANGES

Under Board direction and with public outreach and input, Staff would explore implementing regulations.

Key Amendment Concerns	
Staff Effort/Resources	Low
Legal Complexity	Low
Implementation Urgency	Medium



Attachment I – Childcare Facilities In Industrial Zones

BACKGROUND & OVERVIEW

State statute, under HB 3109 (2021), established that childcare centers are permitted use in all commercial or industrial zoned areas. Local code updates would be required to implement this standard.

CURRENT PROCESS & CHANGES

Under Board direction and with public outreach and input, Staff would explore updating local code relating to childcare facilities in industrial zones.

Key Amendment Concerns	
Staff Effort/Resources	Low
Legal Complexity	Low
Implementation Urgency	Medium



Attachment J – Medical Hardship Code Update

BACKGROUND & OVERVIEW

Under state law, a county may allow a temporary residence, in addition to an existing residence, for the term of the hardship suffered by the existing resident or relative. Deschutes County implements this locally in DCC 18.116.090 for all zones and DCC 18.16.050(H) for the farm zone, and DCC 18.36 and 18.40 for the forest zones.

There are some important differences between the resource zone (farm and forest) state implementation and the local rules that apply to these uses. For example:

- Temporary residences can include existing structures in state code, in addition to recreational vehicles and manufactured homes. Locally, existing structures are currently only allowed to be used as hardship dwellings in resource zones.
- Under state code, a “hardship” includes “hardship for the care of an aged or infirm person or persons”, which is not expressly allowed locally.
- Local code recognizes hardships suffered by a property owner or relative off the property owner. State code more broadly recognizes hardships suffered by residents or their relatives.
- Local code required that a “medical condition exists”. State code specifies that there must be a “medical hardship”.
- Local code requires annual review. State code allowed review of these approvals to occur every two years.
- State code specifies, “A manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.”

Staff notes that these differences are allowed under the state code and that any changes to synchronize state and local codes is not compelled and would be a local choice.

CURRENT PROCESS & CHANGES

Under Board direction and with public outreach and input, Staff would explore updating the Medical Hardship Code.

Key Amendment Concerns

Staff Effort/Resources	Low
Legal Complexity	Low
Implementation Urgency	Medium



Attachment K – Titles 19-21, Road and Street Projects Update

BACKGROUND & OVERVIEW

Deschutes County Code (DCC) Title 18.04.030 (Definitions) describes the various land use activities allowed in various County zones. For transportation projects, these are defined in 18.04.030 as either Class I, Class II, or Class III road and street projects with Class I and Class II requiring land use permits while Class III does not. As growth occurs in the County’s urban areas, State highway, County roads, and City streets require either improvements or entirely new facilities. County lands that border urban areas are governed under Title 19 (Bend), Title 20 (Redmond) or Title 21 (Sisters) and there is no similar title for La Pine. While the Purpose statements in these three titles do mention transportation or congestion, they offer no definitions or criteria or processes to follow.

The issues Titles 19-21 do not list road or street project as either outright permitted uses or conditional uses. While Title 18 broadly defines road and street projects to include facilities for cars, bicycles, pedestrians, etc., there is no such language in Title 19A.01.020 (Permitted and Conditional Uses); Title 20.12.020 (Outright Permitted Uses) and 20.12.030 (Conditional Uses); and 21.16.020 (Outright Permitted Uses) and 21.16.030 (Conditional Uses). From a strict land use development code perspective, if a use is not listed in the relevant title, the use cannot occur. Thus, on County-zoned lands on the peripheries of Bend, Redmond, Sisters, and La Pine, it is currently unclear how road or street projects can be built.

The solution would be text amendments to Titles 19-21 and import the road and street projects language from Title 18, specifically the definitions found in DCC 18.04.030.

CURRENT PROCESS & CHANGES

Under Board direction and with public outreach and input, Staff would explore updating Titles 19-21 and import the road and street projects language from Title 18.

Key Amendment Concerns	
Staff Effort/Resources	Low
Legal Complexity	Low
Implementation Urgency	High



Attachment L – Procedures Ordinance for consistency with state law and planning department interpretations

BACKGROUND & OVERVIEW

Comments submitted into land use records sometimes include a mailing address, others only include an email address. County code currently specifies:

22.28.020, Notice Of Decision

Notice of a Hearings Body's decision shall be in writing and mailed to all parties; however, one person may be designated by the Hearings Body to be the recipient of the notice of decision for a group, organization, group of petitioners or similar collection of individual participants.

The language in the Code is broad enough that it could include email. Most times, if regular mail is directed/required, it would say: by United States First Class mail, postage pre-paid. That said, 22.28.020 was originally adopted in 1982, repealed and reenacted in 1990 and then amended in 2016. One can presume that in the 1980s and 1990s, the Board would not have considered “mailed” to include anything other than regular U.S. mail. Therefore, the question of legislative intent cannot be discerned. This is a matter that should be officially clarified in Code.

CURRENT PROCESS & CHANGES

Under Board direction and with public outreach and input, Staff would explore updating the Procedures Ordinance for consistency with state law and planning department interpretations.

Key Amendment Concerns	
Staff Effort/Resources	Low
Legal Complexity	Low
Implementation Urgency	Medium



Attachment M - Wetland Regulation Clarification for Irrigation or Artificially Created Wetlands

BACKGROUND & OVERVIEW

Tumalo Irrigation District has identified a number of operational concerns regarding County Wetland regulations. Specifically:

- Many of the irrigation canals and ponds, and in some instances formerly flood irrigated fields, within the County have been included in the various national, state, and local wetlands inventories.
- County code generally requires permitting for any fill/removal in wetlands, as opposed to DSL regulations that generally leave fill/removal under 50 cubic yards unregulated.
- Exceptions are provided for irrigation districts in local code, but irrigation district patrons do not have similar exceptions for on-property management of irrigation facilities.
- Existing regulation can complicate and increase the cost of irrigation piping projects

Regulatory changes may be able to simply/clarify rules relating to these operations. Specifically, local implementation of Oregon Administrative Rule (OAR) 141-085 may be useful. For example:

- 141-085-0530, Exemptions for Certain Activities and Structures
- 141-085-0535, Exemptions Specific to Agricultural Activities

CURRENT PROCESS & CHANGES

Under Board direction and with public outreach and input, Staff would explore updating wetland regulations to clarify for irrigation or artificially created wetlands

Key Amendment Concerns	
Staff Effort/Resources	High
Legal Complexity	Medium
Implementation Urgency	Medium



Attachment N - Forest Zone Code Update

BACKGROUND & OVERVIEW

Uses and regulations for Forest zoned properties come from ORS 215 and OAR 660, Division 4. These are implemented locally in DCC 18.36 and 18.40.

Over time, internal references and code connections in these chapters have not been kept up to date. More importantly, uses have been added to state code that have not been implemented locally, including:

- Dump truck parking as provided in ORS 215.311
- An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use.
- Relative Forestry Help Second Dwelling

In addition, a number of existing use categories have new or changed provisions.

CURRENT PROCESS & CHANGES

Under Board direction and with public outreach and input, Staff would explore updating the Title 18 code relating to forest uses.

Key Amendment Concerns	
Staff Effort/Resources	Medium
Legal Complexity	Medium
Implementation Urgency	Medium



Attachment O – Urbanization Coordination for Land Divisions near UGBs

BACKGROUND & OVERVIEW

Numerous land use applications for plan amendment/zone changes have resulted in significant areas being rezoned from EFU to rural residential (either RR-10 or MUA-10). For properties closer to the Bend UGB, it is important to anticipate future urbanization to ensure orderly development once those properties are annexed into the City of Bend.

This project would explore code amendments that require land divisions to be completed as cluster developments within a certain distance-likely two miles-of a UGB. This change could allow some rural development now while retaining the greater proportion of a site for future urban development. \$25,000 in DLCD grant support is available.

CURRENT PROCESS & CHANGES

Under Board direction and with public outreach and input, Staff would explore urbanization coordination for land divisions near UGBs

Key Amendment Concerns	
Staff Effort/Resources	Medium
Legal Complexity	Medium
Implementation Urgency	Medium



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: September 16, 2024

SUBJECT: Work Session: Preparation for 2024 Housekeeping Amendments Public Hearing

RECOMMENDED MOTION:

N/A; information only.

BACKGROUND AND POLICY IMPLICATIONS:

The Planning Division regularly amends Deschutes County Code and the Comprehensive Plan to correct minor errors identified by staff, other County departments, and the public. This process, commonly referred to as Housekeeping, also incorporates updates from rulemaking at the state level through amendments to Oregon Revised Statutes and Oregon Administrative Rules, and allows for less substantive code changes to continue efficient County operations.

Staff will prepare the Board for a public hearing on September 25, 2024, to consider Housekeeping Amendments (file no. 247-24-000417-TA). Attached to this memorandum are the proposed text amendments and a staff report summarizing the changes. Within the proposed amendments, added language is shown underlined and deleted shown as strikethrough.

BUDGET IMPACTS:

None

ATTENDANCE:

Kyle Collins, Associate Planner
Will Groves, Planning Manager



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Kyle Collins, Associate Planner

DATE: September 9, 2024

SUBJECT: Preparation for Public Hearing: 2024 Housekeeping Amendments

Staff will prepare the Deschutes County Board of Commissioners (Board) for a September 25, 2024, public hearing to consider Housekeeping Amendments (file no. 247-24-000417-TA). Attached to this memorandum are the proposed text amendments and a staff report summarizing the changes. Within the proposed amendments, added language is shown underlined and deleted shown as ~~striketrough~~. The public hearing will be conducted in-person, electronically, and by phone.¹

All record materials can be found on the project website: <https://bit.ly/2024Housekeeping>

I. BACKGROUND

The Planning Division regularly amends Deschutes County Code (DCC) and the Comprehensive Plan to correct minor errors identified by staff, other County departments, and the public. This process, commonly referred to as Housekeeping, also incorporates updates from rulemaking at the state level through amendments to Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR), and allows for less substantive code changes to continue efficient County operations.

The last time Deschutes County adopted Housekeeping Amendments occurred in March 2023².

II. OVERVIEW OF AMENDMENTS

As summarized in the attached staff report and exhibits, the proposed text amendments will affect the following chapters of the Deschutes County Code:

¹ See Deschutes County Board of Commissioners September 25, 2024 Agenda for more information: <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-195>

² Ordinances 2023-001.

Title 15, Buildings and Construction
Chapter 15.08. SIGNS

Title 18, County Zoning
Chapter 18.04. TITLE, PURPOSE AND DEFINITIONS
Chapter 18.16. EXCLUSIVE FARM USE ZONES
Chapter 18.32. MULTIPLE USE AGRICULTURAL ZONE; MUA
Chapter 18.36. FOREST USE ZONE; F-1
Chapter 18.40. FOREST USE ZONE; F-2
Chapter 18.48. OPEN SPACE AND CONSERVATION ZONE; OS AND C
Chapter 18.60. RURAL RESIDENTIAL ZONE; RR-10
Chapter 18.61. URBAN UNINCORPORATED COMMUNITY ZONE; LA PINE
Chapter 18.65. RURAL SERVICE CENTER; UNINCOPORATED COMMUNITY ZONE
Chapter 18.66. TERREBONNE RURAL COMMUNITY ZONING DISTRICTS
Chapter 18.67. TUMALO RURAL COMMUNITY ZONING DISTRICTS
Chapter 18.74. RURAL COMMERCIAL ZONE
Chapter 18.76. AIRPORT DEVELOPMENT ZONE; A-D
Chapter 18.108. URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER
Chapter 18.116. SUPPLEMENTARY PROVISIONS
Chapter 18.128. CONDITIONAL USE

Title 19, Bend Urban Growth Boundary Zoning Ordinance
Chapter 19.04. TITLE, COMPLIANCE, APPLICABILITY ABD DEFINITIONS
Chapter 19.12. URBAN AREA RESERVE ZONE UAR-10
Chapter 19.20. SUBURBAN LOW DENSITY RESIDENTIAL ZONE; SR 2 ½
Chapter 19.22. WESTSIDE TRANSECT ZONE; WTZ
Chapter 19.28. URBAN STANDARD RESIDENTIAL ZONE; RS

Title 22, Deschutes County Development Procedures Ordinances
Chapter 22.36. LIMITATIONS ON APPROVALS

III. SUMMARY OF TESTIMONY

Notice of the proposed amendments was sent to agencies on July 3, 2024. Comments from the following agencies were received:

- The Deschutes County Senior Transportation Planner reviewed the proposed amendments for potential Transportation Planning Rule (TPR) effects and found that the proposed amendments appear to comply with TPR provisions.

Additionally, one public comment was received. Ken Katzaroff, of Schwabe law firm, expressed reservations around the inclusion of the proposed “Agricultural Land” definition in Title 19 and the potential for unintended policy decisions being made through the Housekeeping process. Prior to deliberations by the Planning Commission, all agricultural related Title 19 definitions were removed from the proposed Housekeeping Amendments package.

IV. PLANNING COMMISSION REVIEW

The Planning Commission (Commission) held a public hearing concerning the proposed amendments on August 22, 2024.³ Following the hearing, the Commission closed both the oral and written records, and held deliberations that same day. The Commission unanimously recommended approval of the proposed amendments.

V. NEXT STEPS

A public hearing with the Board is scheduled for September 25, 2024.

Attachments:

- 1) Draft Ordinance 2024-008: Staff Report & Proposed Text Amendments

³ <https://www.deschutes.org/bc-pc/page/planning-commission-56>

REVIEWED
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code
Title 15, Buildings and Construction, Title 18,
Zoning Ordinance, Title 19, Bend Urban Area
Zoning Ordinance, and Title 22, Procedures
Ordinance, to Incorporate Changes to State and
Federal Law, and Provide Clarification of Existing
Regulations, Procedures, and Policies.

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ORDINANCE NO. 2024-008

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. 247-24-000417-TA) to the Deschutes County Code (“DCC”), Chapter 15.08 – Signs, Chapter 18.04 – Purpose and Definitions, Chapter 18.16 – Exclusive Farm Use Zones, Chapter 18.32 – Multiple Use Agricultural Zone, Chapter 18.36 – Forest Use Zone F1, Chapter 18.40 – Forest Use Zone F2, Chapter 18.60 – Rural Residential Zone, Chapter 18.65 – Rural Service Center Unincorporated Community Zone, Chapter 18.66 – Terrebonne Rural Community Zoning Districts, Chapter 18.67 – Tumalo Rural Community Zoning Districts, Chapter 18.74 – Rural Commercial Zone, Chapter 18.76 – Airport Development Zone, Chapter 18.108 – Urban Unincorporated Community Zone-Sunriver, Chapter 18.110 – Resort Community Zone, Chapter 18.116 – Supplementary Provisions, Chapter 18.128 – Conditional Use, Chapter 19.04 – Title, Compliance, Applicability and Definitions, Chapter 19.12 – Urban Area Reserve Zone, Chapter 19.20 – Suburban Low Density Residential Zone, Chapter 19.22 – Westside Transect Zone, Chapter 19.28 – Urban Standard Residential Zone, Chapter 22.36 – Limitations on Approvals; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on August 22, 2024 and forwarded to the Deschutes County Board of County Commissioners (“Board”) a 5-0 recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on September 25, 2024 and concluded that the public will benefit from the proposed changes to the Deschutes County Code Titles 15, 18, 19, and 22; now, therefore,

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

Section 1. AMENDMENT. Deschutes County Code Chapter 15.08, Signs, is amended to read as described in Exhibit “A”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. AMENDMENT. Deschutes County Code Chapter 18.04, Title, Purpose, and Definitions, is amended to read as described in Exhibit “B”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 3. AMENDMENT. Deschutes County Code Chapter 18.16, Exclusive Farm Use Zone, is amended to read as described in Exhibit “C”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 4. AMENDMENT. Deschutes County Code Chapter 18.32, Multiple Use Agricultural Zone, is amended to read as described in Exhibit “D”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 5. AMENDMENT. Deschutes County Code Chapter 18.36, Forest Use Zone (F1), is amended to read as described in Exhibit “E”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 6. AMENDMENT. Deschutes County Code Chapter 18.40, Forest Use Zone (F2), is amended to read as described in Exhibit “F”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 7. AMENDMENT. Deschutes County Code Chapter 18.60, Rural Residential Zone, is amended to read as described in Exhibit “G”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 8. AMENDMENT. Deschutes County Code Chapter 18.65, Rural Service Center Unincorporated Community Zone, is amended to read as described in Exhibit “H”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 9. AMENDMENT. Deschutes County Code Chapter 18.66, Terrebonne Rural Community Zonings Districts, is amended to read as described in Exhibit “I”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 10. AMENDMENT. Deschutes County Code Chapter 18.67, Tumalo Rural Community Zoning Districts, is amended to read as described in Exhibit “J”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 11. AMENDMENT. Deschutes County Code Chapter 18.74, Rural Commercial Zone, is amended to read as described in Exhibit “K”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 12. AMENDMENT. Deschutes County Code Chapter 18.76, Airport Development Zone, is amended to read as described in Exhibit “L”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 13. AMENDMENT. Deschutes County Code Chapter 18.108, Urban Unincorporated Community Zone Sunriver, is amended to read as described in Exhibit “M”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 14. AMENDMENT. Deschutes County Code Chapter 18.110, Resort Community Zone, is amended to read as described in Exhibit “N”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 15. AMENDMENT. Deschutes County Code Chapter 18.116, Supplementary Provisions, is amended to read as described in Exhibit “O”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 16. AMENDMENT. Deschutes County Code Chapter 18.128, Conditional Use, is amended to read as described in Exhibit “P”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 17. AMENDMENT. Deschutes County Code Chapter 19.04, Title, Compliance, Applicability and Definitions, is amended to read as described in Exhibit “Q”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 18. AMENDMENT. Deschutes County Code Chapter 19.12, Urban Area Reserve Zone, is amended to read as described in Exhibit “R”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 19. AMENDMENT. Deschutes County Code Chapter 19.20, Suburban Low Density Residential Zone, is amended to read as described in Exhibit “S”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 20. AMENDMENT. Deschutes County Code Chapter 19.22, Westside Transect Zone, is amended to read as described in Exhibit “T”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 21. AMENDMENT. Deschutes County Code Chapter 19.28, Urban Standard Residential Zone, is amended to read as described in Exhibit “U”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 22. AMENDMENT. Deschutes County Code Chapter 22.36, Limitations on Approvals, is amended to read as described in Exhibit “V”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 23. FINDINGS. The Board adopts as its findings Exhibit “W”, attached and incorporated by reference herein.

Dated this _____ of _____, 2024

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

PATTI ADAIR, Chair

ANTHONY DEBONE, Vice Chair

ATTEST:

Recording Secretary

PHILIP CHANG

Date of 1st Reading: _____ day of _____, 2024.

Date of 2nd Reading: _____ day of _____, 2024.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Patti Adair	___	___	___	___
Anthony DeBone	___	___	___	___
Philip Chang	___	___	___	___

Effective date: _____ day of _____, 2024.

15.08.060 Sign Permit

Except as provided in DCC 15.08.~~070080~~, no sign shall be erected, structurally altered or relocated until a sign permit has been issued.

HISTORY

Adopted by Ord. [81-009](#) §1, Exhibit A, § 1.070 on 4/29/1981

Amended by Ord. [95-063](#) §1 on 10/11/1995

Amended by Ord. [2014-018](#) §2 on 11/24/2014

[Amended by Ord. 2024-008 §1 on 10/09/2024](#)

Exhibit B

18.04.030 Definitions

As used in DCC Title 18, the following words and phrases shall mean as set forth in DCC 18.04.030.

~~“Residential facility” means a residential care, residential training, or residential treatment facility, as those terms are defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.~~
~~means a facility licensed by or under the authority of the State of Oregon which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet State of Oregon licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.~~

~~“Residential home” means a residential treatment or training home, as defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), a residential facility registered under ORS 443.480 (Definitions for ORS 443.480 to 443.500) to 443.500 (Investigation of registered facilities), or an adult foster home licensed under ORS 443.705 (Definitions for ORS 443.705 to 443.825) to 443.825 (Disposition of penalties recovered) that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.~~
~~means a home licensed by or under the authority of the State of Oregon which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet State of Oregon licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.~~

(Ord. Chapter 18.04 35 (04/2015); Ord. 88-050 §3, 1988)

HISTORY

- Adopted by Ord. [PL-15](#) on 11/1/1979*
- Amended by Ord. [82-013](#) §1 on 5/25/1982*
- Amended by Ord. [83-037](#) §2 on 6/1/1983*
- Amended by Ord. [83-033](#) §1 on 6/15/1983*
- Amended by Ord. [84-023](#) §1 on 8/1/1984*
- Amended by Ord. [85-002](#) §2 on 2/13/1985*
- Amended by Ord. [86-032](#) §1 on 4/2/1986*
- Amended by Ord. [86-018](#) §1 on 6/30/1986*
- Amended by Ord. [86-054](#) §1 on 6/30/1986*
- Amended by Ord. [86-056](#) §2 on 6/30/1986*
- Amended by Ord. [87-015](#) §1 on 6/10/1987*
- Amended by Ord. [88-009](#) §1 on 3/30/1988*
- Amended by Ord. [88-030](#) §3 on 8/17/1988*
- Amended by Ord. [89-004](#) §1 on 3/24/1989*
- Amended by Ord. [89-009](#) §2 on 11/29/1989*
- Amended by Ord. [90-014](#) §2 on 7/12/1990*

Amended by Ord. [91-002](#) §11 on 2/6/1991
Amended by Ord. [91-005](#) §1 on 3/4/1991
Amended by Ord. [92-025](#) §1 on 4/15/1991
Amended by Ord. [91-020](#) §1 on 5/29/1991
Amended by Ord. [91-038](#) §§3 and 4 on 9/30/1991
Amended by Ord. [92-004](#) §§1 and 2 on 2/7/1992
Amended by Ord. [92-034](#) §1 on 4/8/1992
Amended by Ord. [92-065](#) §§1 and 2 on 11/25/1992
Amended by Ord. [92-066](#) §1 on 11/25/1992
Amended by Ord. [93-002](#) §§1, 2 and 3 on 2/3/1993
Amended by Ord. [93-005](#) §§1 and 2 on 4/21/1993
Amended by Ord. [93-038](#) §1 on 7/28/1993
Amended by Ord. [93-043](#) §§1, 1A and 1B on 8/25/1993
Amended by Ord. [94-001](#) §§1, 2, and 3 on 3/16/1994
Amended by Ord. [94-008](#) §§1, 2, 3, 4, 5, 6, 7 and 8 on 6/8/1994
Amended by Ord. [94-041](#) §§2 and 3 on 9/14/1994
Amended by Ord. [94-038](#) §3 on 10/5/1994
Amended by Ord. [94-053](#) §1 on 12/7/1994
Amended by Ord. [95-007](#) §1 on 3/1/1995
Amended by Ord. [95-001](#) §1 on 3/29/1995
Amended by Ord. [95-075](#) §1 on 11/29/1995
Amended by Ord. [95-077](#) §2 on 12/20/1995
Amended by Ord. [96-003](#) §2 on 3/27/1996
Amended by Ord. [96-082](#) §1 on 11/13/1996
Amended by Ord. [97-017](#) §1 on 3/12/1997
Amended by Ord. [97-003](#) §1 on 6/4/1997
Amended by Ord. [97-078](#) §5 on 12/31/1997
Amended by Ord. [2001-037](#) §1 on 9/26/2001
Amended by Ord. [2001-044](#) §2 on 10/10/2001
Amended by Ord. [2001-033](#) §2 on 10/10/2001
Amended by Ord. [2001-048](#) §1 on 12/10/2001
Amended by Ord. [2003-028](#) §1 on 9/24/2003
Amended by Ord. [2004-001](#) §1 on 7/14/2004
Amended by Ord. [2004-024](#) §1 on 12/20/2004
Amended by Ord. [2005-041](#) §1 on 8/24/2005
Amended by Ord. [2006-008](#) §1 on 8/29/2006
Amended by Ord. [2007-019](#) §1 on 9/28/2007
Amended by Ord. [2007-020](#) §1 on 2/6/2008
Amended by Ord. [2007-005](#) §1 on 2/28/2008
Amended by Ord. [2008-015](#) §1 on 6/30/2008
Amended by Ord. [2008-007](#) §1 on 8/18/2008
Amended by Ord. [2010-018](#) §3 on 6/28/2010
Amended by Ord. [2010-022](#) §1 on 7/19/2010
Amended by Ord. [2011-009](#) §1 on 10/17/2011

Amended by Ord. [2012-004](#) §1 on 4/16/2012
Amended by Ord. [2012-007](#) §1 on 5/2/2012
Amended by Ord. [2013-008](#) §1 on 7/5/2013
Amended by Ord. [2014-009](#) §1 on 8/6/2014
Amended by Ord. [2015-004](#) §1 on 4/22/2015
Amended by Ord. [2016-015](#) §1 on 7/1/2016
Amended by Ord. [2016-026](#) §1 on 11/9/2016
Amended by Ord. [2016-006](#) §1 on 2/27/2017
Amended by Ord. [2017-015](#) §1 on 11/1/2017
Repealed by Ord. [2018-005](#) §8 on 10/10/2018
Amended by Ord. [2018-006](#) §4 on 11/20/2018
Amended by Ord. [2019-010](#) §1 on 5/8/2019
Amended by Ord. [2019-016](#) §1 on 2/24/2020
Amended by Ord. [2020-001](#) §1 on 4/21/2020
Amended by Ord. [2020-010](#) §1 on 7/3/2020
Amended by Ord. [2020-007](#) §7 on 10/27/2020
Amended by Ord. [2021-013](#) §3 on 4/5/2022
Amended by Ord. [2022-014](#) §1 on 4/4/2023
Amended by Ord. [2023-001](#) §2 on 5/30/2023
Amended by Ord. [2024-008](#) §2 on 10/9/2024

Exhibit C

18.16.023 Lawfully Established Dwelling Replacement

A lawfully established dwelling may be altered, restored or replaced under DCC 18.16.020(J) above if:

- A. The dwelling to be altered, restored or replaced:
 - 1. Has, or formerly had:
 - a. Intact exterior walls and roof structure;
 - b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - c. Interior wiring for interior lights; and
 - d. A heating system; and
- B. Unless the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation since the later of:
 - 1. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
 - 2. Five years before the date of the application; or
 - 3. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
 - 4. If the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:
 - a. Five years before the date of the destruction or demolition; or
 - b. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.
- C. For replacement of a lawfully established dwelling under this section:
 - 1. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055.
 - 2. The replacement dwelling:
 - a. May be sited on any part of the same lot or parcel.
 - b. Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
 - c. Must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:
 - i. The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or
 - ii. No statewide map of wildfire risk has been adopted.
- D. As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of this section and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

E. If an applicant is granted a deferred replacement permit under this section:

1. The deferred replacement permit:

- a. Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and
- b. May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

2. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.

F. An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed under subsection (A)(1) of this section.

G. Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.

~~A lawfully established dwelling may be altered, restored or replaced under DCC 18.16.020(J) above if, when an application for a permit is submitted, the County finds to its satisfaction, based on substantial evidence that:~~

~~A. The dwelling to be altered, restored or replaced met the following when an application for a permit is submitted:~~

~~1. The dwelling has, or formerly had:~~

- ~~a. Intact exterior walls and roof structure;~~
- ~~b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
- ~~c. Interior wiring for interior lights;~~
- ~~d. A heating system; The dwelling to be altered, restored or replaced met the following when an application for a permit is submitted:~~

~~2. In addition to the provisions of subsection (A)(1), the dwelling to be replaced meets one of the following conditions:~~

~~a. If the dwelling was removed, destroyed or demolished:~~

~~1. The dwelling's tax lot does not have a lien for delinquent ad valorem taxes; and~~

~~2. Any removal, destruction or demolition occurred on or after January 1, 1973;~~

~~b. If the dwelling is currently in such a state of disrepair that the dwelling is unsafe for occupancy or constitutes an attractive nuisance, the dwelling's tax lot does not have a lien for delinquent ad valorem taxes; or~~

~~c.—A dwelling not described in subparagraph (a) or (b) of this paragraph was assessed as a dwelling for purposes of ad valorem taxation:~~

- ~~1.—For the previous five property tax years: or~~
- ~~2.—From the time when the dwelling was erected upon or affixed to the land and became subject to assessment as described in ORS 307.010 (Definitions of "land" and "real property" for state property tax laws).~~

~~B.—For replacement of a lawfully established dwelling under DCC 18.16.020(J):~~

~~1.—The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:~~

- ~~a.—Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055 and DCC Chapter 15.04; or~~
- ~~b.—If the dwelling to be replaced is, in the discretion of the County, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the County that is not less than 90 days after the replacement permit is issued; and~~
- ~~c.—If a dwelling is removed by moving it off the subject parcel to another location, the applicant must first obtain approval from the County for the new location.~~

~~2.—The applicant must cause to be recorded in the deed records of the County a statement that the dwelling to be replaced has been removed, demolished or converted.~~

~~3.—Deed Restrictions.~~

- ~~a.—As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the County a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel.~~
- ~~b.—The restriction imposed is irrevocable unless the County Planning Director, or the Director's designee, places a statement of release in the deed records of the County to the effect that the provisions of 2019 Oregon Laws, chapter 440, section 1 and ORS 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.~~

~~4.—The replacement dwelling:~~

- ~~a.—Must comply with applicable siting standards such as minimum setbacks. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.~~
- ~~b.—Must comply with applicable building codes, plumbing codes, sanitation codes and other requirements related to health and safety or to siting at the time of~~

~~construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.~~

~~5.—The replacement dwelling must be sited on the same lot or parcel:~~

~~a.—Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and~~

~~b.—If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.~~

~~6.—A replacement dwelling permit that is issued under DCC 18.16.020(J):~~

~~a.—Is a land use decision as defined in ORS 197.015 where the dwelling to be replaced:~~

~~1.—Formerly had the features described in DCC 18.16.023(A)(1)(a) through(d); or~~

~~2.—Is eligible for replacement under DCC 18.16.023(A)(2)(b).~~

~~b.—Is not subject to the time to act limits of ORS 215.417.~~

~~7.—A temporary residence approved under DCC 18.116.080 or 18.116.090 is not eligible for replacement under this section.~~

HISTORY

Adopted by Ord. [2014-010](#) §1 on 4/28/2014

Amended by Ord. [2021-013](#) §4 on 4/5/2022

~~Amended by Ord. [2024-008](#) §3 on 10/9/2024~~

18.16.030 Conditional Uses Permitted; High Value And Non-High Value Farmland

The following uses may be allowed in the Exclusive Farm Use zones on either high value farmland or non-high value farmland subject to applicable provisions of the Comprehensive Plan, DCC 18.16.040 and 18.16.050, and other applicable sections of DCC Title 18.

- A. Nonfarm dwelling.
- B. Lot of record dwelling.
- C. ~~Subject to the standards of ORS 215.296, r~~Residential home ~~or facility, as defined in DCC 18.04.030,~~in existing dwellings.
- D. A hardship dwelling, as described in DCC 18.16.050(H).
- E. Commercial activities that are in conjunction with farm use, but not including the processing of farm crops as described in DCC 18.16.025.

- F. Operations conducted for: Mining and processing of geothermal resources as defined by ORS 522.005, and Mining and processing of natural gas or oil as defined by ORS 520.005, not otherwise permitted under DCC 18.16.020.
- G. Expansion of an existing private park, playground, hunting and fishing preserve and campground on the same tract as the existing use.
- H. Public park and playground consistent with the provisions of ORS 195.120, and including only the uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.
- I. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.
 - 1. A community center authorized under this section may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006.
 - 2. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.
- J. Transmission towers over 200 feet in height.
- K. Commercial utility facility, including a hydroelectric facility (in accordance with DCC 18.116.130 and 18.128.260, and OAR 660-033-0130), for the purpose of generating power for public use by sale, not including wind power generation facilities.
- L. Personal use airport for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use airport as used in DCC 18.16.030 means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations.
- M. Home Occupation, subject to DCC 18.116.280.
 - 1. The home occupation shall:
 - a. be operated substantially in the dwelling or other buildings normally associated with uses permitted in the EFU zone;
 - b. be operated by a resident or employee of a resident of the property on which the business is located; and
 - c. employ on the site no more than five full-time or part-time persons.
 - 2. The home occupation shall not unreasonably interfere with other uses permitted in the EFU zone.

- N. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 213.203(2).
1. The primary processing of a forest product, as used in DCC 18.16.030, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market.
 2. Forest products, as used in DCC 18.16.030, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
- O. Construction of additional passing and travel lanes requiring the acquisition of right of way, but not resulting in the creation of new land parcels.
- P. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings, but not resulting in the creation of new land parcels.
- Q. Improvement of public road and highway-related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.
- R. The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species.
1. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture.
 2. The county shall provide notice of all applications under this section to the State Department of Agriculture.
 3. Notice shall be provided in accordance with DCC Title 22, but shall be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.
- S. Room and board arrangements for a maximum of five unrelated persons in an existing residence. If approved, this use is subject to the recording of the statement listed in DCC 18.16.020(J)(1).
- T. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland.
- U. Roads, highways and other transportation facilities, and improvements not otherwise allowed under DCC 18.16, if an exception to Goal 3, Agricultural Lands, and to any other applicable goal is first granted under state law. Transportation uses and improvements may be authorized under conditions and standards as set forth in OAR 660-012-0035 and 660-012-0065.
- V. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- W. A living history museum.

- X. Operations for the extraction and bottling of water.
- Y. Transportation improvements on rural lands allowed by OAR 660-012-0065.
- Z. Expansion of existing county fairgrounds and activities relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.
- AA. Extended outdoor mass gatherings, subject to DCC 8.16.
- AB. A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.
- AC. Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130.
- AD. Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130. On high-value farmland only, photovoltaic solar power generation facilities are subject to the provisions in ORS 215.447.
- AE. Commercial dog boarding kennel, or dog training classes or testing trials that exceed the standards under DCC 18.16.025(K), subject to DCC 18.16.040(A)(1 and 2).
- AF. Equine and equine-affiliated therapeutic and counseling activities, provided:
 1. The activities are conducted in existing buildings that were lawfully constructed on the property before the effective date of January 1, 2019 or in new buildings that are accessory, incidental and subordinate to the farm use on the tract; and
 2. All individuals conducting therapeutic or counseling activities are acting within the proper scope of any licenses required by the state.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [83-028](#) §1 on 6/1/1983

Amended by Ord. [86-018](#) §3 on 6/30/1986

Amended by Ord. [87-013](#) §1 on 6/10/1987

Amended by Ord. [90-018](#) §1 on 5/16/1990

Amended by Ord. [90-014](#) §§23 and 31 on 7/12/1990

Amended by Ord. [91-005](#) §5 on 3/4/1991

Amended by Ord. [91-014](#) §1 on 3/13/1991

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [91-038](#) §2 on 9/30/1991

Amended by Ord. [92-065](#) §3 on 11/25/1992

Amended by Ord. [94-008](#) §9 on 6/8/1994

Amended by Ord. [95-007](#) §11 on 3/1/1995

Amended by Ord. [95-025](#) §1 on 3/3/1995

Amended by Ord. [98-030](#) §1 on 5/13/1998

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2001-039](#) §1 on 12/12/2001
Amended by Ord. [2004-001](#) §2 on 7/14/2004
Amended by Ord. [2008-001](#) §2 on 5/6/2008
Amended by Ord. [2009-014](#) §1 on 6/22/2009
Amended by Ord. [2012-007](#) §2 on 5/2/2012
Amended by Ord. [2014-010](#) §1 on 4/28/2014
Amended by Ord. [2018-006](#) §5 on 11/20/2018
Amended by Ord. [2021-013](#) §4 on 4/5/2022
Amended by Ord. [2024-008](#) §3 on 10/9/2024

Exhibit D

18.32.020 Uses Permitted Outright

The following uses and their accessory uses are permitted outright:

- A. Agricultural uses as defined in DCC Title 18.
- B. A single family dwelling, or a manufactured home subject to DCC 18.116.070.
- C. Propagation or harvesting of a forest product.
- D. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- E. Class III road or street project.
- F. Noncommercial horse stables, excluding horse events.
- G. Horse events, including associated structures, involving:
 - 1. Fewer than 10 riders;
 - 2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
 - 3. More than 25 riders, no more than two times per year on nonconsecutive days.
Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.
- H. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- I. Type 1 Home Occupation, subject to DCC 18.116.280.
- J. Accessory Dwelling Units, subject to DCC 18.116.350.
- K.** Residential Accessory Dwelling Units, subject to DCC 18.116.355.

L. Residential home.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [91-002](#) §6 on 2/6/1991

Amended by Ord. [91-005](#) §18 on 3/4/1991

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [91-038](#) §1 on 9/30/1991

Amended by Ord. [93-001](#) §1 on 1/27/1993

Amended by Ord. [93-043](#) §4 on 8/25/1993

Amended by Ord. [94-008](#) §10 on 6/8/1994

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2001-039](#) §2 on 12/12/2001

Amended by Ord. [2004-002](#) §3 on 4/28/2004

Amended by Ord. [2019-009](#) §1 on 9/3/2019

Recorded by Ord. [2019-009](#) §1 on 9/3/2019

Adopted by Ord. [2023-014](#) §1 on 12/1/2023

Amended by Ord. [2024-008](#) §4 on 10/9/2024

CHAPTER 18.36 FOREST USE ZONE; F-1[18.36.010 Purpose](#)[18.36.020 Uses Permitted Outright](#)**18.36.025 Lawfully Established Dwelling Replacement**[18.36.030 Conditional Uses Permitted](#)[18.36.040 Limitations On Conditional Uses](#)[18.36.050 Standards For Single-Family Dwellings](#)[18.36.060 Siting Of Dwellings And Structures](#)[18.36.070 Fire Siting Standards For Dwellings And Structures](#)[18.36.080 Fire Safety Design Standards For Roads](#)[18.36.085 Stocking Requirement](#)[18.36.090 Dimensional Standards](#)[18.36.100 Yards And Setbacks](#)[18.36.110 Stream Setbacks](#)[18.36.120 State Law Controls](#)[18.36.130 Rimrock Setbacks](#)[18.36.140 Restrictive Covenants](#)**18.36.020 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright, subject to applicable siting criteria set forth in DCC 18.36 and any other applicable provisions of DCC Title 18.

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4.
- B. Temporary on-site structures, that are auxiliary to and used during the term of a particular forest operation, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use. For the purposes of this section, including DCC 18.36.020(B) and (C) "auxiliary" means a use or alteration of a structure or land, that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, land disposal sites, dams, reservoirs, road construction or recreational facilities, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4). Gravel extraction and processing not covered by DCC 18.36.020 is governed by DCC 18.52.
- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- E. Farm use as defined in ORS 215.203.

- F. Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
- G. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
- H. Exploration for mineral and aggregate resources as defined in ORS 517.
- I. Towers and fire stations for forest fire protection.
- J. Widening of roads within existing rights of way in conformance with the transportation element of the comprehensive plan including public road and highway projects as described in ORS 215.283(1).
- K. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- L. Uninhabitable structures accessory to fish and wildlife enhancement.

~~M.—A lawfully established dwelling may be altered, restored or replaced, subject to DCC 18.36.025. Alteration, restoration or replacement of a lawfully established dwelling that:~~

~~N.—Has intact exterior walls and roof structure;~~

~~O.—Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~

~~P.—Has interior wiring for interior lights;~~

~~Q.—Has a heating system; and~~

~~R.M. _____ In the case of replacement, is removed, demolished or converted to an allowable use within three months of completion of the replacement dwelling.~~

~~S.N.~~ An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under OAR 660-006.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [91-002](#) §8 on 2/6/1991

Amended by Ord. [92-025](#) §2 on 4/15/1991

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [94-038](#) §1 on 10/5/1994

Amended by Ord. [2003-007](#) §1 on 3/26/2003

Amended by Ord. [2012-007](#) §3 on 5/2/2012

Amended by Ord. [2023-001](#) §5 on 5/30/2023

[Amended by Ord. 2024-008 §5 on 10/9/2024](#)

18.36.025 Lawfully Established Dwelling Replacement

A lawfully established dwelling may be altered, restored or replaced under DCC 18.36.020(M) above if:

- A. The dwelling to be altered, restored or replaced:
 - 1. Has, or formerly had:
 - a. Intact exterior walls and roof structure;
 - b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - c. Interior wiring for interior lights; and
 - d. A heating system; and
- B. Unless the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation since the later of:
 - 1. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
 - 2. Five years before the date of the application; or
 - 3. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
 - 4. If the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:
 - a. Five years before the date of the destruction or demolition; or
 - b. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.
- C. For replacement of a lawfully established dwelling under this section:
 - 1. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055.
 - 2. The replacement dwelling:
 - a. May be sited on any part of the same lot or parcel.
 - b. Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
 - c. Must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:
 - i. The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or
 - ii. No statewide map of wildfire risk has been adopted.
- D. As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of this section and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

- E. If an applicant is granted a deferred replacement permit under this section:
 - 1. The deferred replacement permit:
 - a. Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and
 - b. May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.
 - 2. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.
- F. An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed under subsection (A)(1) of this section.
- G. Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.

HISTORY

Adopted by Ord. 2024-008 §5 on 10/9/2024

18.36.070 Fire Siting Standards For Dwellings And Structures

The following fire siting standards shall apply to all new dwellings and permanent structures (including permitted uses), except as otherwise noted:

- A. Access
 - 1. If a water supply, such as a swimming pool, pond, stream or lake, is available and suitable for fire protection or is required under DCC 18.36.070, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall be constructed and maintained to accommodate the maneuvering of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
 - 2. Road access to the dwelling or structure shall meet the road design standards described in DCC 18.36.080.
- B. Firebreaks. The owners of dwellings and structures shall construct and maintain the following firebreaks on land surrounding the structures that is owned or controlled by the owner:
 - 1. Primary Firebreak. Prior to use, a primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders or other similar materials.
 - 2. Secondary Firebreak. A secondary firebreak of not less than 20 feet shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.

3. Fuel Break. A fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed. The fuel break shall be completed prior to the beginning of the coming fire season.
 4. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
- C. Caretaker residences and private accommodations for fishing shall not be located on hillsides steeper than 30 percent and containing flammable fuels. A single family dwelling shall not be sited on a slope greater than 40 percent.
- D. The applicant for a single-family dwelling, caretaker residence or private accommodations for fishing shall obtain an address from the County address coordinator and shall display that number in a location of the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted in a contrasting or visible color and shall comply with all other applicable standards for signs.
- E. Structural Standards.
1. All dwellings and structures shall use noncombustible or fire resistant roofing materials. This means roofing material identified as Class A, B or C in the [Oregon Residential Specialty Code](#) ~~Oregon Uniform Building Code~~. Roof sprinklers are not an acceptable alternative to this standard.
 2. If the dwelling or structure has a chimney, it shall have a spark arrester.
- F. Fire Protection. Single-family dwellings, caretaker residences and private accommodations for fishing shall be located upon a parcel for which fire protection services are available or where alternative protective measures are authorized by DCC 18.36.070(F).
1. For the purposes of DCC 18.36.070 fire protection services are available if the parcel is located within the boundaries of a fire protection district or residential fire protection service is provided by contract, as evidenced by a written, signed contract.
 2. If the dwelling or structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included in the nearest such district.
 3. If the parcel is not located within a fire protection district and it is determined, following application for inclusion within the nearest such district, that inclusion in the district would be impracticable, alternative means of fire protection shall be allowed, consistent with the following standards:
 - a. The dwelling or structure shall be equipped with a residential fire sprinkler system. For caretaker residences or single-family residences, such a sprinkler

system shall be installed to the minimum requirements of NFPA 13D "Standards for the Installation of Sprinkler Systems in One and Two-Family Dwellings."

- b. The dwelling shall have on-site water storage capability from a swimming pool, pond, lake, or similar water body of at least 4,000 gallons or a stream having a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use.

HISTORY

Adopted by Ord. [92-025](#) §2 on 4/15/1991

Amended by Ord. [94-038](#) §1 on 10/5/1994

Amended by Ord. [2003-007](#) §1 on 3/26/2003

Amended by Ord. [2004-013](#) §3 on 9/21/2004

[Amended by Ord. 2024-008 §5 on 10/9/2024](#)

CHAPTER 18.40 FOREST USE ZONE; F-2

[18.40.010 Purpose](#)

[18.40.020 Uses Permitted Outright](#)

[18.40.025 Lawfully Established Dwelling Replacement](#)

[18.40.030 Conditional Uses Permitted](#)

[18.40.040 Limitations On Conditional Uses](#)

[18.40.050 Standards For Single-Family Dwellings](#)

[18.40.060 Siting Of Dwellings And Structures](#)

[18.40.070 Fire Siting Standards For Dwellings And Structures](#)

[18.40.080 Fire Safety Design Standards For Roads](#)

[18.40.085 Stocking Requirement](#)

[18.40.090 Dimensional Standards](#)

[18.40.100 Yards And Setbacks](#)

[18.40.110 Stream Setbacks](#)

[18.40.120 State Law Controls](#)

[18.40.130 Rimrock Setback](#)

18.40.020 Uses Permitted Outright

The following uses and their accessory uses are permitted outright, subject to applicable siting criteria set forth in DCC 18.40 and any other applicable provisions of DCC Title 18:

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4.
- B. Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use. For the purposes of this section, including DCC 18.36.020(B) and (C) "auxiliary" means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, land disposal sites, dams, reservoirs, road construction or recreational facilities, subject to the Forest Practices Act (ORS Chapter 527 and Goal 4). Gravel extraction and processing not covered by DCC 18.40.020 is governed by DCC 18.52.
- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- E. Farm use as defined in ORS 215.203.

- F. Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
- G. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
- H. Exploration for mineral and aggregate resources as defined in ORS 517.
- I. Towers and fire stations for forest fire protection.
- J. Widening of roads within existing rights of way in conformance with the transportation element of the comprehensive plan including public road and highway projects as described in ORS 215.283(1).
- K. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- L. Uninhabitable structures accessory to fish and wildlife enhancement.

~~M. M. A lawfully established dwelling may be altered, restored or replaced, subject to DCC 18.40.025. Alteration, restoration or replacement of a lawfully established dwelling that:~~

- ~~1. Has intact exterior walls and roof structure;~~
- ~~2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
- ~~3. Has interior wiring for interior lights;~~
- ~~4. Has a heating system; and~~

~~In the case of replacement, is removed, demolished or converted to an allowable use within three months of completion of the replacement dwelling.~~

- N. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under OAR 660-006.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979
Amended by Ord. [91-002](#) §9 on 2/6/1991
Amended by Ord. [91-005](#) §21 on 3/4/1991
Amended by Ord. [92-025](#) §3 on 4/15/1991
Amended by Ord. [91-020](#) §1 on 5/29/1991
Amended by Ord. [94-038](#) §2 on 10/5/1994
Amended by Ord. [2003-007](#) §2 on 3/26/2003
Amended by Ord. [2012-007](#) §4 on 5/2/2012
Amended by Ord. [2023-001](#) §6 on 5/30/2023
[Amended by Ord. 2024-008 §6 on 10/9/2024](#)

18.40.025 Lawfully Established Dwelling Replacement

A lawfully established dwelling may be altered, restored or replaced under DCC 18.40.020(M) above if:

- A. The dwelling to be altered, restored or replaced:
 - 1. Has, or formerly had:
 - a. Intact exterior walls and roof structure;
 - b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - c. Interior wiring for interior lights; and
 - d. A heating system; and
- B. Unless the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation since the later of:
 - 1. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
 - 2. Five years before the date of the application; or
 - 3. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
 - 4. If the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:
 - a. Five years before the date of the destruction or demolition; or
 - b. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.
- C. For replacement of a lawfully established dwelling under this section:
 - 1. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055.
 - 2. The replacement dwelling:
 - a. May be sited on any part of the same lot or parcel.
 - b. Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
 - c. Must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:
 - i. The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or
 - ii. No statewide map of wildfire risk has been adopted.
- D. As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of this section and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

- E. If an applicant is granted a deferred replacement permit under this section:
 - 1. The deferred replacement permit:
 - a. Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and
 - b. May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.
 - 2. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.
- F. An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed under subsection (A)(1) of this section.
- G. Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.

HISTORY

Adopted by Ord. 2024-008 §6 on 10/9/2024

18.40.070 Fire Siting Standards For Dwellings And Structures

The following fire siting standards shall apply to all new dwellings and permanent structures (including permitted uses):

- A. Access.
 - 1. If a water supply, such as a swimming pool, pond, stream or lake, is available and suitable for fire protection or is required under DCC 18.40.070, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall be constructed and maintained to accommodate the maneuvering of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
 - 2. Road access to the dwelling or structure shall meet the road design standards described in DCC 18.40.080.
- B. Firebreaks. The owners of dwellings and structures shall construct and maintain the following firebreaks on land surrounding the structures that is owned or controlled by the owner:
 - 1. Primary Firebreak. Prior to use, a primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders or other similar materials.
 - 2. Secondary Firebreak. A secondary firebreak of not less than 20 feet shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.

3. Fuel Break. A fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed. The fuel break shall be completed prior to the beginning of the coming fire season.
 4. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
- C. Caretaker residences and private accommodations for fishing shall not be located on hillsides steeper than 30 percent and containing flammable fuels. A single family dwelling shall not be sited on a slope greater than 40 percent.
- D. The applicant for a single-family dwelling, caretaker residence or private accommodations for fishing shall obtain an address from the County address coordinator and shall display that number in a location of the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted in a contrasting or visible color and shall comply with all other applicable standards for signs.
- E. Structural Standards.
1. All dwellings and structures shall use noncombustible or fire resistant roofing materials. This means roofing material identified as Class A, B or C in the ~~Oregon Uniform Building Code~~Oregon Residential Specialty Code. Roof sprinklers are not an acceptable alternative to this standard.
 2. If the dwelling or structure has a chimney, it shall have a spark arrester.
- F. Fire Protection. Single-family dwellings, caretaker residences and private accommodations for fishing shall be located upon a parcel for which fire protection services are available or where alternative protective measures are authorized by DCC 18.40.070(F).
1. For the purposes of DCC 18.40.070 fire protection services are available if the parcel is located within the boundaries of a fire protection district or residential fire protection service is provided by contract, as evidenced by a written, signed contract.
 2. If the dwelling or structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included in the nearest such district.
 3. If the parcel is not located within a fire protection district and it is determined, following application for inclusion within the nearest such district, that inclusion in the district would be impracticable, alternative means of fire protection shall be allowed, consistent with the following standards:
 - a. The dwelling or structure shall be equipped with a residential fire sprinkler system. For caretaker residences or single-family residences, such a sprinkler

system shall be installed to the minimum requirements of NFPA 13D "Standards for the Installation of Sprinkler Systems in One and Two-Family Dwellings."

- b. The dwelling shall have on-site water storage capability from a swimming pool, pond, lake, or similar water body of at least 4,000 gallons or a stream having a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use.

HISTORY

Adopted by Ord. [92-025](#) §3 on 4/15/1991

Amended by Ord. [94-038](#) §2 on 10/5/1994

Amended by Ord. [2003-007](#) §2 on 3/26/2003

Amended by Ord. [2004-013](#) §4 on 9/21/2004

[Amended by Ord. 2024-008 §6 on 10/9/2024](#)

18.60.020 Uses Permitted Outright

The following uses and their accessory uses are permitted outright.

- A. A single-family dwelling, or a manufactured home subject to DCC 18.116.070.
- B. Utility facilities necessary to serve the area including energy facilities, water supply and treatment and sewage disposal and treatment.
- C. Community center, if shown and approved on the original plan or plat of the development.
- D. Agricultural use as defined in DCC Title 18.
- E. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- F. Class III road or street project.
- G. Noncommercial horse stables as defined in DCC Title 18, excluding horse events.
- H. Horse events, including associated structures, involving:
 - 1. Fewer than 10 riders;
 - 2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
 - 3. More than 25 riders, no more than two times per year on nonconsecutive days. Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.
- I. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- J. Type 1 Home Occupation, subject to DCC 18.116.280.
- K. Historic Home Accessory Dwelling Units, subject to DCC 18.116.350.

L. Residential Accessory Dwelling Units, subject to DCC 18.116.355.

M. Residential home.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [91-005](#) §§30 & 31 on 3/4/1991

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [93-043](#) §8 on 8/25/1993

Amended by Ord. [94-008](#) §12 on 6/8/1994

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2001-039](#) §5 on 12/12/2001

Amended by Ord. [2004-002](#) §7 on 4/28/2004

Amended by Ord. [2019-009](#) §2 on 9/3/2019

Recorded by Ord. [2019-009](#) §2 on 9/3/2019

Adopted by Ord. [2023-014](#) §2 on 12/1/2023

Amended by Ord. [2024-008](#) §7 on 10/9/2024

18.65.020 RSC; Commercial/Mixed Use District (Brothers, Hampton, Millican, Whistlestop And Wildhunt)

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of this chapter:
1. Single-family dwelling.
 2. Manufactured home, subject to DCC 18.116.070.
 3. Type 1 Home Occupation, subject to DCC 18.116.280.
 4. Residential home ~~and residential facility~~.
 5. Two-family dwelling or duplex.
 6. Agricultural uses, as defined in Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.
 7. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 8. Class III road and street project.
 9. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review, of this title:
1. Retail store, business office and/or commercial establishment in a building or buildings each not exceeding 4,000 square feet of floor space. The aggregate area for any one type of use that takes place in multiple buildings may not exceed 4,000 square feet.
 2. Residential use in conjunction with a permitted commercial use.
 3. Park or playground.
 4. Community building.
 5. Public or semipublic building or use.
 6. Highway maintenance facility.
 7. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
 8. Religious institutions or assemblies.
- C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:

1. Multi-family dwelling with three or more units.
2. School.
3. Cemetery.
4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
5. Medical clinic or veterinary clinic.
6. Community Center.
7. Manufactured home park.
8. Recreational vehicle or trailer park.
9. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).
10. Marijuana retailing, subject to the provisions of DCC 18.116.330.
11. Psilocybin service centers, subject to the provisions of DCC 18.116.380.
- ~~11,12.~~ Residential facility.

D. Yard and Setback Requirements.

1. The front yard setback shall be a minimum of 20 feet from a property line fronting on a local street right of way and 50 feet from an arterial right of way.
2. The minimum side yard setback shall be 10 feet.
3. The minimum rear yard setback shall be 20 feet.
4. The minimum side and rear yard setbacks for property that is adjacent to land zoned exclusive farm use shall be 50 feet.

E. Lot Requirements.

1. Residential Uses:
 - a. The minimum lot size for residential uses in Brothers, Hampton and Millican is 2.5 acres.
 - b. Each lot shall have a minimum width of 200 feet.
 - c. Each lot must be served by an on-site well.
 - d. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
 - e. Lot coverage for a dwelling and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area. Lot coverage for buildings used primarily for commercial purposes shall be

determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.

2. Commercial and Public Uses.

- a. The minimum lot size in Brothers, Hampton, Millican, Whistlestop and Wildhunt for a commercial use served by an on-site septic system and individual well shall be the size necessary to accommodate the use.
- b. Each lot shall have a minimum width of 150 feet.
- c. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.

HISTORY

Adopted by Ord. [2002-002](#) §2 on 6/5/2002
Amended by Ord. [2002-028](#) §1 on 7/24/2002
Amended by Ord. [2004-002](#) §11 on 4/28/2004
Amended by Ord. [2015-004](#) §2 on 4/22/2015
Amended by Ord. [2016-015](#) §4 on 7/1/2016
Amended by Ord. [2018-006](#) §8 on 11/20/2018
Amended by Ord. [2020-001](#) §6 on 4/21/2020
Amended by Ord. [2022-014](#) §2 on 4/4/2023
[Amended by Ord. 2024-008 §8 on 10/9/2024](#)

[18.65.021 Alfalfa RSC; Commercial/Mixed Use District](#)

In Alfalfa, the following uses and their accessory uses are permitted:

A. Uses Permitted Outright.

- 1. Single-family dwelling.
- 2. Manufactured home, subject to DCC 18.116.070
- 3. Type 1 Home Occupation, subject to DCC 18.116.280.
- ~~4.~~ 4. Residential home.
- ~~4.5. and residential~~ 4.5. Residential facility.
- ~~5.6.~~ 5.6. Two-family dwelling or duplex.
- ~~6.7.~~ 6.7. Agricultural uses, as defined in Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.
- ~~7.8.~~ 7.8. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- ~~8.9.~~ 8.9. Class III road and street project.

9.10. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review, of this title:
1. Retail store, business office and/or commercial establishment in a building or buildings each not exceeding 4,000 square feet of floor space. The aggregate area for any one type of use that takes place in multiple buildings may not exceed 4,000 square feet.
 2. Residential use in conjunction with a permitted commercial use.
 3. Park or playground.
 4. Community building.
 5. Public or semipublic building or use.
 6. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
 7. Religious institutions or assemblies.
- C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:
1. School.
 2. Cemetery.
 3. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 4. Medical clinic or veterinary clinic.
 5. Community Center.
 6. Recreational vehicle or trailer park.
 7. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).
 8. Marijuana retailing, subject to the provisions of DCC 18.116.330.
 9. Psilocybin service centers, subject to the provisions of DCC 18.116.380.
- D. Yard and Setback Requirements.
1. The front yard setback shall be a minimum of 20 feet from a property line fronting on a local street right of way and 50 feet from an arterial right of way.
 2. The minimum side yard setback shall be 10 feet.

- 3. The minimum rear yard setback shall be 20 feet.
 - 4. The minimum side and rear yard setbacks for property that is adjacent to land zoned exclusive farm use shall be 50 feet.
- E. Lot Requirements. The minimum lot size shall be the size necessary to accommodate the use, but not less than one acre.

HISTORY

Adopted by Ord. [2002-002](#) §2 on 6/5/2002
Amended by Ord. [2018-006](#) §8 on 11/20/2018
Amended by Ord. [2020-001](#) §6 on 4/21/2020
Amended by Ord. [2022-014](#) §2 on 4/4/2023
[Amended by Ord. 2024-008 §8 on 10/9/2024](#)

[18.65.022 Alfalfa RSC; Residential District](#)

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to the applicable provisions of this chapter:
- 1. Agricultural uses, as defined in Title 18, subject to the restrictions in DCC 18.65.021(D), and excluding livestock feed lot or sales yard, and hog or mink farms.
 - 2. Single family dwelling, or a manufactured home subject to DCC 18.116.070.
 - 3. Two-family dwelling or duplex.
 - 4. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
 - 5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 - 6. Class III road or street project.
- [7.](#) Type 1 Home Occupation, subject to DCC 18.116.280.
- [7-8.](#) [Residential home.](#)

- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:
- 1. Park or playground.
 - 2. Community building.
 - 3. Utility facility.
 - 4. Religious institutions or assemblies.
 - 5. Child care facility and/or preschool.

- C. Conditional Uses Permitted. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:
1. Schools.
 2. Medical clinic or veterinary clinic.
 3. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 4. Bed and breakfast inn.
 5. Public use.
 6. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- D. Yard and Setback Requirements.
1. The front yard setback shall be a minimum of 20 feet from a property line fronting on a local street right of way and 50 feet from an arterial right of way.
 2. The minimum side yard setback shall be 10 feet.
 3. The minimum rear yard setback shall be 20 feet.
- E. Lot Requirements.
1. The minimum lot size is 5 acres.
 2. The minimum average width of lots shall be 200 feet.
 3. Each lot must be served by an on-site well.
 4. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
 5. Lot coverage for a dwelling and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area. Lot coverage for buildings used primarily for commercial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.
- F. Limitations on uses – RSC-Residential District. The following limitation shall apply to uses permitted in the RSC – Residential District:
1. Cows, horses, goats or sheep cannot be kept on lots having an area of less than 20,000 square feet. The total number of all such animals (other than their young under the age of six months) shall be limited to the square footage of the lot divided by 20,000 square feet, which is the minimum area per animal.

2. The number of chickens, fowl or rabbits over the age of six months shall not exceed one for each 500 square feet of land.
3. All livestock shall be located a minimum of 100 feet away from a residential building on an adjacent lot.

HISTORY

Adopted by Ord. [2002-002](#) §2 on 6/5/2002

Amended by Ord. [2002-028](#) §1 on 7/24/2002

Amended by Ord. [2004-002](#) §12 on 4/28/2004

Amended by Ord. [2020-001](#) §6 on 4/21/2020

Amended by Ord. [2020-010](#) §2 on 7/3/2020

[Amended by Ord. 2024-008 §8 on 10/9/2024](#)

18.66.020 Residential (TeR) District

The Terrebonne Residential District allows a mixture of housing types and densities suited to the level of available water and sewer facilities. The purpose of this district is to allow new residential development that is compatible with the rural character of the area.

- A. Permitted uses. The following uses and their accessory uses are permitted outright and do not require site plan review:
1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
 2. Two-family dwelling.
 3. Type 1 Home Occupation, subject to DCC 18.116.280.
 4. Agricultural uses as defined in DCC 18.04, involving:
 - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
 - b. Keeping of chickens, fowl, rabbits or similar farm animals, provided that the total number of such animals over the age of six months does not exceed one for each 500 square feet of property.
 5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
 6. Class III road or street project.
 - ~~7.~~ 7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- ~~7-8.~~ 7-8. Residential home.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:
1. Child care facility and/or preschool.
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:
1. Manufactured home park.
 2. Multi-family dwelling complex.
 3. Retirement center or nursing home.
 4. Cluster development.
 5. Religious institutions or assemblies.

- 6. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
- 7. Public or private school.
- 8. Park.
- 9. Public or semi-public building.
- 10. Utility facility.
- 11. Water supply or treatment facility.
- 12. Veterinary clinic.
- 13. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- 14. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

14,15. Residential facility.

D. Lot Requirements.

- 1. Partitions:
 - a. Subject to the provisions of DCC 17.36.170(A), parcels not served by an approved community, non-community or municipal water system and not served by a public sewer system, shall have a minimum width of 150 feet with a minimum parcel size of one acre.
 - b. Subject to DCC 17.36.170 parcels served by an approved community, non-community, municipal or public water system, but not served by an approved public sewer system, shall have minimum parcel sizes as follows:
 - 1. For a single-family dwelling, a parcel shall have a minimum width of 100 feet and a minimum parcel size of 22,000 square feet.
 - 2. For a two-family dwelling, a parcel shall have a minimum width of 100 feet and a minimum parcel size of 33,000 square feet.
 - c. For parcels served by an approved community, municipal or public water and sewer system, the minimum parcel sizes shall be as follows:
 - 1. For a single-family dwelling, the parcel shall have a minimum width of 75 feet and a minimum parcel size of 7,500 square feet.
 - 2. For a two-family dwelling, the parcel shall have a minimum width of 75 feet and a minimum parcel size of 10,000 square feet.

2. Subdivisions:

- a. For subdivisions involving multi-family dwellings, a manufactured home park, a retirement center or a nursing home, all new lots shall be connected to a DEQ permitted wastewater pollution control facility.
- b. For subdivisions involving only single-family and two family dwellings the standards set forth in DCC 18.66.020(C)(1) shall apply.

E. Yard Standards.

- 1. Front Yard. The front yard shall be 20 feet for a property fronting on a local road right-of-way, 30 feet for a property fronting on a collector right-of-way and 80 feet for a property fronting on an arterial right-of-way.
- 2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.66.020(E)(4).
- 3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.66.020(E)(4).
- 4. Exception to Yard Standards. Any new structure requiring a building permit on a lot or parcel contiguous to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.
- 5. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

HISTORY

Adopted by Ord. [97-003](#) §2 on 6/4/1997
Amended by Ord. [97-063](#) §3 on 11/12/1997
Amended by Ord. [2004-002](#) §13 on 4/28/2004
Amended by Ord. [2020-001](#) §7 on 4/21/2020
Amended by Ord. [2020-010](#) §3 on 7/3/2020
[Amended by Ord. 2024-008 §9 on 10/9/2024](#)

[18.66.030 Residential-5 Acre Minimum \(TeR5\) District](#)

The purpose of the Terrebonne Residential-5 Acre Minimum District is to retain large rural residential lots where community sewer and water are not available.

- A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:
 - 1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
 - 2. Two-family dwelling.
 - 3. Type 1 Home Occupation, subject to DCC 18.116.280.
 - 4. Agricultural uses as defined in DCC 18.04, involving:

- a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
 - b. Keeping of chickens, fowl, rabbits or similar farm animals over the age of six months, provided that the total numbers of such animals does not exceed one for each 500 square feet of property.
- 5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
 - 6. Class III road or street project.
 - 7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

7-8. Residential home.

- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:
 - 1. Child care facility and/or preschool.
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124 and 18.128:
 - 1. Manufactured home park.
 - 2. Multi-family dwelling complex.
 - 3. Retirement center or nursing home.
 - 4. Religious institutions or assemblies.
 - 5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 - 6. Public or private school.
 - 7. Park.
 - 8. Public or semi-public building.
 - 9. Utility facility.
 - 10. Water supply or treatment facility.
 - 11. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 - 12. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the

excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

12-13. Residential facility.

D. Lot Requirements. The minimum lot or parcel size in the TeR5 District is five acres regardless of the availability of approved community, non-community, municipal, or public water system and public sewer system.

E. Yard Standards.

1. Front Yard. The front yard shall be 20 feet for a property fronting on a local road right-of-way, 30 feet for a property fronting on a collector right-of-way, and 80 feet for a property fronting on an arterial right-of-way.
2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.66.030(E)(4).
3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.66.030(E)(4).
4. Exception to Yard Standards. Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.
5. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 of shall be met.

HISTORY

Adopted by Ord. [97-003](#) §2 on 6/4/1997

Amended by Ord. [97-063](#) §3 on 11/12/1997

Amended by Ord. [2004-002](#) §14 on 4/28/2004

Amended by Ord. [2020-001](#) §7 on 4/21/2020

Amended by Ord. [2020-010](#) §3 on 7/3/2020

[Amended by Ord. 2024-008 §9 on 10/9/2024](#)

[18.66.040 Commercial \(TeC\) District](#)

The Terrebonne Commercial District is intended to allow a range of commercial and limited industrial uses to serve the community and surrounding rural area.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling or two-family on a lot or parcel existing on June 4, 1997.
2. Manufactured home on a lot or parcel existing on June 4, 1997, subject to DCC 18.116.070.
3. Type 1 Home Occupation, subject to DCC 18.116.280.

4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
 5. Class III road or street project.
 6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
 - 6.7. Residential home on a lot or parcel existing on June 4, 1997.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116 and 18.1248:
1. A building or buildings not exceeding 4,000 square feet of floor space to be used by any combination of the following uses:
 - a. Retail or service business.
 - b. Eating or drinking establishment.
 - c. Offices.
 - d. Veterinary clinic and kennel entirely within an enclosed building.
 - e. Residential use in the same building as a use permitted by DCC 18.66.040(B)(1).
 - f. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
 2. Any of the uses allowed under DCC 18.66.040 proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.040(E).
 3. Child care facility and/or preschool.
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:
1. Motel, with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-010(2).
 2. Recreational vehicle park.
 3. Religious institutions or assemblies.
 4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 5. Public or private school.
 6. Park.
 7. Public or semi-public building.
 8. Medical center in a building or buildings not exceeding 4,000 square feet of floor space.

- 9. Utility facility.
 - 10. Water supply or treatment facility.
 - 11. Vehicle and trailer sales, service, repair or rental in a building or buildings not exceeding 4,000 square feet of floor space.
 - 12. Uses listed below carried on in a building or buildings not exceeding 4,000 square feet of floor space with no exterior displays or storage of industrial equipment, industrial vehicles or industrial products:
 - a. Manufacturing and production.
 - b. Wholesale sales.
 - c. Mini-storage.
 - 13. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 - 14. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
 - 15. Marijuana retailing, subject to the provisions of DCC 18.116.330.
 - 16. Psilocybin service centers, subject to the provisions of DCC 18.116.380.
- D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.040(B) and (C).
- 1. Sewer and Water Requirements. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.
 - 2. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.
- E. Requirements for Large Scale Uses.
- 1. All uses listed in DCC 18.66.040(B) and 18.66.040(C)(9) may have a total building floor area exceeding 4,000 square feet if the Planning Director or Hearings Body finds:
 - a. The use is intended to serve the community and surrounding rural area or the travel needs of people passing through the area;
 - b. The use will primarily employ a work force from the community and surrounding rural area; and

- c. It is not practical to locate the use in a building or buildings with floor area of 4,000 square feet or less.
 - 2. For purposes of DCC 18.66.040, the surrounding rural area includes the area described by the Terrebonne zip code, which extends south to the boundary of the Redmond zip code, west to the boundary of the Sisters zip code, east into Crook County to the boundary of the Prineville zip code and north into Jefferson County to include Crooked River Ranch.
- F. Design Standards.
Ground Floor Windows. The following criteria for ground floor windows apply to all new commercial buildings in the TeC District except those containing uses listed in DCC 18.66.040(C)(13). The provisions of DCC 18.124 also apply.
 - 1. The window area shall equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.
 - 2. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.
- G. Lot Requirements. Minimum size requirements for this district will be determined by spatial requirements for on-site sewage disposal, required landscaped areas and off-street parking. No lot or parcel shall be created of less than a minimum of 10,000 square feet.
- H. Dimensional Standards.
Lot Coverage. No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.
- I. Yard Standards.
 - 1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(D)(3). The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.
 - 2. Side Yard. No requirement, subject to DCC 18.66.040(I)(4).
 - 3. Rear Yard. No specific requirements, subject to DCC 18.66.040(I)(4).
 - 4. Exceptions to Yard Standards.
 - a. Lot line adjacent to a residential district. Any new structure requiring a building permit sited on a lot adjacent to a residential district shall be set back a minimum of 15 feet from the common property line. The required yard shall be increased by one foot for each foot by which the building height exceeds 20 feet.
 - b. Lot line adjacent to an EFU zone. Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land that is receiving special

assessment for farm use shall be set back a minimum of 100 feet from the common property line.

HISTORY

- Adopted by Ord. [97-003](#) §2 on 6/4/1997*
- Amended by Ord. [97-063](#) §3 on 11/12/1997*
- Amended by Ord. [2004-002](#) §15 on 4/28/2004*
- Amended by Ord. [2015-004](#) §3 on 4/22/2015*
- Amended by Ord. [2016-015](#) §5 on 7/1/2016*
- Amended by Ord. [2020-001](#) §7 on 4/21/2020*
- Amended by Ord. [2020-010](#) §3 on 7/3/2020*
- Amended by Ord. [2021-004](#) §3 on 5/27/2021*
- Amended by Ord. [2022-014](#) §3 on 4/4/2023*
- [Amended by Ord. 2024-008 §9 on 10/9/2024](#)*

[18.66.050 Commercial-Rural \(TeCR\) District](#)

The Terrebonne Commercial-Rural District allows a mix of commercial and industrial uses common to a farming community.

- A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:
 - 1. Single-family dwelling on a lot or parcel existing on June 4, 1997.
 - 2. Manufactured home on a lot or parcel existing on June 4, 1997, subject to DCC 18.116.070.
 - 3. Type 1 Home Occupation, subject to DCC 18.116.280.
 - 4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
 - 5. Class III road or street project.
 - ~~6.~~ [6.7. Residential home on a lot or parcel existing on June 4, 1997.](#) Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116 and 18.124:
 - 1. A building or buildings not exceeding 4,000 square feet of floor space to be occupied by any combination of the following uses:
 - a. Retail or service business.
 - b. Eating or drinking establishment.
 - c. Office.

- d. Residential use in the same building as a use listed in DCC 18.66.050.
 - e. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
 2. Any of the uses listed under DCC 18.66.050(B) proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.050(E).
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:
 1. Religious institutions or assemblies.
 2. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 3. Park.
 4. Public or semi-public building.
 5. Utility facility.
 6. Water supply or treatment facility.
 7. Vehicle and trailer sales, service, repair and rental in a building or buildings not exceeding 4,000 square feet of floor area.
 8. Uses listed below carried on in a building or buildings not exceeding 10,000 square feet of floor space to be occupied by any combination of the following uses:
 - a. Manufacturing or production.
 - b. Wholesale sales.
 - c. Mini-storage.
 - d. Truck terminal.
 - e. Farm or contractor equipment storage, sales, service or repair.
 - f. Uses that require proximity to rural resources, as defined in OAR 660-04-022-(3)(a).
 9. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 10. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
 11. Marijuana retailing, subject to the provisions of DCC 18.116.330.

- D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.050(B) and (C).
1. Sewer and Water Requirements.
 - a. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.
 - b. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.
 2. Compatibility.
 - a. Any use on a lot adjacent to a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential lot.
 - b. Any use expected to generate more than 50 truck-trailer, contractors and/or farm heavy equipment trips per day to and from the subject property shall not locate on a lot or parcel adjacent to or across a local or collector road from a lot or parcel in a residential district.
 - c. No use shall be permitted that has been declared a nuisance by state statute, County ordinance or a court of competent jurisdiction.
 - d. No use requiring an air containment discharge permit shall be approved by the Planning Director or Hearings Body before review by the applicable state or federal permit-reviewing authority. Such uses shall not be located adjacent to or across a local or collector road from a lot or parcel in a residential district.
 3. Traffic and Parking.
 - a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and level of service of the affected transportation facility.
 - b. All parking demand generated by uses permitted by DCC 18.66 shall be accommodated entirely on the premises.
 - c. Site design shall not require backing of traffic onto a public or private road right-of-way.
 4. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:
 - a. An increased setback requirement.

- b. Additional off-street parking and loading facilities.
- c. Limitations on signs, lighting, hours of operation and points of ingress and egress.
- d. Additional landscaped buffering and screening improvements.

E. Requirements for Large Scale Uses.

- 1. All uses listed in DCC 18.66.050(B) may be allowed to occupy a total floor area exceeding 4,000 square feet if the Planning Director or Hearings Body finds:
 - a. The use is intended to serve the community and surrounding rural area or the traveling needs of people passing through the area;
 - b. The use will primarily employ a work force from the community and surrounding rural area; and
 - c. It is not practical to contain the proposed use within 4,000 square feet of floor area.
- 2. This provision does not apply to uses listed in DCC 18.66.050(C)(8).
- 3. For purposes of DCC 18.66.050(E), the surrounding rural area described by the Terrebonne zip code, which extends south to the boundary of the Redmond zip code, west to the boundary of the Sisters zip code, east into Crook County to the boundary of the Prineville zip code and north into Jefferson County to include Crooked River Ranch.

F. Design Standards. Ground Floor Windows. The following criteria for ground floor windows apply to all new commercial buildings in the TeCR District except those containing uses listed in DCC 18.66.050(C)(8). The provisions of DCC 18.124 also apply.

- 1. The window area shall be at least 50 percent of the length of the ground level wall area and 25 percent of height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.
- 2. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.

G. Lot Requirements. No lot shall be created less than a minimum of 10,000 square feet. Lot requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas and off-street parking.

H. Dimensional Standards.

- 1. Lot Coverage: No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.

2. No use listed in DCC 18.66.050(C)(8) that is located adjacent to or across a local or collector road from a lot or parcel in a residential district shall exceed 70 percent lot coverage by all buildings, outside storage or off-street parking and loading areas.

I. Yard Standards.

1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(D)(3)(b).
The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.
2. Side Yard. No requirement, subject to DCC 18.66.050(I)(4).
3. Rear Yard. No specific requirement, subject to DCC 18.66.050(I)(4).
4. Exceptions to Yard Standards.
 - a. Lot line adjacent to a residential zone. For all new structures requiring a building permit on a lot adjacent to a residential district, the setback shall be a minimum of 15 feet. The required yard will be increased by one foot for each foot by which the building height exceeds 20 feet.
 - b. Lot line adjacent to an EFU zone. Any structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use, shall be set back a minimum of 100 feet from the common property line.

HISTORY

Adopted by Ord. [97-003](#) §2 on 6/4/1997

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2001-039](#) §7 on 12/12/2001

Amended by Ord. [2004-002](#) §16 on 4/28/2004

Amended by Ord. [2015-004](#) §4 on 4/22/2015

Amended by Ord. [2016-015](#) §5 on 7/1/2016

Amended by Ord. [2020-001](#) §7 on 4/21/2020

Amended by Ord. [2021-004](#) §3 on 5/27/2021

[Amended by Ord. 2024-008 §9 on 10/9/2024](#)

Exhibit J

18.67.020 Residential (TuR) District

The Tumalo Residential (TuR) District allows a mixture of housing types and densities suited to the level of available water and sewer facilities. The purpose of this district is to allow new residential development that is compatible with the rural character of the area.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.

- 1. Single-family dwelling, or a manufactured home subject to DCC 18.116.070.
- 2. Two-family dwelling.
- 3. Type 1 Home Occupation, subject to DCC 18.116.280.
- 4. Agricultural uses as defined in DCC Title 18, involving:
 - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to one for each 20,000 square feet.
 - b. Keeping of chickens, fowl, rabbits or similar farm animals, provided that the total number of such animals over the age of six months does not exceed one for each 500 square feet of property.
- 5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
- 6. Class III road or street project.
- ~~7.~~ 7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

~~7-8.~~ Residential home.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:

- 1. Child care facility and/or preschool.

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.67, 18.116, 18.124, and 18.128:

- 1. Multi-family dwelling complex.
- 2. Retirement center or nursing home.
- 3. Religious institutions or assemblies.
- 4. Cemetery.
- 5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.

- 6. Public or private school.
- 7. Park.
- 8. Public or semi-public building.
- 9. Utility facility.
- 10. Water supply or treatment facility.
- 11. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- 12. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

12-13. Residential facility.

D. Lot Requirements.

1. Partitions:

- a. Subject to the provisions of DCC 17.36.170(A), parcels not served by an approved community, non-community or municipal water system shall have a minimum width of 150 feet with a minimum parcel size of one acre.
- b. Subject to DCC 17.36.170(A), parcels served by an approved community, non-community, municipal or public water system, shall have a minimum parcel size as follows:
 - 1. For a single-family dwelling the parcel shall have a minimum width of 100 feet and a minimum parcel size of 22,000 square feet.
 - 2. For a two-family dwelling the parcel shall have a minimum width of 100 feet and a minimum parcel size of 33,000 square feet.

2. Subdivisions:

- a. For subdivisions involving multi-family dwellings, a manufactured home park or a retirement home, all new lots shall be connected to a DEQ-permitted Wastewater Pollution Control Facility.
- b. For subdivisions involving only single-family and two-family dwellings the standards set forth in DCC 18.67.020(D)(1) shall apply.

E. Yard Standards.

- 1. Front Yard. The front yard shall be 20 feet for a property fronting on a local street right-of-way, 30 feet for a property fronting on a collector right-of-way and 80 feet for a property fronting on an arterial right-of-way.

- 2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.67.020(E)(4).
- 3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.67.020(E)(4).
- 4. Exception to Yard Standards. Any new structure requiring a building permit on a lot or parcel contiguous to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

HISTORY

Adopted by Ord. [97-033](#) §2 on 6/25/1997

Amended by Ord. [97-063](#) §3 on 11/12/1997

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2001-039](#) §8 on 12/12/2001

Amended by Ord. [2004-002](#) §17 on 4/28/2004

Amended by Ord. [2020-001](#) §8 on 4/21/2020

Amended by Ord. [2020-010](#) §4 on 7/3/2020

Amended by Ord. [2021-013](#) §8 on 4/5/2022

[Amended by Ord. 2024-008 §10 on 10/9/2024](#)

[18.67.030 Residential-5 Acre Minimum \(TuR5\) District](#)

The purpose of the Tumalo Residential-5 Acre Minimum District is to retain large rural residential lots.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.

- 1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
- 2. Type 1 Home Occupation, subject to DCC 18.116.280.
- 3. Agricultural uses as defined in DCC 18.04, involving:
 - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total numbers of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
 - b. Keeping of chickens, fowl, rabbits or similar farm animals over the age of six months, provided that the total numbers of such animals does not exceed one for each 500 square feet of property.
- 4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
- 5. Class III road or street project.
- 6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

[6.7. Residential home.](#)

- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:
1. Child care facility and/or preschool.
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:
1. Religious institutions or assemblies.
 2. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 3. Public or private school.
 4. Park.
 5. Public or semi-public building.
 6. Utility facility.
 7. Water supply or treatment facility.
 8. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 9. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- D. Lot Requirements. The minimum lot or parcel size in the TuR5 District is five acres.
- E. Yard Standards.
1. Front Yard. The front yard shall be 20 feet for a property fronting on a local street right-of-way, 30 feet for a property fronting on a collector right-of-way, and 80 feet for a property fronting on an arterial right-of-way.
 2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.67.030(E)(4).
 3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.67.030(E)(4).
 4. Exception to Yard Standards. Any new structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

HISTORY

Adopted by Ord. [97-033](#) §2 on 6/25/1997

Amended by Ord. [97-063](#) §3 on 11/12/1997

Amended by Ord. [2000-033](#) §11 on 12/6/2000

Amended by Ord. [2001-016](#) §2 on 3/28/2001
 Amended by Ord. [2001-039](#) §8 on 12/12/2001
 Amended by Ord. [2004-002](#) §18 on 4/28/2004
 Amended by Ord. [2020-001](#) §8 on 4/21/2020
 Amended by Ord. [2020-010](#) §4 on 7/3/2020
 Amended by Ord. [2024-008 §10 on 10/9/2024](#)

18.67.040 Commercial (TuC) District

The Tumalo Commercial District is intended to allow a range of limited commercial and industrial uses to serve the community and surrounding area.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.

1. Single-family dwelling or duplex.
2. Manufactured home subject to DCC 18.116.070.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.060 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

~~6-7.~~ Residential home.

B. Uses Permitted, Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.67, 18.116 and 18.124:

1. A building or buildings, none of which exceeds 4,000 square feet of floor space to be used by any combination of the following uses:
 - a. Retail or service business.
 - b. Eating and/or drinking establishment.
 - c. Offices.
 - d. Residential use in the same building as a use permitted in DCC 18.67.040.
 - e. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
2. Any of the uses listed under DCC 18.67.040 proposing to occupy more than 4,000 square feet of floor area in a building subject to the provisions of DCC 18.67.040(E).
3. Child care facility and/or preschool.

- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:
1. Religious institutions or assemblies.
 2. Bed and breakfast inn.
 3. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 4. Park.
 5. Public or semi-public building.
 6. Utility facility.
 7. Water supply or treatment facility.
 8. Manufactured home/RV park on a parcel in use as a manufactured home park or recreational vehicle park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996 as a manufactured home park or recreational vehicle park, including any expansion of such uses on the same parcel as configured on June 12, 1996.
 9. The following uses and their accessory uses may be conducted in a building or buildings not to exceed 4,000 square feet of floor space.
 - a. Farm equipment, sales, service or repair.
 - b. Trailer sales, service or repair.
 - c. Vehicle service or repair.
 - d. Veterinary clinic.
 10. The following uses may be conducted in a building or buildings not to exceed 10,000 square feet of floor space:
 - a. Manufacturing or production.
 - b. Wholesale sales.
 - c. Marijuana retailing, subject to the provisions of DCC 18.116.330.
 11. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 12. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
 13. Psilocybin service centers, subject to the provisions of DCC 18.116.380.
- D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.67.040(C)(10).

1. Compatibility.
 - a. Any use expected to generate more than 50 truck-trailer and/or heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot or parcel adjacent to or across a local or collector street from a lot or parcel in a residential district.
 2. Traffic and Parking.
 - a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and level of service of the affected transportation facility.
 - b. All parking demand generated by uses permitted by DCC 18.67 shall be accommodated entirely on the premises.
- E. Requirements for Large Scale Uses.
1. All uses listed in DCC 18.67.040(B) may have a total floor area exceeding 4,000 square feet but not greater than 10,000 square feet if the Planning Director or Hearings Body finds:
 - a. The use is intended to serve the community and surrounding rural area or the traveling needs of people passing through the area;
 - b. The use will primarily employ a work force from the community and surrounding rural area; and
 - c. It is not practical to contain the proposed use within 4,000 square feet of the floor area.
 2. This provision does not apply to uses listed in DCC 18.67.040(C)(10).
 3. For the purposes of DCC 18.67.040, the surrounding rural area is described as the following: extending north to the Township boundary between Townships 15 and 16; extending west to the boundary of the public lands managed by the U.S. Forest Service in T16S-R11E; extending south to the south section lines of T17S-R12E sections 4,5,6 and T17S-R11E sections 1,2,3; and extending east to Highway 97.
- F. Design Standards. Ground Floor Windows. The following criteria for ground floor windows apply to new buildings in the TuC district except those uses listed in DCC 18.67.040(C)(10) and any residential use. The provisions of DCC 18.124 also apply.
1. The windows must be at least 50 percent of the length of the ground level wall area and 25 percent of height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls which abut sidewalks or streets.

- 2. Required window areas shall be either windows that allow views into working areas, lobbies, pedestrian entrances or display windows.
- G. Lot Requirements. No lot shall be created having less than a minimum of 10,000 square feet. Lot requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas and off-street parking.
- H. Dimensional Standards.
 - 1. Lot Coverage: No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.
 - 2. No use listed in DCC 18.67.040(C)(10) that is located adjacent to or across a local or collector from a lot or parcel in a residential district shall exceed 70 percent lot coverage by all buildings, outside storage, or off-street parking and loading areas.
- I. Yard Standards.
 - 1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070 (D)(3).
The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.
 - 2. Side Yard. No requirement, subject to DCC 18.67.040(I)(4).
 - 3. Rear Yard. No specific requirement, subject to DCC 18.67.040 (I)(4).
 - 4. Exceptions to Yard Standards.
 - a. Lot line adjacent to a residential zone.
For all new structures or substantial alteration of a structure requiring a building permit on a lot adjacent to a residential district, the setback shall be a minimum of 15 feet. The required yard will be increased by one foot for each foot by which the building height exceeds 20 feet.
 - b. Lot line adjacent to an EFU zone. Any structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

HISTORY

Adopted by Ord. [97-033](#) §2 on 6/25/1997
Amended by Ord. [97-063](#) §3 on 11/12/1997
Amended by Ord. [2000-033](#) §11 on 12/6/2000
Amended by Ord. [2001-016](#) §2 on 3/28/2001
Amended by Ord. [2001-039](#) §8 on 12/12/2001
Amended by Ord. [2004-002](#) §19 on 4/28/2004
Amended by Ord. [2004-013](#) §7 on 9/21/2004
Amended by Ord. [2015-004](#) §5 on 4/22/2015
Amended by Ord. [2016-015](#) §6 on 7/1/2016
Amended by Ord. [2020-001](#) §8 on 4/21/2020

Amended by Ord. [2020-010](#) §4 on 7/3/2020
Amended by Ord. [2021-004](#) §4 on 5/27/2021
Amended by Ord. [2021-013](#) §8 on 4/5/2022
Amended by Ord. [2022-014](#) §4 on 4/4/2023
Amended by Ord. [2024-008](#) §10 on 10/9/2024

18.67.090 Right-Of-Way Development Standards

- A. Applicability. The standards in DCC 18.67.~~080-090~~ shall, in conjunction with the provisions of DCC 17.36, 17.40 and 17.48 relating to improvements in the right-of-way, apply to improvements in the right-of-way required by land use approvals. Right-of-way improvements shall be those authorized by subdivision, partition, conditional use or site plan requirements, as applicable. The standards set forth in DCC 18.67.~~080-090~~ shall govern over any conflicting standards set forth in DCC Title 17.
- B. Road Access. For properties abutting Highway 20, when there is a choice to take access from a road other than Highway 20, no access shall be taken from Highway 20.
- C. Roadways. Any roadway improvement shall conform to the applicable provisions of DCC Title 17, Table 18.67-A and the functional classification assigned to the road segment by the Comprehensive Plan for the Tumalo Rural Community.
- D. Bikeways. Required bikeway improvements shall conform to the standards set forth in DCC 17.48.140 and applicable specifications of DCC Title 17, Table 18.67-A.
- E. Sidewalks.
 - 1. Sidewalks shall meet the standards set forth in Table 18.67-A. Sidewalks are required only where specified in the Comprehensive Plan Map for Tumalo, Map D1 “Planned Pedestrian Improvements.”
 - 2. Sidewalks may be constructed either at the time of development or may be deferred until later through formation of a local improvement district. Applicants electing to defer sidewalk construction shall be required as a condition of approval to submit and have recorded a waiver of remonstrance signed by the land owner waiving the land owner’s rights to have any objection to LID formation counted against formation of the LID.
- F. Drainage. Drainage facilities shall be required if necessary to meet the standard of DCC 17.48.190. Where specified in DCC Title 17, Table 18.67-A drainage shall be accomplished by swales constructed in accordance with the specifications set forth in DCC Title 17, Table 18.67-A and the drawing set forth in DCC 17.48.

HISTORY

Adopted by Ord. [97-033](#) §2 on 6/25/1997
Amended by Ord. [2024-008](#) §10 on 10/9/2024

18.74.020 Uses Permitted; Deschutes Junction And Deschutes River Woods Store

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling.
2. Manufactured home subject to DCC 18. 1 16. 070.
3. Two-family dwelling.
4. Type 1 Home Occupation, subject to DCC 18. 1 16. 280.
5. Agricultural uses.
6. Class I and II road or street project subject to approval as part of a land partition or subdivision, or subject to the standards and criteria established in DCC 18.116.230.
7. Class III road or street project.

8. A lawfully established use existing as of 11/05/02, the date this chapter was adopted, not otherwise permitted by this chapter.

8.9. Residential home.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.124:

1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses.
 - a. Restaurant, café or delicatessen.
 - b. Grocery store.
 - c. Tavern.
 - d. Retail sporting goods and guide services.
 - e. Barber and beauty shop.
 - f. General store.
 - g. Video store.
 - h. Antique, art, craft, novelty and second hand sales if conducted completely within an enclosed building.
2. Expansion of a nonconforming use listed under section B(1)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
3. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.

- a. Retail sales of agricultural or farm products.
 - b. Farm machinery sales and repair.
 - c. Kennel.
 - d. Veterinary clinic.
 - e. Automobile service station and repair garage, towing service, fuel storage and sales.
 - f. Public or semi-public use.
 - g. Residential use in the same building as a use permitted by this chapter.
 - h. Park or playground.
4. Expansion of a nonconforming use listed under section B(3)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 3,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
- C. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review, of this title:
- 1. Child care facility and/or preschool.
- D. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:
- 1. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.
 - a. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 - b. Utility facility.
 - c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 - d. Religious institutions or assemblies.
 - e. School.
 - 2. Recreational vehicle park
 - 3. Mini-storage facilities limited to 35,000 square feet in size.
 - 4. Marijuana retailing, subject to the provisions of DCC 18.116.330.
 - 5. Psilocybin service centers, subject to the provisions of DCC 18.116.380.

HISTORY
Adopted by Ord. [2002-019](#) §2 on 8/7/2002

Amended by Ord. [2004-002](#) §20 on 4/28/2004
Amended by Ord. [2008-008](#) §1 on 3/18/2008
Amended by Ord. [2015-004](#) §7 on 4/22/2015
Amended by Ord. [2016-015](#) §7 on 7/1/2016
Amended by Ord. [2020-001](#) §9 on 4/21/2020
Amended by Ord. [2020-010](#) §5 on 7/3/2020
Amended by Ord. [2021-013](#) §9 on 4/5/2022
Amended by Ord. [2022-014](#) §5 on 4/4/2023
Amended by Ord. [2024-008](#) §11 on 10/9/2024

18.76.100 Design And Use Criteria

~~The following dimensional standards shall apply in the Airport Districts:~~

The Planning Director or Hearings Body shall take into account the impact of any proposed conditional use within the AD Zone on nearby residential and commercial uses, and on the capacity of transportation and other public facilities and services. In approving a proposed conditional use, the Planning Director or Hearings Body shall find that:

- A. The proposed use is in compliance with the Comprehensive Plan, including the current version of the adopted Bend Airport Master Plan.
- B. The proposed use is in compliance with the intent and provisions of DCC Title 18.
- C. Any adverse social, economical, physical or environmental impacts are minimized.
- D. The proposed use is not sensitive to noise of the character anticipated by the current and expected noise level contours of the airport.
- E. The proposed use is compatible with adjacent agricultural and residential uses.
- F. There are sufficient public facilities and services to support the proposed use.
- G. The location and site design of the proposed facility will not be hazardous to the safety and general welfare of surrounding properties, and that the location will not unnecessarily restrict existing and future development of surrounding lands as indicated in the Comprehensive Plan.
- H. The use shall make the most effective use reasonably possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring residential uses, and minimize intrusion into the character of existing developments and land uses in the immediate vicinity of the proposed use.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Repealed & Reenacted by Ord. [2003-036](#) §2 on 11/5/2003

Amended by Ord. [2018-006](#) §9 on 11/20/2018

[Amended by Ord. 2024-008 §12 on 10/9/2024](#)

18.108.030 Single Family Residential; RS District

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. Single-family dwelling.
 2. Recreational path.
 - 2-3. Residential home.
- B. Conditional Uses Permitted. The following uses may be permitted subject to DCC 18.128 and a conditional use permit:
1. Park, playground and picnic and barbecue area.
 2. Fire station.
 3. Library.
 4. Museum.
 5. Health and fitness facility.
 6. Utility substations or pumping stations with no equipment storage or sewage treatment facilities.
 7. Temporary subdivision sales office.
 8. Community building.
 9. Religious institutions or assemblies.
- C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height, except as allowed under DCC 18.120.040.
- D. Lot Requirements. The following lot requirements shall be observed, provided that the Planning Director or Hearings Body may allow smaller lots approved pursuant to DCC Title 18 and consistent with the Comprehensive Plan designations for preservation of forested area or significant rock outcroppings when these lots are internal to the subdivision or after a hearing if they are located on the edge of the new plat.
1. Lot Area. Every lot shall have a minimum area of 6,000 square feet.
 2. Lot Width. Every lot shall have a minimum average width of 60 feet, except that a corner lot shall be a minimum of 70 feet.
 3. Frontage. Every lot shall have a minimum width at the street of 50 feet, except that on an approved cul-de-sac this may be reduced to 30 feet.
 4. Front Yard. The front yard shall be a minimum of 20 feet.
 5. Side Yard. A side yard shall be a minimum of five feet for structures up to 21 feet in height. All structures greater than 21 feet in height shall have a minimum side yard of 7.5 feet, including additions thereto.

- 6. Rear Yard. The rear yard setback for properties which do not have a common area adjoining the rear property line shall be a minimum of 25 feet. The rear yard setback is zero for properties with a rear property line which adjoins a common area that is 50 feet or greater in depth. The rear yard setback for properties which adjoin common area less than 50 feet in depth shall be calculated at six inches for every one foot less than 50 feet. The depth of the common area adjoining the rear yard shall be determined to be the average depth of the common area when measured at 90 degree angles at 10 foot intervals along the entire length of the rear property line.
- 7. Lot Coverage. Maximum lot coverage by buildings and structures shall be 35 percent of the lot area.

HISTORY

Repealed & Reenacted by Ord. [97-078](#) §2 on 12/31/1997

Amended by Ord. [98-035](#) §2 on 6/10/1998

Amended by Ord. [2004-013](#) §11 on 9/21/2004

Amended by Ord. [2020-001](#) §12 on 4/21/2020

[Amended by Ord. 2024-008 §13 on 10/9/2024](#)

[18.108.050 Commercial; C District](#)

- A. Uses Permitted Outright. Any combination of the following uses and their accessory uses are permitted outright in the C district.
 - 1. Recreational path.
 - 2. Ambulance service.
 - 3. Library.
 - 4. Religious institutions or assemblies.
 - 5. Bus stop.
 - 6. Community center.
 - 7. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
 - a. Retail/rental store, office and service establishment.
 - b. Art galleries
 - c. Dry cleaner and/or self-service laundry establishment.
 - d. Radio and television sales and service.
 - e. Radio and television broadcasting studios and facilities, except towers.
 - f. Restaurant, bar and cocktail lounge, including entertainment.
 - g. Automobile service station.

- h. Technical and business school.
 - i. Catering establishment.
 - j. Crafts in conjunction with retail sales (occurring on premises, such as stained glass/pottery, etc.).
 - k. Medical and dental clinic, office and laboratory.
 - l. Theater not exceeding 4,000 square feet of floor area.
 - m. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
8. Multiple-family residential dwelling units, subject to the provisions of DCC 18.108.050(C)(1).
 9. Residential dwelling units constructed in the same building as a commercial use, subject to the provisions of DCC 18.108.050(C)(2).
 10. Post Office.
 11. Administrative and office facility associated with a community association or community use.

12. Police facility.

~~12-13.~~ Residential facility.

B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit.

1. Public buildings and public utility buildings and structures.
2. Club, lodge or fraternal organization.
3. Commercial off-street parking lot.
4. Bus passenger station.
5. Interval ownership and/or time-share unit or the creation thereof.
6. Miniature golf.
7. Bed and breakfast inn.
8. Inn.

~~9.~~ Residential facility.

10-9. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:

- a. Bowling alley.

- b. Car wash.
- c. Dancing or music school, nursery school, kindergarten and day-care facility.
- d. Theater exceeding 4,000 square feet in floor area.
- e. Veterinary clinic or kennel operated entirely within an enclosed building.
- f. Automotive repair and maintenance garage, or tire store, provided the business is wholly conducted within an enclosed building.
- g. Marijuana retailing, subject to the provisions of DCC 18.116.330.

11.10. Psilocybin service centers. subject to the provisions of DCC 18.116.380.

C. Use Limits.

1. Multiple-family residential dwelling units, allowed on the nine acres vacant as of December 31, 1997 in the C District, shall be subject to the provisions of DCC 18.108.040(C) and (D), and the following requirements:
 - a. No dwelling unit shall have more than three bedrooms.
 - b. Individual dwelling units shall not exceed 2,250 square feet of habitable floor area.
 - c. One off-street parking space shall be provided for each bedroom within each dwelling unit, with a maximum of two spaces allowed per dwelling unit.
2. Residential dwelling units constructed in the same building as a commercial use developed in the C district shall be subject to the following requirements:
 - a. Residential dwelling units shall be developed above first floor commercial use.
 - b. No dwelling unit shall have more than two bedrooms.
 - c. Individual dwelling units shall not exceed 850 square feet of floor area.
 - d. One off-street parking space shall be provided for each bedroom within each dwelling unit.
3. Uses permitted either outright or conditionally in the C District shall not involve the transport of chemicals which would present a significant hazard.

D. Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.108.050(A)(7) or DCC 18.108.050(B)(10) may be allowed in a building or buildings each exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:

1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the needs of the people passing through the area. For the purposes of DCC 18.108.050(D), the surrounding rural area shall be that area identified as all property within five miles of the boundary of the Sunriver Urban Unincorporated Community;

- 2. The use will primarily employ a work force from the community and surrounding rural area; and
 - 3. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.
- E. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.
- F. Lot Requirements. The following lot requirements shall be observed:
- 1. Lot Area. No requirements.
 - 2. Lot Width. No requirements.
 - 3. Lot Depth. 100 feet.
 - 4. Front Yard. The front yards shall be a minimum of 10 feet.
 - 5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yards shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 - 6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 - 7. Lot Coverage. No requirements.

HISTORY

Repealed & Reenacted by Ord. [97-078](#) §2 on 12/31/1997

Amended by Ord. [98-016](#) §1 on 3/11/1998

Amended by Ord. [2003-026](#) §1 on 7/9/2003

Amended by Ord. [2015-004](#) §9 on 4/22/2015

Amended by Ord. [2016-015](#) §9 on 7/1/2016

Amended by Ord. [2020-001](#) §12 on 4/21/2020

Amended by Ord. [2022-014](#) §7 on 4/4/2023

[Amended by Ord. 2024-008 §13 on 10/9/2024](#)

[18.108.060 Resort; R District](#)

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the R District:
- 1. Resort facility developed in a building or buildings of any size which house any combination of:
 - a. Meeting room, convention and banquet facility.
 - b. Resort recreation facilities.
 - c. Property sales and rental office.

- d. Hotel, motel and lodging facility with up to 100 units in a single building.
 - e. Maintenance facility associated with resort and recreation operations.
 - f. Storage building necessary for and associated with resort, recreation and/or property development.
 - g. Administrative offices, support and service facilities commonly associated with resort and recreation development and operations.
2. Restaurant, bar and cocktail lounge including entertainment and catering facilities which are included within the same building as any of the uses listed in DCC 18.108.060(A)(1).
 3. Retail sales, rental and repair services commonly associated with and included within the same building as any of the uses listed in DCC 18.108.060(A)(1).
 4. Interval ownership and/or time-share unit or the creation thereof.
 5. Multiple family residential dwelling units subject to and consistent with the standards of the RM District.
 6. Recreational path.

~~7. Residential home.~~

~~8.7. Residential facility.~~

~~9.8.~~ A building or buildings each not exceeding 8,000 square feet of floor space which conform with the height regulations and lot requirements of the R District and house any combination of:

- a. New restaurant, bar and cocktail lounge, including entertainment and catering facilities which are not included within the same building as those uses listed in DCC 18.108.060(A)(1).
- b. New retail sales, rental and repair services commonly associated with uses permitted outright or conditionally in the R District which are not included within the same building as those uses listed in DCC 18.108.060(A)(1).

B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:

1. Public buildings and public utility buildings and structures as they may be appropriate to the R District.
2. Religious institutions or assemblies, club or fraternal organization.
3. School.

C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 40 feet in height.

D. Lot Requirements. The following lot requirements shall be observed:

1. Lot Area. No requirements.
2. Lot Width. No requirements.
3. Lot Depth. 100 feet.
4. Front Yard. The front yard shall be a minimum of 10 feet.
5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
7. Lot Coverage. No requirements.

HISTORY

Repealed & Reenacted by Ord. [97-078](#) §2 on 12/31/1997

Amended by Ord. [2020-001](#) §12 on 4/21/2020

[Amended by Ord. 2024-008 §13 on 10/9/2024](#)

[18.108.120 Community General; CG District](#)

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. School.
 2. Utility substation, utility equipment storage and repair yard, and pump station.
 3. Golf course.
 4. Tennis court.
 5. Swimming pool.
 6. Park, playground and picnic and barbecue area.
 7. Nature center.
 8. Putting green.
 9. Recreational path.
 10. Equestrian facility.
 11. Boat dock.
 12. Health and fitness facilities.
 13. Amphitheater.
 14. Observatory.

- 15. Administrative and office facility associated with a community association or community use.
- 16. Police facility.
- 17. Fire station.
- 18. Public works facility.
- 19. Community center.
- 20. Religious institutions or assemblies.
- 21. Warehouse and storage facilities accessory to and in conjunction with any use permitted outright in this district.

~~22. Residential home.~~

~~23. Residential facility.~~

24.22. A building or buildings each not exceeding 8,000 square feet of floor space which conform with the height regulations and lot requirements of the CG District and house any combination of:

- a. Limited food and beverage service customarily accessory to and in conjunction with any use permitted outright or conditionally in this district.
- b. Retail sales, rental and repair services commonly associated with uses permitted outright or
- c. conditionally in the CG District.

B. Conditional Uses Permitted. The following uses may be permitted subject to DCC 18.128 and a conditional use permit:

- 1. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).

C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

D. Lot Requirements. The following lot requirements shall be observed:

- 1. Lot Area. No requirements.
- 2. Lot Width. No requirements.
- 3. Lot Depth. 100 feet.
- 4. Front Yard. The front yard shall be a minimum of 10 feet.
- 5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one half foot for each foot by which the building height exceeds 20 feet.

- 6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
- 7. Lot Coverage. No requirements.

HISTORY

Repealed & Reenacted by Ord. [97-078](#) §2 on 12/31/1997

Amended by Ord. [2014-020](#) §1 on 1/6/2015

Amended by Ord. [2020-001](#) §12 on 4/21/2020

[Amended by Ord. 2024-008 §13 on 10/9/2024](#)

[18.108.150 Community Neighborhood; CN District](#)

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:

- 1. School.
- 2. Utility substation, pump station and, utility equipment storage and repair yard.
- 3. Sewage treatment facility.
- 4. Tennis court.
- 5. Swimming pool.
- 6. Park, playground and picnic and barbecue area.
- 7. Recreational path.
- 8. Equestrian facility.
- 9. Health and fitness facility.
- 10. Amphitheater.
- 11. Observatory.
- 12. Religious institutions or assemblies.

~~13. Residential home.~~

~~14. Residential facility.~~

~~15.~~13. Daycare facility.

~~16.~~14. Administrative and office facility associated with a community association or community use.

~~17.~~15. Community center.

~~18.~~16. Police facility.

B. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

C. Lot Requirements. The following lot requirements shall be observed:

- 1. Lot Area. No requirements.
- 2. Lot Width. No requirements.
- 3. Lot Depth. 100 feet.
- 4. Front Yard. The front yard shall be a minimum of 10 feet.
- 5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
- 6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
- 7. Lot Coverage. No requirements.

HISTORY

Repealed & Reenacted by Ord. [97-078](#) §2 on 12/31/1997

Amended by Ord. [98-016](#) §3 on 3/11/1998

Amended by Ord. [2020-001](#) §12 on 4/21/2020

[Amended by Ord. 2024-008 §13 on 10/9/2024](#)

18.110.020 Seventh Mountain/Widgi Creek And Black Butte Ranch Resort Districts

- A. Uses permitted outright. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110.050:
1. Single-family dwelling.
 2. Residential home.
 - ~~3.~~ ~~Residential facility.~~
 - ~~4.~~3. Timeshare units existing as of January 1, 1984 at Black Butte Ranch.
 - ~~5.~~4. Timeshare units at the Inn of the Seventh Mountain.
 - ~~6.~~5. The following resort recreational facilities: Recreational path, picnic and barbecue area, park, playground, and sport courts for basketball, volleyball, and similar small-scale recreation activities.
 - ~~7.~~6. Livestock and horse grazing on common area in Black Butte Ranch.
 - ~~8.~~7. Police or security facility.
- B. Uses permitted subject to site plan review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.110 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
1. Resort facility, as that term is defined in DCC Title 18.
 2. Resort recreation facilities, as that term is defined in DCC Title 18, except those uses listed in DCC 18.110.020(A)(6).
 3. Resort utility facilities, as that term is defined in DCC Title 18.
 4. Property sales and rental office.
 5. Hotel or motel.
 6. Daycare facility.
 7. Fire station.
 8. Post office.
 9. Multiple-family dwellings.
 10. Employee housing.
 - ~~10.~~11. ~~Residential facility.~~
- C. Conditional uses permitted. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
1. Religious institutions or assemblies.

2. Wireless telecommunications facility.

HISTORY

Adopted by Ord. [2001-048](#) §2 on 12/10/2001

Amended by Ord. [2014-009](#) §1 on 8/6/2014

Amended by Ord. [2014-025](#) §1 on 9/15/2014

Amended by Ord. [2020-001](#) §13 on 4/21/2020

Amended by Ord. [2024-008](#) §14 on 10/9/2024

18.116.210 Residential Homes And Residential Facilities

~~A.—Residential homes and residential facilities shall be permitted in the same manner that single-family dwellings are permitted under DCC Title 18. For the purposes of DCC Title 18, the term "dwelling" or "single-family dwellings" shall be synonymous with the terms "residential home" or "residential facility."~~

A.

In any application for a residential home or residential facility, the applicant shall not be required to supply any information concerning the existence of or the nature or severity of any handicap (as that term is defined under the Fair Housing Act) of prospective residents.

HISTORY

Adopted by Ord. [91-038](#) §3 on 9/30/1991

Amended by Ord. [2024-008](#) §15 on 10/9/2024

18.128.040 Specific Use Standards.

A conditional use shall comply with the standards of the zone in which it is located and with the standards and conditions set forth in DCC 18.128.~~045-050~~ through DCC 18.128.370.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [80-206](#) §4 on 10/13/1980

Amended by Ord. [84-015](#) §3 on 7/18/1984

Amended by Ord. [84-023](#) §4 on 8/1/1984

Amended by Ord. [85-002](#) §9 on 2/13/1985

Amended by Ord. [86-018](#) §1 on 6/30/1986

Amended by Ord. [86-056](#) §§3 and 4 on 6/30/1986

Amended by Ord. [87-032](#) §1 on 12/9/1987

Amended by Ord. [89-008](#) §1 on 3/29/1989

Amended by Ord. [90-014](#) §§39 and 40 on 7/12/1990

Amended by Ord. [91-005](#) §§46 and 47 on 3/4/1991

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [94-008](#) §15 on 6/8/1994

Amended by Ord. [94-053](#) §6 on 12/7/1994

Amended by Ord. [2000-033](#) §9 on 12/6/2000

[Amended by Ord. 2024-008 §16 on 10/9/2024](#)

19.04.040 Definitions

As used in DCC Title 19, words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; unless the context clearly indicates the contrary, the word "shall" is mandatory and not discretionary; the word "may" is permissive; the masculine gender includes the feminine and neuter; and the term "this title" shall be deemed to include the text of this title and accompanying zoning maps and all amendments hereafter made thereto. As used in this title, unless the context requires otherwise, the following words and phrases shall be defined as set forth in DCC 19.04.040.

“Residential facility” means a residential care, residential training, or residential treatment facility, as those terms are defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

“Residential home” means a residential treatment or training home, as defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), a residential facility registered under ORS 443.480 (Definitions for ORS 443.480 to 443.500) to 443.500 (Investigation of registered facilities), or an adult foster home licensed under ORS 443.705 (Definitions for ORS 443.705 to 443.825) to 443.825 (Disposition of penalties recovered) that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

HISTORY

Adopted by Ord. [80-217](#) §1 Exhibit A on 12/18/1980
Amended by Ord. [82-011](#) on 8/9/1982
Amended by Ord. [83-041](#) §2 on 6/1/1983
Amended by Ord. [86-032](#) §1 on 4/2/1986
Amended by Ord. [86-033](#) §1 on 4/2/1986
Amended by Ord. [86-017](#) §1 Exhibit a on 6/30/1986
Amended by Ord. [86-055](#) §1 on 6/30/1986
Amended by Ord. [86-058](#) §1 on 6/30/1986
Amended by Ord. [88-042](#) §3 on 12/19/1988
Amended by Ord. [90-038](#) §1 on 10/3/1990
Repealed & Reenacted by Ord. [90-007](#) §1 on 12/7/1990
Amended by Ord. [91-001](#) §1 on 1/28/1991
Amended by Ord. [91-029](#) §§1, 8, 9 and 10 on 8/7/1991
Amended by Ord. [92-043](#) §1 on 5/20/1992
Amended by Ord. [93-018](#) §1 on 5/19/1993
Amended by Ord. [94-005](#) §§1 & 2 on 6/15/1994
Amended by Ord. [95-045](#) §15 on 6/28/1995
Amended by Ord. [96-071](#) §1D on 12/30/1996
Amended by Ord. [97-017](#) §1 on 3/12/1997

Amended by Ord. [97-038](#) §1 on 8/27/1997
Amended by Ord. [99-001](#) §§2-4 on 1/13/1999
Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009
Amended by Ord. [2014-016](#) §1 on 12/29/2014
Amended by Ord. [2016-016](#) §1 on 6/1/2016
Amended by Ord. [2017-009](#) §7 on 7/21/2017
Amended by Ord. [2020-001](#) §17 on 4/21/2020
Amended by Ord. [2020-010](#) §8 on 7/3/2020
Amended by Ord. [2021-009](#) §2 on 6/18/2021
Amended by Ord. [2024-008](#) §17 on 10/9/2024

19.12.020 Permitted Uses

The following uses are permitted:

- A. Farm uses as defined in DCC Title 19.
- B. Single-family dwelling.
- C. Home occupation subject to DCC 19.88.140.
- D. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- E. Day care center facilities subject to site review, DCC 19.76 and DCC 19.88.160.
- F. Farm stands subject to DCC 19.76 and DCC 19.88.290.
- G. Accessory Dwelling Units, subject to DCC 19.92.150.

H. Residential Accessory Dwelling Units, subject to DCC 19.92.160.

H.I. Residential home.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §4 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [91-001](#) §2 on 1/28/1991

Amended by Ord. [2008-014](#) §3 on 3/31/2008

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

Amended by Ord. [2019-009](#) §4 on 9/3/2019

Recorded by Ord. [2019-009](#) §4 on 9/3/2019

Amended by Ord. [2023-014](#) §5 on 12/1/2023

[Amended by Ord. 2024-008 §18 on 10/9/2024](#)

19.20.020 Permitted Uses

The following uses are permitted:

- A. Single-family dwelling.
- B. Agriculture, excluding the keeping of livestock.
- C. Home occupations subject to DCC 19.88.140.
- D. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- E. Accessory Dwelling Units, subject to DCC 19.92.150.
- F. Child care facility and/or preschool
- G.** Residential Accessory Dwelling Units, subject to DCC 19.92.160.

G-H. Residential home.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §6 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [91-001](#) §4 on 1/28/1991

Amended by Ord. [93-018](#) §3 on 5/19/1993

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

Amended by Ord. [2019-009](#) §5 on 9/3/2019

Recorded by Ord. [2019-009](#) §5 on 9/3/2019

Amended by Ord. [2020-001](#) §20 on 4/21/2020

Amended by Ord. [2020-010](#) §9 on 7/3/2020

Amended by Ord. [2023-014](#) §6 on 12/1/2023

Amended by Ord. [2024-008](#) §19 on 10/9/2024

19.22.020 Permitted Uses

The following uses and their accessory uses are permitted outright:

- A. Single-family dwelling.
- B. Home occupation subject to DCC 19.88.140.
- C. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.

D. Residential Accessory Dwelling Units, subject to DCC 19.92.160.

~~D.~~ E. Residential home.

HISTORY

Adopted by Ord. [2019-001](#) §8 on 4/16/2019

Amended by Ord. [2023-014](#) §7 on 12/1/2023

Amended by Ord. [2024-008](#) §20 on 10/9/2024

19.28.020 Permitted Uses

The following uses are permitted:

- A. Single-family dwelling.
- B. Agriculture, excluding the keeping of livestock.
- C. Rooming and boarding of not more than two persons.
- D. Home occupation subject to the provisions of DCC 19.88.140.
- E. Other accessory uses and buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.

F. Child care facility and/or preschool.

F.G. Residential home.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [2020-010](#) §10 on 7/3/2020

Amended by Ord. [2024-008](#) §21 on 10/9/2024

CHAPTER 22.36 LIMITATIONS ON APPROVALS

[22.36.010 Expiration Of Approval](#)

[22.36.020 Initiation Of Use](#)

[22.36.025 Transition Rules; Applicability](#)

[22.36.030 Extensions To Avoid Environmental Or Health Hazards](#)

[22.36.040 Modification Of Approval](#)

[22.36.050 Transfer Of Permit](#)

[22.36.060 Revocation Of Approvals](#)

22.36.010 Expiration Of Approval**A. Scope.**

1. Except as otherwise provided herein, DCC 22.36.010 shall apply to and describe the duration of all approvals of land use permits provided for under the Deschutes County Land Use Procedures Ordinance, the various zoning ordinances administered by Deschutes County and the subdivision/partition ordinance.
2. DCC 22.36.010 does not apply to:
 - a. Those determinations made by declaratory ruling, such as verifications of nonconforming uses, verifying a lot or parcel meets the “lot of record” definition in 18.04.030, and expiration determinations, that involve a determination of the legal status of a property, land use or land use permit rather than whether a particular application for a specific land use meets the applicable standards of the zoning ordinance. Such determinations, whether favorable or not to the applicant or landowner, shall be final, unless appealed, and shall not be subject to any time limits.
 - b. Temporary use permits of all kinds, which shall be governed by applicable ordinance provisions specifying the duration of such permits.
 - c. Quasi-judicial map changes.

B. Duration of Approvals.

1. Except as otherwise provided under DCC 22.36.010 or under applicable zoning ordinance provisions, a land use permit is void two years after the date the discretionary decision becomes final if the use approved in the permit is not initiated within that time period.
2. Except as otherwise provided under applicable ordinance provisions, preliminary approval of plats or master plans shall be void after two years from the date of preliminary approval, unless the final plat has been submitted to the Planning Division for final approval within that time period, an extension is sought under DCC 22.36.010 or the preliminary plat or master plan approval has been initiated as defined herein.
3. In cases of a land use approval authorized under applicable approval criteria to be completed in phases, each phase must be initiated within the time specified in the

approval, or initiated within two years of completion of the prior phase if no timetable is specified.

- 4. The approval period for the following dwellings in the Exclusive Farm Use and Forest Use Zones is for 4 years:
 - a. Nonfarm dwelling
 - b. Lot of record dwelling
 - c. Large tract dwelling
 - d. Template dwelling.
 - e. Alteration, restoration, or replacement of a lawfully established dwelling ~~in~~ Forest Use Zones.
 - f. Caretaker residences for public parks and public fish hatcheries.
 - f.g. Hardship dwelling.

C. Extensions.

- 1. The Planning Director may grant one extension of up to one year for a land use approval or a phase of a land use approval, and two years for those dwellings listed in DCC 22.36.010(B)(4) above, regardless of whether the applicable criteria have changed, if:
 - a. An applicant makes a written request for an extension of the development approval period;
 - b. The request, along with the appropriate fee, is submitted to the County prior to the expiration of the approval period;
 - c. The applicant states reasons that prevented the applicant from beginning or continuing development or meeting conditions of approval within the approval period; and
 - d. The County determines that the applicant was unable to begin or continue development or meet conditions of approval during the approval period for reasons for which the applicant was not responsible, including, but not limited to, delay by a state or federal agency in issuing a required permit.
- 2. Except for those dwellings listed under DCC 22.36.010(B)(4) above, up to two additional one-year extensions may be granted by the Planning Director or the Planning Director’s designees where applicable criteria for the decision have not changed, if:
 - a. An applicant makes a written request for an extension of the development approval period;
 - b. The request, along with the appropriate fee, is submitted to the County prior to the expiration of the approval period;

- c. The applicant states reasons that prevented the applicant from beginning or continuing development or meeting conditions of approval within the approval period; and
 - d. The County determines that the applicant was unable to begin or continue development or meet conditions of approval during the approval period for reasons for which the applicant was not responsible, including, but not limited to, delay by a state or federal agency in issuing a required permit.
3. For those dwellings listed under DCC 22.36.010(B)(4), up to five additional one-year extensions may be granted if:
 - a. The applicant makes a written request for the additional extension prior to the expiration of an extension;
 - b. The applicable residential development statute has not been amended following the approval of the permit; and
 - c. An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.
4. In addition to the extensions granted in DCC 22.36.010(C)(1), one additional two-year extension for a land use approval or a phase of a land use approval may be granted by the Planning Director or the Planning Director's designee under the criteria listed under DCC 22.36.010(C)(1) for approvals issued prior to June 8, 2011. This subsection does not apply for those dwellings listed under DCC 22.36.010(B)(4) above.

D. Procedures.

1. A determination of whether a land use has been initiated shall be processed as a declaratory ruling.
2. Approval of an extension granted under DCC 22.36.010 is an administrative decision, is not a land use decision described in ORS 197.015 or Title 22 and is not subject to appeal as a land use decision and shall be processed under DCC Title 22 as a development action, except to the extent it is necessary to determine whether the use has been initiated.

- E. Effect of Appeals. The time period set forth in DCC 22.36.010(B) shall be tolled upon filing of an appeal to LUBA until all appeals are resolved.

HISTORY

Repealed & Reenacted by Ord. [82-011](#) on 8/9/1982

Repealed & Reenacted by Ord. [90-007](#) §1 on 12/7/1990

Amended by Ord. [95-018](#) §1 on 4/26/1995

Amended by Ord. [95-045](#) §43A on 6/28/1995

Amended by Ord. [2004-001](#) §4 on 7/14/2004

Amended by Ord. [2011-016](#) on 6/8/2011

Amended by Ord. [2015-017](#) §5 on 3/28/2016
Amended by Ord. [2017-015](#) §5 on 11/1/2017
Amended by Ord. [2020-022](#) §2 on 5/20/2020
Amended by Ord. [2020-007](#) §22 on 10/27/2020
Amended by Ord. [2024-008](#) §22 on 10/9/2024



FINDINGS

HOUSEKEEPING TEXT AMENDMENTS

I. **APPLICABLE CRITERIA:**

Title 22, Deschutes County Development Procedures Ordinance

II. **BACKGROUND:**

The Planning Division regularly amends Deschutes County Code (DCC) and the Comprehensive Plan to correct minor errors identified by staff, other County departments, and the public. This process, commonly referred to as housekeeping, also incorporates updates from rulemaking at the state level through amendments to Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR), and allows for less substantive code changes to continue efficient County operations.

The last time Deschutes County adopted housekeeping amendments occurred in March 2023¹.

III. **BASIC FINDINGS:**

The Planning Division determined minor changes were necessary to clarify existing standards and procedural requirements, include less substantive code alterations, incorporate changes to state and federal law, and correct errors found in various sections of the Deschutes County Code (DCC). Staff initiated the proposed changes and notified the Oregon Department of Land Conservation and Development on July 2, 2024 (File no. 247-24-000417-TA). As demonstrated in the findings below, the amendments remain consistent with Deschutes County Code, the Deschutes County Comprehensive Plan, and the Statewide Planning Goals.

IV. **FINDINGS:**

CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

Hearing Required

No legislative change shall be adopted without review by the Planning Commission and a public hearing before the Board of County Commissioners. Public hearings before the

¹ Ordinances 2023-001.

Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.

FINDING: This criterion will be met because a public hearing was held before the Deschutes County Planning Commission (Commission) on August 22, 2024 and a public hearing was held before the Board of County Commissioners (Board) on September 25, 2024.

Section 22.12.020, Notice

Notice

A. Published Notice

- 1. **Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.**
- 2. **The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.**

FINDING: This criterion is met as notice was published in *The Bulletin* newspaper on August 6, 2024 for the Commission public hearing and on September 11, 2024 for the Board public hearing.

B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.

FINDING: Posted notice was determined by the Planning Director not to be necessary.

C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.

FINDING: The proposed amendments are legislative and do not apply to any specific property. Therefore, individual notice is not required.

D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.

FINDING: Notice was provided to the County public information official for wider media distribution. This criterion has been met.

Section 22.12.030 Initiation of Legislative Changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.

FINDING: The application was initiated by the Deschutes County Planning Division at the direction of the Board and has received a fee waiver. This criterion has been met.

Section 22.12.040. Hearings Body

- A. *The following shall serve as hearings or review body for legislative changes in this order:***
 - 1. *The Planning Commission.***
 - 2. *The Board of County Commissioners.***
- B. *Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.***

FINDING: This criterion is met as the Commission held a public hearing on August 22, 2024. The Board held a public hearing on September 25, 2024.

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: The proposed legislative changes included in file no. 247-24-000417-TA will be implemented by ordinances upon approval and adoption by the Board.

V. PROPOSED TEXT AMENDMENTS:

The proposed text amendments are detailed in the referenced ordinance with additional text identified by underline and deleted text by ~~striketrough~~. Below are summary explanations of the proposed changes.

Title 15, Buildings and Construction:

Chapter 15.08. SIGNS

Section 15.08.060. Sign Permit - (See Exhibit A)

DCC 15.08.060 outlines exceptions for when a sign permit is required. The proposed change corrects an internal DCC reference for sign permit exceptions to the appropriate section.

Title 18, County Zoning:

Chapter 18.04. TITLE, PURPOSE, AND DEFINITION - (See Exhibit B)

Section 18.04.030. Definitions

The proposed changes will update the definitions for “residential facility” and “residential home” to match the state statutory definitions in ORS (Oregon Revised Statutes) 197.660.

Chapter 18.16. EXCLUSIVE FARM USE ZONES - (See Exhibit C)

Section 18.16.030. Conditional Uses Permitted; High Value And Non-High Value Farmland

The proposed changes alter the standards for replacing a lawfully established dwelling within the Exclusive Farm Use (EFU) Zone to match the updated state statutory standards put in place by House Bill (HB) 2192, and referenced in ORS 215.291. The modified statutory language outlines new standards for:

- Determining if a dwelling is eligible for replacement.
- Siting criteria for replacement dwellings.
- Timelines for constructing replacement dwellings and deconstructing or converting original dwellings.
- Deed restrictions for replacement dwellings.
- Construction provisions from section R327 of the Oregon Residential Specialty Code that apply to replacement dwellings.

Additional proposed changes modify the existing language regarding residential homes and residential facilities in the EFU Zone to match the state statutory standards of ORS 197.665 and 197.667 respectively. Deschutes County will continue to allow residential homes in existing dwellings subject to ORS 215.296. However, residential facilities will no longer be allowed in the EFU Zone as those uses are precluded per ORS 197.667. These proposed changes align with a larger set of proposed changes dealing with residential homes and residential facilities in DCC 18.116.210, as detailed below.

Chapter 18.32. MULTIPLE USE AGRICULTURAL ZONE; MUA - (See Exhibit D)

Section 18.32.020. Uses Permitted Outright

Per ORS 197.665, the proposed changes enumerate that residential homes are a use allowed outright within residential zones, including the Multiple Use Agricultural (MUA10) Zone.

Chapter 18.36. FOREST USE ZONE; F-1 - (See Exhibit E)

Section 18.36.020. Uses Permitted Outright

Section 18.36.025. Lawfully Established Dwelling Replacement

The proposed changes alter the standards for replacing a lawfully established dwelling within the Forest Use (F1) Zone to match the updated state statutory standards put in place by House Bill (HB) 2192, and referenced in ORS 215.291. The modified statutory language outlines new standards for:

- Determining if a dwelling is eligible for replacement.
- Siting criteria for replacement dwellings.
- Timelines for constructing replacement dwellings and deconstructing or converting original dwellings.
- Deed restrictions for replacement dwellings.
- Construction provisions from section R327 of the Oregon Residential Specialty Code that apply to replacement dwellings.

Section 18.36.070. Fire Siting Standards For Dwellings And Structures

The proposed changes correct an erroneous reference the Oregon Uniform Building Code identifying noncombustible or fire resistant roofing materials for structures built in the F1 Zone. The correct reference has been included for the Oregon Residential Specialty Code.

Chapter 18.40. FOREST USE ZONE; F-2 - (See Exhibit F)

Section 18.40.020. Uses Permitted Outright

Section 18.40.025. Lawfully Established Dwelling Replacement

The proposed changes alter the standards for replacing a lawfully established dwelling within the Forest Use (F2) Zone to match the updated state statutory standards put in the place by House Bill (HB) 2192. The modified statutory language outlines new standards for:

- Determining if a dwelling is eligible for replacement.
- Siting criteria for replacement dwellings.
- Timelines for constructing replacement dwellings and deconstructing or converting original dwellings.
- Deed restrictions for replacement dwellings.
- Construction provisions from section R327 of the Oregon Residential Specialty Code that apply to replacement dwellings.

Section 18.40.070. Fire Siting Standards For Dwellings And Structures

The proposed changes correct an erroneous reference the Oregon Uniform Building Code identifying noncombustible or fire resistant roofing materials for structures built in the F2 Zone. The correct reference has been included for the Oregon Residential Specialty Code.

Chapter 18.60. RURAL RESIDENTIAL ZONE; RR-10 - (See Exhibit G)

Section 18.60.020. Uses Permitted Outright

Per ORS 197.665, the proposed changes enumerate that residential homes are a use allowed outright within residential zones, including the Rural Residential (RR10) Zone.

Chapter 18.65. RURAL SERVICE CENTER; UNINCORPORATED COMMUNITY ZONE - (See Exhibit H)

Section 18.65.020. Commercial/Mixed Use District (Brothers, Hampton, Millican, Whistlestop And Wildhunt)

Section 18.65.021 Alfalfa RSC; Commercial/Mixed Use District

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

Chapter 18.66. TERREBONNE RURAL COMMUNITY ZONING DISTRICTS - (See Exhibit I)

Section 18.66.020. Residential (TeR) District

Section 18.66.030 Residential-5 Acre Minimum (TeR5) District

Section 18.66.040 Commercial (TeC) District

Section 18.66.050 Commercial-Rural (TeCR) District

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

Chapter 18.67. TUMALO RURAL COMMUNITY ZONING DISTRICTS - (See Exhibit J)

Section 18.67.020. Residential (TuR) District

Section 18.67.030 Residential-5 Acre Minimum (TuR5) District

Section 18.67.040 Commercial (TuC) District

Section 18.67.090. Right-Of-Way Development Standards

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

An additional proposed change corrects a scrivener’s error which incorrectly identified DCC 18.67.080 as the section governing right-of-way development standards in the Tumalo Community Zone. The reference now correctly identified DCC 18.67.090 as the appropriate section.

Chapter 18.74. RURAL COMMERCIAL ZONE - (See Exhibit K)

Section 18.74.020. Uses Permitted; Deschutes Junction And Deschutes River Woods Store

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

Chapter 18.76. AIRPORT DEVELOPMENT ZONE - (See Exhibit L)

Section 18.76.100. Design and Use Criteria

The proposed changes remove an unnecessary duplicate line of text from DCC 18.76.060, which describes dimensional standards in the Airport District. The line “The following dimensional standards shall apply in the Airport Districts” has been removed from DCC 18.76.100.

Chapter 18.108. URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER - (See Exhibit M)

Section 18.108.030. Single Family Residential; RS District

Section 18.108.050. Commercial; C District

Section 18.108.060. Resort; R District

Section 18.108.120. Community General; CG District

Section 18.108.150. Community Neighborhood; CN District

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

Chapter 18.110. RESORT COMMUNITY ZONE - (See Exhibit N)

Section 18.110.020. Seventh Mountain/Widgi Creek And Black Butte Ranch Resort Districts

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

Chapter 18.116. SUPPLEMENTARY PROVISIONS - (See Exhibit O)

Section 18.116.210. Residential Homes And Residential Facilities

The proposed changes modify the existing standards regarding residential homes and residential facilities across all zones to match the state statutory standards of ORS 197.665 and 197.667 respectively. Deschutes County will continue to allow residential homes in all areas where they were previously allowed, except those specific zoning districts which are now precluded by statute. This includes an allowance for residential homes in existing dwellings within the EFU Zone subject to ORS 215.296. Residential facilities will continue to be allowed in all residential zones they were previously allowed, with the exception of the EFU Zone as those uses are now precluded per ORS 197.667.

Chapter 18.128. CONDITIONAL USE - (See Exhibit P)

Section 18.128.040. Specific Use Standards

The proposed changes correct a scrivener's error which references a non-existent portion of code. The reference to DCC 18.128.045 has now been changed to the correct reference of DCC 18.128.050.

Title 19, BEND URBAN GROWTH BOUNDARY ORDINANCE:

Chapter 19.04. Title, Compliance, Applicability And Definitions - (See Exhibit Q)

Section 19.04.040. Definitions

Title 19 will include new definitions for "residential facility" and "residential home" to match the state statutory definitions in ORS (Oregon Revised Statutes) 197.660. Residential home and residential facility are currently undefined terms in Title 19.

Chapter 19.12. URBAN AREA RESERVE ZONE UAR-10 - (See Exhibit R)

Section 19.12.020. Permitted Uses

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

Chapter 19.20. SUBURBAN LOW DENSITY RESIDENTIAL ZONE; SR 2 1/2 - (See Exhibit S)

Section 19.20.020. Permitted Uses

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

Chapter 19.22. WESTSIDE TRANSECT ZONE; WTZ - (See Exhibit T)

Section 19.22.020. Permitted Uses

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

Chapter 19.28. URBAN STANDARD RESIDENTIAL ZONE; RS - (See Exhibit U)

Section 19.28.020. Permitted Uses

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

Title 22, DESCHUTES COUNTY DEVELOPMENT PROCEDURES ORDINANCE:

Chapter 22.36. LIMITATIONS ON APPROVALS - (See Exhibit V)

Section 22.36.010. Expiration Of Approval

In compliance with ORS 215.010 to 215.293, 215.317 to 215.438, and 215.417(1), the proposed changes modify the types of dwellings which qualify for a 4-year approval duration after local land use review. The following dwelling types now qualify for a 4-year approval duration:

- Replacement dwellings in the EFU Zone
- Hardship dwellings in the EFU Zone

VI. CONCLUSION:

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed text amendments that make minor changes necessary to clarify existing standards and procedural requirements, incorporate changes to state and federal law, and to correct errors in the Deschutes County Code.